

## JOHN McDONOUGH—LEGAL REPRESENTATIVES OF.

[To accompany Bill H. R. No. 543.]

MAY 4, 1858.

MR. SANDIDGE, from the Committee on Private Land Claims, made the following

### REPORT.

*The Committee on Private Land Claims, to whom was referred the memorial of John L. Daniel, agent, praying the confirmation of land claim in Louisiana to the legal representatives of John McDonough, submit:*

That on the 22d November, 1837, the register and receiver of the land office at New Orleans, under the act of 6th February, 1855, reported on this case as follows:

“No. 39.—John McDonough claims, in virtue of complete title or patent derived from the government of France, in the year 1760, a tract of land lying in the parish of Jefferson, near the city of New Orleans, and on the same side of the river Mississippi, commencing at a distance of 80 arpents from the said river Mississippi, and running back or in the rear from thence, with the continuous lines of the front track of 22 arpents on the river, a distance of about 49 and  $\frac{1}{3}$  arpents in depth, until one of the side lines intersects the other in a point, including (as is more particularly shown by a plan drawn by Benjamin Buisson, a surveyor of said parish,) within said lines the quantity of 177 $\frac{1}{3}$  superficial arpents, more or less.” No action was ever taken by Congress upon this report. In 1844, Congress passed an act authorizing the settlement of private land claims in Louisiana by judicial proceedings before the United States courts, in cases where the title set up was *imperfect* but *equitable*.

As there was no tribunal with power to declare definitely what claims were supported by *perfect* titles, John McDonough, as his only recourse at law, brought suit before the United States court in New Orleans to test the validity of his claim to the land now in question. That court, in 1849, gave judgment in his favor. An appeal was taken to the supreme court, where, in 1853, the judgment of the district court was reversed, on the ground that the court below had no jurisdiction of the case under the said law of Congress, inasmuch as

the title of McDonough was claimed to be, and was adjudged to be, a *perfect title*.

In this anomalous condition, thrown out of court because his title was not found to be *imperfect*; with no power to which an appeal can be taken except to the legislative department of the government, the representatives of McDonough ask that Congress will, without delay, confirm their claim to the said tract of land, which has been held in undisputed possession, occupancy and cultivation, since before 1760. And as your committee can suggest no reason why it should not be done, herewith report a bill and ask its adoption.