

IN SENATE OF THE UNITED STATES.

DECEMBER 23, 1844.

Submitted, and ordered to be printed.

Mr. WOODBRIDGE made the following

REPORT:

[To accompany bill S. 4.]

*The Committee on Public Lands, to which was referred the bill entitled "A bill to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river and south of thirty-first degree of north latitude," respectfully report:*

That the bill in question relates to a matter which, during the last session of Congress, was made the subject of consideration in the Senate. The bill is similar in its provisions to that which passed the Senate during that session, and which, it is presumed from the pressure of other business, was not reached in the order of business by the House. The same matter, having been fully considered by the Committee on Public Lands, was made the subject of a report, which was printed by order of the Senate. Upon a re-examination of that report, and no considerations having occurred to vary the views there taken of the subject, your committee ask leave to adopt it, as expressive of the present opinions of your committee; and, in conformity with the tenor of that report, they return the bill, with a recommendation that the same do pass.

JANUARY 10, 1844.

Mr. WOODBRIDGE, from the Committee on Public Lands, to whom was referred a bill to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river, and south of the thirty-first degree of north latitude, reported:

That the private land claims for which the bill above mentioned purports to provide appear very early to have arrested the attention of Congress; and various legislative acts, from 1803 to 1822, were successively passed, in order to determine their character, and to provide for the confirmation and conveyance of such as it might be deemed proper to sanction.

Of these claims, there seem to have been three distinct classes, viz: First, such as rested upon grants, or some less perfect title, deduced from the French, British, or Spanish Governments, successively exercising sovereign

power there; secondly, such as were referrible to the cession and articles of agreement between the United States and the State of Georgia; and, thirdly, such as were sought to be sustained by proof of long-continued possession and cultivation, with the presumed assent of the Government, for the time being, prevailing there.

As it has been deemed expedient and just from time to time to extend the periods limited within which proofs were required to be adduced in order to sustain these respective claims, it, by consequence, became impossible to perfect the surveys until after the act of May 8, 1822; and when, finally, it became practicable to proceed in that work, the trust was unhappily committed to a deputy surveyor, who, there is reason to believe, was either incompetent to its performance, or who, if competent, did not deem it expedient to conform himself, either to the regulations prescribed for him by the department, or, in many instances, to the more authoritative requisitions of the law. These surveys, made generally during the years 1824, 1827, and 1828, were consequently deemed irregular; they never received the sanction of the proper department; and those individuals whose claims have been respectively confirmed (except, perhaps, in one or two instances) have never been able to perfect their titles, nor to obtain those patents which, according to the provisions of the law, they had a right to expect. Such a condition of things seems neither to comport with justice, nor with what the Government owes to itself. The claimants, or those upon whom their rights have respectively devolved, continue for the greater part, it is believed, to occupy the tracts to which their claims have respectively been found valid. Throughout the region in which they lie, their titles, imperfect as they may be, have been considered alienable; and, by ordinary modes of conveyance, many of them seem to have been transferred into the hands of purchasers. Descents have been cast, and many have probably passed into the hands of heirs; and yet, during the whole period which has intervened since the confirmation of their claims, these persons have been exposed to all the inconveniences, hazards, and losses, to which those proprietors *must* be exposed who may not, in any exigency, have it in their power to exhibit a *legal title* to the lands and houses which they and their families may occupy as their own! To have corrected the errors which intervened in these surveys when first disclosed, would, comparatively, have been an easy operation; and your committee will not withhold the expression of their regret that an entire resurvey, if that had been necessary in order to effect the object, had not then and at once been directed. The inconveniences, both remote and proximate, which, of necessity, must at all times result from false or erroneous surveys of the public domain, no man can estimate. The expense in this case, if such resurvey had been made without delay, would have diminished into insignificance, compared with the evils already incurred, and other evils (such as the derangement of boundaries, the unsettling of the landed interests of the country, and the judicial contests it would probably superinduce) which such a resurvey, if *now directed*, would probably occasion. To sanction that which was originally obnoxious to so great objection, it is true, may be seldom wise, and not always safe; but so great a length of time has now elapsed since these surveys were made, and they appear now so generally acquiesced in by those in interest, that greater evils to the people interested in them, it is apprehended, would result from their total rejection *now* than from that limited recognition of them which is contemplated by

the bill, while, according to the expressed opinion of those officers of the Government most conversant with the subject, the pecuniary interests of the United States would not be advanced by a resurvey at this time. The bill purports to provide cautiously against any violation of individual rights in cases where, by these irregular surveys, the boundaries between individuals may appear to conflict. Upon the whole, then, and while your committee admit that the people of any country over which they extend will never cease to have a deep interest in the accuracy of the public surveys, and that *all* errors and irregularities in them should therefore be promptly corrected, and by resurvey, if necessary, upon their first disclosure, yet, in regard to the particular matter referred to them, they are constrained to say, in the view of the circumstances attending it, and to which they have adverted as particularly as seemed necessary, that the *time has gone by* within which any resurvey could be made advantageously to the Government, and without injury to the citizens interested. But some legislative action in the matter seems not the less necessary; and your committee have been led to the conclusion, that perhaps no more appropriate alternative could be devised than may be found in the principles of the bill referred to them; and they accordingly return it to the Senate, with the recommendation that with some few amendments, not essentially varying its principal features, (and of which a minute is herewith presented,) it be passed into a law.

All which is respectfully submitted.

