IN SENATE OF THE UNITED STATES.

JULY 30, 1846.

Submitted, and ordered to be printed.

Mr. Semple made the following REPORT:

[To accompany bill S. No. 244.]

The Committee on Private Land Claims, to whom was referred the petition of George W. Jones, for himself and others, have had the same under consideration, and respectfully report:

That in the petition a claim is preferred for the confirmation to the legal representatives of John Rice Jones, deceased, of the "title of said Jones to two tracts of land on the Kaskaskia river, in the now State of Illinois, containing thirty-four hundred and eighty-five acres, being the same referred to in the report of Mr. Robertson, from the Committee on Private Land Claims, made to the House of Representatives of the United States on the 14th of December, 1818." The petition represents the whole or the greater portion of the lands as disposed of at the land office at Kaskaskia, and prays that if it be deemed inexpedient to confirm the title to the identical tracts, he may have authority of law to enter the like quantity in legal subdivisions at any land office in Illinois.

The committee find in the report (dated January 4th, 1813) of the commissioners, at Kaskaskia, that in their list No. 3 of "claims said to be founded on ancient French grants, as confirmed by the governors of the northwest and Indiana Territories within the district of Kaskaskia, and which said confirmations, in the opinion of the commissioners, ought not to be sanctioned by Congress," the claim of John Rice Jones, assignee of Joseph Creely, is entered as No. 1286, for 1,445 acres and 38 perches; and that in the same list the claim of said John Rice Jones, as assignee of the heirs of John Bte. Place, for forty by sixty arpens, is entered as No. 1285, being for twenty-four hundred arpens, or equal to 2,041 acres; aggregate, about 3,486 acres.

The report of these commissioners, which may be found on pages 187 and 188 of the 2d volume State Papers, "Public Lands," printed by D. Green, declares that each of these claims derived its validity from confirmation by the governor; but in the first case they did not find the testimony, on which the governor based his confirmation, corroborated in their examination, at a subsequent period, of certain ancient inhabitants; and they regarded that testimony, if credited, as not sufficient evidence of title, since it did not state that the grant was before the cession of 10th
February, 1763; and further, they doubted whether the grant had ever been made, because of the unusual form of the land.

In the second case, the commissioners thought the grant a forgery, and the governor's confirmation fraudulently obtained; yet they admit it probable that "Barrois," the original claimant, "had land in this place, but what quantity is unknown," &c.

These two claims contain, as herein before stated, about thirty-four hundred and eighty-six acres, and are believed to be those referred to as containing thirty-four hundred and eighty-five acres in the report made as far back as December 14th, 1818, to the House of Representatives, from the Committee on Private Land Claims, (State Papers, volume 3, page 349.) To that report, made within six years from the return of the commissioners, this committee now beg leave to make special reference.

It will be found that the committee of 1818 refer to the evidence, &c. then before them, as making it appear "very clear that the petitioner's claim ought not to have been rejected, and that every position taken by the commissioners in support of their opinion is indefensible." They refer also to facts detailed before them "which not only destroyed entirely the reasoning of the commissioners, and showed conclusively that their arguments were fallacious, and the facts on which they predicated them misconceived, but satisfied every member of the committee that there was no ground for a suspicion of forgery," &c. And the report of 1818 further states that the committee were "unanimously of opinion that as much of the claim as has not been sold by the United States ought to be confirmed to the petitioner, by the release of the claim of the United States to it;" and "in regard to that which has been sold, as they think that it would be improper to rescind the sale," they expressed "the opinion that the petitioner should receive its value at the time it was sold."

As it is admitted that the claims were confirmed by the governor, and the report of 1818 clears them of the suspicion of forgery or fraud, the committee, referring to the Senate files in 1836 on the subject of the petition of James O'Hara, and to the precedent furnished by the act of Congress 2d July, 1836, for the relief of the executors of James O'Hara, think it proper that relief should be extended to the petitioners by a law authorizing them to locate the area of the said claims, but confining them to Illinois, and to legal subdivisions, and to lands which, at the time of location, shall have been offered at public sale, and which may be subject to private entry; and the committee accordingly report a bill.