

20TH CONGRESS.]

No. 725.

[2D SESSION.]

INDEMNITY FOR DEFECT IN TITLE TO LAND IN LOUISIANA SOLD BY THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 26, 1829.

Mr. ISACKS, from the Committee on the Public Lands, to whom was referred the petition of Nancy Dolan, reported :

That this claim received a careful examination in the committee last year, and the case is fully stated in the report then made, which is now referred to. The committee only think it necessary to state that in the conclusion of that report it is recommended that scrip to the amount of \$1,200 should be issued to the petitioner, and made receivable in payment for any public lands, and so provided in the bill. This bill, however, was amended in the House and passed, directing the payment of \$1,200 to the petitioner in money ; and the committee, now understanding that to be the sense of the House, report the same bill as amended, which was passed in the House of Representatives at the last session.

The Committee on the Public Lands, to whom was referred the petition of Nancy Dolan, report :

That in the year 1818 the Executive of the United States determined to erect a principal military depot at Baton Rouge, in Louisiana. A piece of ground belonging to Mr. Hall was thought necessary to be procured for this work. The United States claimed a quantity of ground contiguous to the town, which had been reserved by the Spanish government, about the old fort at that place. Captain Rogers, the government's agent there, was authorized by the War Department to buy Hall's ground, or give in exchange for it a part of the said military reservation claimed by the United States. The latter course was recommended and effected. Rogers, as the agent of the United States, agreeably to his instructions, conveyed to Hall a portion of the public ground, and Hall conveyed to the United States his ground, which has since been occupied and used for the purpose it was procured for.

Hall conveyed the lot he acquired by the exchange, and the same now in question, to Peters, and Peters to the petitioner, shortly after the contract with Rogers, which was in 1819, for the consideration of \$1,200. These deeds all contained a general warranty of title, and seem to have been duly recorded. The petitioner continued the possession of the lot until the last year, when she was evicted by one Poret, who appears to have had a claim to two lots of the ground claimed by the government as public property, one of which was the lot conveyed by Rogers, and purchased by the petitioner. He (Poret) obtained a confirmation of this claim before the board of commissioners for the adjustment of land claims, under the act of the 8th of May, 1822 ; presented his certificate of confirmation at the General Land Office, and a patent was issued to him for the land. Poret brought an action of ejectment against the petitioner, and upon the strength of his superior title (as it was decided to be) prevailed in the suit. The petitioner, who claimed by mesne conveyances under the deed and warranty of the government, now asks remuneration for the loss.

The facts above stated are fully supported by evidence obtained from the departments, and by the copies of title deeds, and the transcript of the record in the ejectment—all of which are placed in the files of the House.

The committee are of opinion that a fair case for relief has been made out, and therefore they report a bill allowing the issuance of scrip to the petitioner to the amount of \$1,200, which will be receivable in payment for public lands, that being the usual mode of making remuneration for the loss of lands sold by the government.

20TH CONGRESS.]

No. 726.

[2D SESSION.]

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States :

The memorial of the general assembly of the State of Missouri respectfully sheweth : That the system of disposing of the public lands of the United States now pursued is highly injurious, in many respects, to the States in which those lands lie, and to none, perhaps, more so than to the State of Missouri. This general assembly does not deem it necessary to inquire whether the present plan, when first adopted, and for many years thereafter, until the best lands were disposed of, might not have been harmless in its operation ; but, under existing circumstances, and the condition of this country and the neighboring countries beyond the limits of the United States, a policy more injurious both to the United States and the States in which the public lands lie could not, as your memorialists confidently believe, be pursued. This general assembly will not set forth and reiterate the several objections to the present system which have heretofore been urged to the consideration of Congress, and which have not been answered satisfactorily

to those acquainted with the present condition of the western States. But the general assembly will state that a perseverance in the present system manifestly appears to them to be equivalent to a declaration on the part of Congress that it will not sell or dispose of nine-tenths of the public lands in this State; and this general assembly cannot refrain from declaring that it views such refusal as an infringement of the compact between the United States and this State; and that the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed. The State of Missouri views, with deep concern, a policy pursued by the general government in the disposal of the public lands. In demanding now for refuse lands, the largest part of which are not worth ten cents per acre, the full price of one dollar and twenty-five cents per acre, is, to all practical purposes, raising the prices of the public lands; and that it has the obvious effect of preventing the population of the new States cannot be denied. The general government has absolutely reserved from sale upwards of seven hundred acres of land, under a supposition that it contained lead ore. It has reserved from sale all the salt springs belonging to the government, and the lands contiguous thereto; and it has, through the Executive, refused to sell large districts of country supposed to contain iron ore, except in alternate sections, thereby, in effect, refusing the necessary quantity of those lands upon which to erect iron works. The price of lands, when we take into consideration the quality of those lands, and that they are the refuse of many years' sales, is not only raised, but is raised to a price, in most instances, ten times above their value. The prices are not only raised far above their value, but hundreds of thousands of acres, containing much of the natural wealth and resources of the State, are altogether reserved from sale. The population of the State is not only prevented, but hundreds of our citizens have left it to seek lands in the Mexican States; and not one-third part of our citizens, where nineteen-twentieths of the domain are unappropriated, are possessed of lands, and the frontier of our infant State much exposed to the depredations of the restless hordes of predatory savages collected thereon by the same government that refuses us the means of strengthening our frontier, by requiring a price for the wild lands far above their value, thereby forcing numbers of our citizens, with their families and effects, to remove to countries beyond the limits of the United States, there to seek lands on terms more reasonable and advantageous than are offered by our government. This general assembly are convinced that the true interests of the United States, as well as the interests of the new States, require a radical change in the system of disposing of the public lands—to sell as rapidly as possible the wild lands, and apply the proceeds of those sales to the extinguishment of the public debt, the interest of which has consumed, and still consumes, so large a portion of the revenue—to give a home to millions of citizens, and attach them to the soil and institutions of the country—to increase the wealth and strength of the United States, and consequently the ability to bear the burdens of government in times of war or other public calamity—to augment the revenue of the United States, by increasing the consumption of foreign goods on which duties are paid, and the increase of the revenue of the States in which the public lands lie, are blessings and advantages which must arise from a change in the system of disposing of the public lands, and which are surely not to be treated lightly by a wise nation. This general assembly believe that the great objects hereinbefore enumerated can best be attained, and the evils complained of can most readily be obviated, by graduating the prices of the public lands, by making donations of land to actual settlers, and by ceding the refuse lands to the States in which they lie, in the manner proposed by the bill at the last session of Congress, for settlement and cultivation, and to advance the great interests of education and internal improvement. This general assembly, therefore, do most earnestly recommend to the justice, wisdom, and liberality of Congress, the passage of a law to effect those great objects.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved December 23, 1828.

JOHN MILLER

20TH CONGRESS.]

No. 727.

[2D SESSION.]

APPLICATION OF LOUISIANA FOR A CESSION OF THE PUBLIC LANDS THEREIN TO THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

Resolved by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That it is deemed a matter of the utmost importance to the interests of the State that it should have and possess the sole and exclusive jurisdiction of the unappropriated lands within its limits, in order that internal improvements may be promoted and emigration increased.

Resolved, That while the federal government shall continue to claim sovereignty over a large portion of the soil of the State, with its tardy operations in disposing of the same to individuals, and the high prices stipulated in the terms of entry, we shall continue to behold the younger members of this republic outstripping us in population, improvements, and the arts.

Resolved, That inasmuch as a portion of our citizens hold lands under adverse and unsettled titles, the vital object of defence against the inundation of our streams, and the object common to man of rendering better his condition, are both retarded and repressed.