

IN THE SENATE OF THE UNITED STATES.

JANUARY 20, 1858.—Ordered to be printed.

Mr. BIGGS made the following

REPORT.

[To accompany Bill S. 70.]

The Committee on Private Land Claims, to which was referred the petition of John Dick, praying that a patent may be issued to him for land settled by him under permit granted by the register of the land office at St. Augustine, Florida, have had the same under consideration and adopt and concur in the following report, heretofore made by this committee :

Under the provisions of the act of Congress for the armed occupation and settlement of the unsettled part of the peninsula of East Florida, approved August 4, 1842, the petitioner filed his notice with the register of the land office at St. Augustine for a "permit" to settle upon one hundred and sixty acres of land south of the line dividing townships numbered nine and ten, and described as follows: Lot No. 10 in section 29, lot No. 1 in section 31, fractional section 30, and the northwest of the northwest quarter of section 32, all of township 10, range 27 south and east, containing in the aggregate 153.20 acres.

On the 16th of April, 1843, the register of the land office issued "permit" No. 43 to the petitioner, giving him permission to settle upon the lands solicited, under the conditions of the said act; one of which was, "that no right or donation shall be acquired under this act within two miles of any permanent military post of the United States, established and garrisoned at the time such settlement and residence was commenced."

This permit was cancelled by the General Land Office, on the ground that the land embraced therein had been reserved in 1841 for military purposes.

The petitioner proves to the satisfaction of the committee that prior to his permit being cancelled he had complied with the requisitions of said act, and also proves that his settlement was not within four miles of any military post established and garrisoned at the date of his settlement, or at any time subsequent thereto; that he was compelled to relinquish and abandon his settlement by virtue of such cancellation of his "permit;" and that since that period he has continued to

reside south of the line specified in the said act of Congress, and have not received lands under the said act.

The military reservation made by Mr. Van Buren, then President of the United States, embraced the south half of township nine, the whole of township ten, and fractional township eleven south, of ranges twenty-six and twenty-seven, giving a width from east to west of twelve miles, and a length from north to south of fifteen miles.

To ascertain the particulars in reference to such military reservation, the chairman of the committee addressed a letter to the honorable Secretary of War, in answer to which the said Secretary communicated a report from the quartermaster general, of which the following is an extract: "I have the honor to state that the lands claimed by Mr. Dick are believed to be more than two miles from the post at Pilotka. The reserve was made by the President on the 19th of February, 1841; the act for the benefit of which Mr. Dick applies was passed in 1842.

* * * The lots or lands claimed are not now used for military purposes, and it is believed they will not be necessary for such purposes at any future time." In the conclusion of said report, in reference to the whole of the said reservation, he says: "It is no longer necessary for any military uses, and I recommend that it be transferred to the Land Department for sale."

In 1850 Congress passed an act giving one hundred and sixty acres of land to Richard H. Barrett within the said reserve, under similar circumstances of this case.

The committee are of opinion that since these lands are now no longer used for military purposes, and the petitioner having continued to reside south of the line specified by said act, thereby aiding to effect the object designed by making donation grants, and has not availed himself of the benefits of said act by settling upon other lands, that Congress ought to grant him the lands upon which such settlement was made by virtue of said "permit" from the register, they therefore report the accompanying bill and recommend its passage.