

DUBUQUE CLAIM.

MAY 11, 1846.

Read, and laid upon the table.

Mr. Wick, from the minority of the Committee on Private Land Claims, made the following

REPORT:

*The minority of the Committee on Private Land Claims, to whom was referred the memorial of Pierre Chouteau, junior, and others, praying for the confirmation of the report of the board of land commissioners, made at St. Louis on the 20th of September, 1806, in favor of the validity of the title of the "Dubuque claim," in the Territory of Iowa, beg leave to make the following report:*

The undersigned are constrained to enter their dissent to the conclusion of the majority, that "neither Dubuque, his heirs or assigns, have, or ever had, a legal or equitable title to the lands claimed in their memorial."

More than forty years ago, while the parties were living and the events recent, the first board of commissioners for Louisiana reported in favor of this claim. We suppose that that report, which we are now called upon to affirm, has at least the efficacy to raise a presumption in its favor, until something appears against it. The practice has always been to affirm, as a matter of course, unless some good reason to the contrary be shown.

We have not, therefore, deemed it necessary to examine the matter affirmatively, but only to consider such objections as have come to our knowledge. These will all be found in the successive reports of Albert Gallatin, Mr. Senator Smith, and of the majority of this committee.

Before, however, proceeding to this task, they would premise, that it is admitted there was a grant made of *something*, and the substantial question has always been, what was it? Was it a limited interest? or was it the absolute property? They have not only kept this point constantly in view, but have endeavored to realize (to use an expressive Americanism) the times and the circumstances when and where the grant was made. An ejectionment was brought many years ago, in Massachusetts, to recover wharves, stores, and valuable lands, by virtue of an informal concession of valueless flats made in the early days of the colony. Parsons, Sedgwick, Sewall, and Parker, were on the bench. They say: "Whatever might be the construction of analogous words in a recent conveyance, made in times of precision and accuracy, and when considerable value is attached to flats in the beds of rivers, creeks and coves, it is obvious that to apply rigid rules of construction to transactions which took