

DOCUMENTS

Relating to the subject of ceding to the State of Tennessee the vacant, unappropriated, and refuse lands within that State.

JANUARY 4, 1839.

Submitted by Mr. FOSTER, to accompany Senate bill No. 173; referred to the Committee on the Public Lands, and ordered to be printed.

HOUSE OF REPRESENTATIVES, DECEMBER 22, 1837.

Mr. SHIELDS, from the Committee on the Public Lands, to which the subject had been referred, made the following

REPORT :

The Committee on the Public Lands, to which the subject of the Tennessee vacant lands was referred, report :

The Committee on the Public Lands were instructed to inquire into the expediency of ceding to the State of Tennessee "the vacant, unappropriated, and refuse lands within the chartered limits of said State." The committee have had that subject under consideration, and find that the memorial of the Legislature of the State of Tennessee, the accompanying documents, and the evidence touching this subject, were examined by the Committee on the Public Lands, and a report made, accompanied by a bill, at the first session of the 22d Congress; that the same subject was again referred to the Committee on the Public Lands, and after a like examination, the committee adopted the report of the 22d Congress, and accompanied it with a bill at the first session of the 24th Congress. Neither of which reports having been acted upon, it has been again referred to the Committee on the Public Lands; and, on examination of this subject, and of the memorials and documents relating to it, and the former report of the Committee on the Public Lands, made at the first session of the 22d Congress, and also at the first session of the 24th Congress, the committee adopt the former report, and accompany it with a bill.

JANUARY 24, 1832.—Adopted report.

The Committee on the Public Lands, to which the subject of the Tennessee vacant lands was referred, report :

The Committee on the Public Lands were instructed to inquire into the expediency of ceding to the State of Tennessee "the refuse lands south and

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west of the Congressional reservation line in said State." The subject has been examined by the committee, and the following views are presented as the result of that examination. The State of North Carolina, in the month of December, 1789, by an act of her Legislature, and by her deed of cession of February, 1790, ceded to the United States the territory now constituting the State of Tennessee, making in said deed certain reservations, among which are the following:

1st. The right to the officers and soldiers of the State of North Carolina to lay off any lands they were entitled to, within the limits that had been allotted to them; and, that if, within the boundaries prescribed for the officers and soldiers of the State line on continental establishment, there were not a sufficiency of lands fit for cultivation, such deficiency to be made up out of any other lands thereby ceded.

2d. The right to all entries or grants of land made agreeably to law, and the rights of occupancy and pre-emption, and every other right reserved by law to persons settled on or occupying lands within the limits ceded.

3d. The right to remove entries made in the office of John Armstrong, and which interfered with prior entries, and to locate the same on any other lands ceded. (See Laws U. S., vol. 2, pages 104 and 567.)

By virtue of these reservations, the whole ceded territory is made subject to the satisfaction of the military land warrants issued or to be issued by the State of North Carolina to her officers and soldiers of the revolution. These warrants were to be issued by the State authorities of North Carolina, without any right, on the part of the United States, to control their number, or regulate the mode or manner of their location. Much of the ceded territory had been appropriated by entries, surveys, and grants, prior to the act of cession. The process of issuing warrants, making entries, &c., within the limits of what is now Tennessee, continued during the Territorial Government over said district.

Upon the first day of June, 1796, the State of Tennessee was, by the Congress of the United States, admitted into the Union, and "*declared to be one of the United States of America, on an equal footing with the original States in all respects whatever.*" Nothing is said in this act of Congress upon the subject of the right of soil to the vacant and unappropriated lands within said State. The State of Tennessee, soon after her admission into the Union, asserted claim to the vacant and unappropriated lands within her limits, contending that, with the sovereignty, the right of soil passed by the act of her admission into the Union, there being no reservation by Congress of that right in said act.

An adjustment of the dispute took place in the year 1806, the principles of which are contained in the act of Congress, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," approved 4th April, 1806. (Fourth vol. Laws U. S. p. 29, Land Laws, p. 529.) The first section of this act divides the State into two sections, by what has since been called the "Congressional reservation line." The State of Tennessee relinquished all claim which she then had to all the land lying south and west of this line, renounced all right to tax the same while it remained the property of the United States, and for five years after the same shall have been granted. The United States ceded to the State of Tennessee all right and claim which they had

to the land lying east and north of the said line, subject to the same conditions as are contained in the act of the General Assembly of the State of North Carolina, entitled "An act for the purpose of ceding to the United States of America certain western lands therein described." A part of these conditions has been before enumerated. These further conditions were imposed upon the State of Tennessee :

1st. That all entries, rights of locations, and warrants of surveys, and all interfering locations which might be removed under the laws of North Carolina, and which were not located west and south of the line aforesaid established, shall be located, and the titles thereto perfected, within the territory thereby ceded to the State of Tennessee.

2d. The State of Tennessee was to reserve 100,000 acres, in one body, within the limits of the lands reserved to the Cherokee Indians by an act of the State of North Carolina, for the use of two colleges; the one in the east, the other to be in the western division of Tennessee.

3d. One hundred thousand acres were to be reserved within the same limits, for the use of academies, in each county in said State.

4th. The State was required, in issuing grants and perfecting titles, to locate 640 acres to every six miles square in the territory ceded, when existing claims will allow the same, which were to be appropriated for the use of schools for the instruction of children, forever.

By the 3d section of the aforesaid act, it was provided, that, if the territory ceded to Tennessee shall not contain a sufficient quantity of good land fit for cultivation, according to the true intent and meaning of the original act of cession, to perfect all existing legal claims charged thereon by the conditions contained in the act of Congress above recited, Congress shall provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west and south of the line before described.

In 1818, it was ascertained that the territory east and north of the Congressional reservation line aforesaid did not contain a sufficient quantity of good land, fit for cultivation, according to the true intent and meaning of the original act of cession by North Carolina, to perfect all existing legal claims charged thereon, by the conditions contained in the act of Congress of the 4th April, 1806; consequently, an act of Congress was passed, authorizing the satisfaction of such claims west and south of this reservation line. (See Land Laws, page 725.)

Many entries, surveys, and grants, had been made under the authority of North Carolina, west and south of this line, prior to the act of cession to the United States. Since 1818, the whole country west and south of that line has been subject to appropriation under and by virtue of military warrants issued by the State of North Carolina.

Whatever the amount of acres due to the officers and soldiers of the State of North Carolina, subject to be located within the limits of the State of Tennessee, or the amount which has been located, the committee have no certain means of ascertaining. The whole country was made subject to appropriation by warrants issued and to be issued by the State of North Carolina, without any control or check on the part of the United States.

The committee are satisfied that the whole of the "good lands, fit for cultivation," on the east and north of the line aforesaid, have long since been exhausted by appropriations under North Carolina warrants. They are also satisfied that all the valuable lands west and south of this line have been located and appropriated under warrants issued by North Caro-

lina, and they are induced to believe there are warrants and claims to locations which have not yet been entered, surveyed, or patented, but to what amount the committee are not informed.

To determine the propriety of ceding the land west and south of this line to the State of Tennessee, involves the consideration of the three questions:

1st. Could such cession be made, and preserve the rights of the officers and soldiers secured, by the act of cession on the part of North Carolina, to the United States?

2d. What claim has Tennessee upon the United States to the whole or any part of the land south and west of said line?

3d. The probable value of these lands, not to Tennessee, but to the United States, in their present situation?

The committee have had no difficulty in determining the first of these questions. At present, the authorities of the State of Tennessee exercise the powers of determining what claims are valid within the meaning of the act of cession, and of perfecting the title. Under the proposed cession, the State will be required, in good faith, to execute her present powers, and to satisfy all the just claims which were intended to be provided for by the act of cession and the act of Congress of 1806.

The second inquiry is one which will require more investigation.

If the question be considered as one of mere abstract right on the part of Tennessee, the committee do not perceive any obligation, on the part of the United States, to accord to the State the claim to these lands. There are circumstances, however, connected with the subject, which address themselves forcibly to the justice and liberality of the Federal Government.

By the act of cession, and the subsequent acts of Congress, providing for the Territorial Government, the inhabitants of Tennessee were to enjoy all the advantages and immunities of the citizens of the Northwestern Territory, now the State of Ohio.

One of these advantages, the rich fruits of which Ohio has enjoyed, was the devotion of one-thirty-sixth part of the public domain within her limits, by the General Government, to the purposes of common schools. This wise and just disposition of one-thirty-sixth part of the public lands, has obtained in each new State and Territory; and it was the intention of Congress, as clearly manifested by the act of 1806, that the inhabitants of the State of Tennessee should enjoy the same advantages. Hence, the grant to, or rather the injunction, that the State of Tennessee, in the disposition of the public lands east and north of the reservation line, should reserve and set apart six hundred and forty acres, for every six miles square, for the purposes of education.

This condition in the act of compromise was inserted, under the belief entertained by both of the contracting parties, that there would be more than a sufficiency of good land to satisfy the military warrants of North Carolina, east and north of the reservation line. The land south and west of this line was reserved for the future disposition of Congress. On the south and west of this line, however, military warrants of North Carolina have been located, to the amount of 3,253,824 acres, prior to the 28th August, 1829.

In this section of the State no reservations have been made for school lands.

The whole number of acres on both sides of this line has been estimated

at 24 millions, one-thirty-sixth part of which is 666,666 acres, to which the State of Tennessee would have been entitled under the provisions of the act of 1806, and according to the policy pursued by the General Government upon this subject toward the other new States, provided there had been a sufficiency of good land beside, to satisfy the just claims of the officers and soldiers of North Carolina.

The whole amount which the State has been enabled to appropriate under the act of 1806, exclusive of the grant for the two colleges, does not exceed 24,000 acres.

It is true that, east and north of the reservation line, there still remain vacant and unappropriated lands of no value, and which may be appropriated at the will of any one who will pay the fees of office for surveying the same.

The committee may fairly assume that there is due to the State of Tennessee 642,666 acres for school lands; to satisfy which claim, she asks the United States to cede the vacant lands south and west of the Congressional reservation line.

What is the value of these lands to the United States, and would they repay to the United States the expense of surveying them, and bringing them into the market as other public lands, is the next subject of inquiry.

According to the statement contained in the letter of the late Commissioner of the Land Office, (George Graham, Esq.,) the whole number of acres south and west of this line is estimated to be 8,000,000.

Daniel Graham, the late Secretary of the State of Tennessee, in his communication of the 20th of August, 1829, to the then Commissioner of the Land Office, estimated the number of acres at

	6,864,000
The quantity granted by North Carolina before the cession to the United States, at -	942,375 acres.
Adjudicated by Tennessee up to the 1st January, 1820 - - - - -	2,550,413 acres.
Adjudicated between the 1st January, 1820, and 28th of August, 1829 - - -	17,388 acres.
	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 3,510,176
Leaving a probable balance of - - - - -	<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 3,353,824

The committee refer to the letters of the Commissioner of the General Land Office of the 18th January, 1828, and of the Secretary of the Treasury of the 6th January, 1830, appended to this report, for a more detailed and minute history and description of this land. They also refer to a map which has been prepared, in order to give to the House some idea of the manner in which the lands under the warrants issued by the State of North Carolina have been surveyed.

The proprietors of these warrants, which varied in size from one acre to 5,000 acres, in making their locations, were restricted to no particular boundaries, lines, or corners, but had the right to select the lands where they pleased, always selecting, of course, the best spots. What remains is land of very inferior quality, most of it wholly unfit for cultivation.

The value of this land is variously estimated. Some of the persons whose opinions have been taken heretofore upon this subject, do not estimate it at more than twelve and a half cents per acre; others estimate it of less value. The statements of persons acquainted with this land are appended to this report, and numbered from 1 to 8, inclusive.

In addition to this, the committee addressed a letter to the Senators and Representatives of the State of Tennessee : some of them are well acquainted with this district of country, and all of them possess more or less information as to the value of the vacant lands situate south and west of this line ; which letter, and answer thereto, are marked A and B.

Taking into consideration the difficulty and expense which must necessarily attend any effort the United States may make to bring these lands into market, (according to that system which they have adopted, and which system, the committee think, ought never to be abandoned ;) the quality and value of these lands ; the just claims which Tennessee has upon any public domain within her limits, to make up her proportion of school lands ; and the meritorious purposes to which she will stand pledged to devote any avails which she may derive therefrom, viz : to purposes of education ; the committee are unanimously of opinion that it would be just, fair, and equitable, on the part of the United States, to surrender to the State, for the purposes of education, any claim which the United States have to said land, subject always to the fair and just claims of the officers and soldiers of the State of North Carolina ; which claims are to be adjudicated upon, and carried into grants, according to the laws now in force upon that subject ; and, therefore, report a bill.

A.

WASHINGTON, December 29, 1831.

GENTLEMEN : The Committee on the Public Lands has been instructed to inquire into the expediency of the United States relinquishing to the State of Tennessee all claim to the unappropriated lands lying in said State, for certain purposes.

These lands have never been surveyed by the United States. There is, in the department, believed to be no evidence as to the quantity, quality, or particular situation of the public domain, embraced by the resolution.

The committee would like to have your opinions, and any information which you may have, on the following points :

1. What is the probable quantity of unappropriated lands ?
2. What is its condition and shape, in reference to individual claims derived from the State of North Carolina ?
3. Are there any, and, if any, what is the probable amount of unsatisfied outstanding warrants issued by the State of North Carolina ?
4. Would the land, by its sale, after satisfying the whole of the military warrants of North Carolina, pay the expenses of surveying the land by the General Government, in such manner as to bring the vacant land into market ?

Any information which you can furnish us upon these points may conduce to facilitate the efforts of the committee to come to a correct conclusion upon the subject committed to their investigation.

I am, respectfully, your obedient servant,

C. A. WICKLIFFE,

Chairman of the Committee on the Public Lands.

The SENATORS and REPRESENTATIVES of the State of Tennessee.

B.

WASHINGTON, *January 4, 1832.*

SIR : In answer to the several inquiries contained in your letter of the 29th ultimo, addressed to us by you, as chairman of the Committee on the Public Lands, we state :

1st. In relation to the "probable quantity of unappropriated lands," lying south and west of the Congressional reservation line, in the State of Tennessee, as established by the act of Congress of the 18th of April, 1806, we beg leave to refer the committee to an official communication from Daniel Graham, Esq., late Secretary of State of the State of Tennessee, to the Commissioner of the General Land Office, dated 20th August, 1829, as containing the most satisfactory and authentic information in our possession upon this point. Since the date of that communication we would remark, that the Legislature of Tennessee have made further provision for the adjudication and satisfaction of North Carolina military warrants ; and, in pursuance of such provision, warrants to a considerable amount (but the precise number of acres we do not know) have been satisfied, thus diminishing the quantity of unappropriated lands by the amount of the warrants which have been satisfied since the date of Mr. Graham's report.

2d. In relation to "its condition and shape, in reference to individual claims derived from the State of North Carolina," we would beg leave to refer the committee to a map or plat of the district, taken from actual survey, furnished by Mr. Graham, and which accompanied his report of the 20th of August, 1829 ; from an inspection of which the committee will be enabled readily to perceive the "condition and shape" of the remaining unappropriated lands. Upon this point we will further remark, that, previous to the cession of her western domain, made by North Carolina in 1789, that State had authorized her soldiers and others holding military warrants, to make numerous locations and entries of her western lands, then unsurveyed, and but imperfectly explored. After the cession by the compact of the of , 1804, (Scott's Revisal, 831,) entered into between the States of North Carolina and Tennessee and the United States, Tennessee was invested with power to open offices and make provision for the satisfaction of the remaining claims of North Carolina. In executing this trust, her land system was very different from that of the United States. The claimants or holders of warrants were not required to take up the land by sections, quarter sections, or in any other regular form of survey, adjoining section or range lines, and so as to include a portion of the poor with the rich land ; but each claimant explored the country for himself, or by his agent, and made his own location ; selecting, of course, the best land within his knowledge, and so making his survey as to exclude, as far as practicable, the sterile, and to include the fertile lands. The North Carolina claimants were promised land fit for cultivation, and, to enable them to obtain it, a division of warrants was authorized by law ; the consequence of which has been, that locations and entries upon warrants, of all sizes, from one to five thousand acres, have been made upon the land in question, and in surveys of every imaginable shape ; surveys even of small tracts of land, having, in many instances, a dozen or more offsets and corners. From this view it is apparent, and the fact is so, that the unappropriated lands lie in detached parcels, of various sizes and irregular shape, and that they are the refuse or sterile lands of the country.

3d. In answer to the third interrogatory, to wit: whether "there are any, and, if any, what is the probable amount of, unsatisfied outstanding warrants issued by the State of North Carolina," we state that we have no accurate means of knowing. Much the larger portion of them has been satisfied. Doubtless, however, there may be some still remaining, arising from interfering locations, or in the hands of heirs, or other persons, who, from ignorance of their rights, or from some other cause, have not heretofore availed themselves of the provision made for their satisfaction. But the quantity of outstanding, unsatisfied claims, be they what they may, cannot be material, as affecting the question of relinquishment to the State of these lands; for the State does not ask the relinquishment, except upon condition that she will first satisfy, out of the lands, all the remaining claims of North Carolina which shall be adjudicated to be just and valid, and which are properly chargeable upon the land.

4th. In answer to the fourth interrogatory, to wit: "Would the land, by its sale, after satisfying the whole of the military warrants of North Carolina, pay the expenses of surveying the land by the General Government, in such manner as to bring the vacant land into market?" we state that, in our opinion, any sale which could be made by the United States would not defray the expenses of such survey and sale; and we beg leave to assign the following reasons, as going to sustain that opinion. The United States never having surveyed the country, or caused it to be run off into townships, ranges, and sections, there are but two modes which she could adopt, were she now to attempt to bring these remaining refuse lands into market, to wit: first, by establishing a land office in the country, and causing it to be run off into townships, sections, and quarter-sections, according to the present land system of the United States. Suppose this heavy expense to be incurred, and the country to be thus surveyed by the United States, the committee will perceive, from our answer to the second interrogatory, how impossible it would be, even then, to ascertain and bring into market these detached remnants, lying, as they would do, on both sides of range and section lines, and in every variety of size and shape. Secondly, the only remaining mode by which the United States could attempt to bring these lands into market would be by making an actual survey (if indeed that be practicable) of these remnants of land, lying, as they do in many instances, in very small bodies, between the lines of appropriated tracts, and surrounded by them, and in the irregular and various shapes before described. Where the bodies of unappropriated land are larger, they are invariably of the poorest lands, much the greater part of which would not be worth appropriating at any price, not even at one cent per acre.

Upon this point also, as well as upon some of the other points contained in the interrogatories propounded, we beg leave to call the attention of the committee to the several official statements herewith furnished, made by the several surveyors south and west of the Congressional reservation line, and heretofore presented to Congress, from which it will be seen that the opinions we have ventured here to express are amply sustained.

We are of opinion that the estimate of value made by Mr. Graham, late Secretary of the State of Tennessee, is even larger than could now be realized from the lands by the State; and especially, considering that, since the date of his report, some North Carolina warrants have been located upon the best of the land which was unappropriated at the date of his report.

In conclusion, we state that the State of Tennessee, having her land offices already established in the country, could, as she has done north and east of the Congressional reservation line, without incurring any additional expenses of surveying, permit these vacant lands to be entered at some very low rate, and that, in doing so, she would derive some small profit, which the United States, never having surveyed the country, and having no land offices in it, could not.

W. FITZGERALD.
JOHN BLAIR.
JOHN BELL.
H. L. WHITE.
JAMES K. POLK.
FELIX GRUNDY.
C. JOHNSON.
W. HALL.
J. C. ISACKS.
JAMES STANDEFER.

HON. CHARLES A. WICKLIFFE,
*Chairman of the Committee on the Public Lands
of the House of Representatives.*

General Hall, one of my colleagues, had the politeness to present me this day (January 5th, 1832) with the letter of the honorable chairman of the Committee on the Public Lands, requesting information on certain points touching the public domain of the United States, lying south and west of the Congressional reservation line in the State of Tennessee. He also presented the foregoing responses to the several questions contained in the letter of the chairman above alluded to, which have been signed by all the members of Congress from Tennessee except myself. My concurrence was requested. I have only to say, I know nothing of the *facts* stated in the foregoing answers to the interrogatories propounded by the chairman of the Committee on the Public Lands. I am not in the habit of subscribing to *statements* of others as *facts*, unless I know them to be so myself.

With much deference to my colleagues, however, I will make free to express a hope, that, if the committee should deem it proper to legislate on the subject of these lands, they will remember the poor occupants who have no other means of subsistence but what they derive from the cultivation of these lands.

Very respectfully,

THOMAS D. ARNOLD.

Letter from George Graham, Esq., Commissioner of the General Land Office, relative to the quantity, title, and value of the lands.

GENERAL LAND OFFICE, *January 18, 1832.*

SIR: In compliance with a resolution passed by the House of Representatives on the 14th instant, relative to the quantity and quality of the vacant and unappropriated public lands in the State of Tennessee, south and west

of the Congressional reservation line, and which was referred by you to this office, I have the honor to report, that, by a deed, dated the 25th day of February, 1790, the State of North Carolina ceded all her right, title, and claim to the sovereignty and territory of all that tract of country within the present limits of the State of Tennessee, under certain conditions and reservations, as expressed in a deed from the State of North Carolina, dated in December, 1789. Among other reservations in this deed are the following:

1st. The right to the officers and soldiers of the State of North Carolina to lay off any lands they were entitled to; within the limits that had been allotted to them; and that if, within the boundaries prescribed for the officers and soldiers of the State line on the continental establishment, there were not a sufficiency of lands fit for cultivation, such deficiency should be made up out of any other of the lands intended to be ceded.

2d. The right to all entries or grants of land made agreeably to law, and the rights of occupancy and pre-emption, and every other right reserved by law to persons settled on or occupying lands within the limits ceded.

3d. The right to remove entries made in the office of John Armstrong, and which interfered with prior entries, and to locate the same on any other part of the land ceded. (See Laws U. S. vol. 2, page 85.)

By an act, approved May 26, 1790, the country thus ceded was erected into a Territory, and by a subsequent act, approved on the 1st of June, 1796, this Territory was admitted into the Union as the State of Tennessee, without any condition or provision whatever in relation to the public lands. (See Laws U. S. vol. 2, page 104, and page 567.)

By an act of Congress, approved on the 18th of April, 1806, it was enacted, that, for the purpose of defining the limits of the vacant and unappropriated lands in the State of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following boundaries were established:

“Beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the State of Tennessee; from thence, running due north until said line shall intersect the northern or main branch of Duck river; thence, down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the State of North Carolina, entitled ‘An act for the relief of the officers and soldiers of the continental line, and for other purposes;’ (passed in the year one thousand seven hundred and eighty-three;) thence, with the military boundary line, west, to the place where it intersects the Tennessee river; thence, down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the State of Tennessee.”

The 2d section of this act provides that, upon the Senators and Representatives from the State of Tennessee, in pursuance of powers vested in them by certain acts of the Senate and House of Representatives of the State of Tennessee, executing an instrument to be signed by them, and approved by the Senate of the United States, agreeing to and declaring in behalf of the State of Tennessee, all right, title, and claim, which the State of Tennessee hath to the lands lying west and south of the line above described, shall thereafter forever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order or under the authority of the State of Tennessee, while the same shall remain the property of the United States, and for five years thereafter; and the United

States do, thereupon, cede and convey to the State of Tennessee all right, title, and claim which the United States have to the territory east and north of the line hereinbefore described, subject to the conditions contained in the act of cession from the State of North Carolina. And the said section further provides that the State of Tennessee shall have full power and authority to issue grants and perfect titles to lands east and north of the aforesaid line, under certain conditions; among which are the following:

1st. That all rights to land and interfering locations, which are good and valid in law, and which had not been actually located west and south of the line above described, previous to the 25th day of February, 1790, should be located north of the same.

2d. That, if the territory ceded by this act to the State of Tennessee should not contain a sufficient quantity of good land, fit for cultivation, according to the true intent and meaning of the original act of cession to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such out of the lands lying west and south of the before mentioned line. (See Laws U. S. vol. 4, page 39.)

By an act supplementary to the above act, approved on the 4th of April, 1818, it is provided that the State of Tennessee shall be authorized to perfect titles on all special entries and locations of land in said State, made pursuant to the laws of North Carolina, before the 25th day of February, 1790, that were good and valid under the act of cession from North Carolina: and also to issue grants and perfect titles on all warrants of survey, interfering entries, and locations, which might be removed by the cession act of North Carolina, and which are good and valid in law, and which have not been actually located and granted east and north of the aforesaid line, in the same manner, and under the same or similar rules and regulations as are prescribed by the laws in force in the State of Tennessee, for issuing the grants and perfecting titles on claims of a like nature, for lands lying north and east of the said line.

Under the provisions of the several laws above referred to, the State of Tennessee has proceeded, it is believed, to perfect titles to a large portion of the land lying south and west of the line described in the act of 1806; but this office is possessed of no means to ascertain the quantity of lands to which titles have been granted as aforesaid. It therefore becomes impracticable to state the quantity of public land now vacant and unappropriated in the State of Tennessee; but, from an estimate made from the best maps in the possession of this office, it appears that the lands lying south and west of the line above mentioned amount to eight million five hundred thousand acres.

The Indian titles to these lands have been extinguished by the United States. To that portion of them lying east of the Tennessee river, and which amounts to about one million nine hundred thousand acres, it was extinguished by the treaty with the Cherokees at Washington, on the 7th January, 1806; and to the residue, lying west of the Tennessee, it was extinguished by the treaty with the Chickasaws, bearing date the 19th of October, 1818.

It may be proper to remark that, previous to the treaties entered into at Hopewell, in 1786, these lands were considered as subject to entry under the acts of the State of North Carolina: it is, therefore, probable that

entries were made to a considerable extent before the provisions of the treaties of Hopewell were known and respected; the titles to which entries have not been perfected until since the cession of the lands by the Cherokees in 1806, and the Chickasaws in 1818. The extent of such entries, or of any other entries that may have been made by virtue of the several provisions of the laws above specified, can only be ascertained by reference to the records of the State of Tennessee; and if the provisions of the second section of the act of Congress, approved on the 4th of April, 1818, (Laws U. S. vol. 6, p. 272,) have been duly carried into effect, then the files of the offices of the commissioner of land claims for West Tennessee, and those of the register of the land office for West Tennessee, will show the amount of warrants that have been declared to be valid, and the amount of grants perfected for lands within the district ceded to the United States.

The district of country lying south and west of the boundaries designated by the act of April, 1806, is a very fine one, and contains a large portion of lands of very superior quality. From its great extent, however, it must necessarily contain much land of an inferior quality; and as the locations which have been made within it will very generally have been confined to the lands of the best quality, the residuum, subject to be disposed of by the United States, will generally be of inferior quality.

All which is respectfully submitted.

GEO. GRAHAM.

The Hon. RICHARD RUSH,
Secretary of the Treasury.

Tennessee surveyors, as to quality and soil of the lands, and value.

No. 1.

LAWRENCEBURG, February 7, 1828.

I, Augustin W. Bumpass, principal surveyor of the seventh surveyor's district of the State of Tennessee, do hereby certify that, from the best estimate I can make, the probable amount of vacant land in my district is eight hundred thousand acres; and, from the knowledge I have of the quality and situation of the vacant soil in my district, I believe that, out of the eight hundred thousand acres of vacant land in my district, there are eighty or a hundred thousand acres worth 12½ cents per acre. All the valuable lands in my district are already entered, and what remains vacant is of a very inferior quality, and what is at all fit for cultivation lies in small detached parcels, scattered throughout the whole district, in various sizes and shapes. I do not know of a tract of as much as fifty acres of good vacant land, in one body, in my district; and, most generally, pieces of vacant land, fit for cultivation, lie in bodies containing from five to twenty acres, surrounded by hills, or land that is not worth paying taxes for. Given under my hand the date above.

A. W. BUMPASS,
Principal Surveyor 7th district.

No. 2.

COLUMBIA, TENNESSEE, *January 20, 1828.*

DEAR SIR: I have, until now, delayed answering your letter, in order that I might be enabled to give you such information with regard to the vacant land that lies in the eighth surveyor's district, as I hope will be satisfactory. I have done the principal part of the business in the office of this district since 1820, and I am also acquainted with the lands lying in said district.

I would, in the first place, remark that it is, perhaps, one of the poorest districts of land that lie south and west of the Congressional reservation; the lands fit for cultivation were nearly all settled by occupants before the office opened for the satisfaction of North Carolina claims; and, under the provisions of the different acts of Assembly of this State for the benefit of the settlers, very nearly all was entered by them; and, in 1823, the Legislature authorized the balances that remained on warrants, *in part satisfied east of the Congressional line*, to be brought over and entered west of the same; by which entries of almost any size were made, even down to one acre; and there now remains but a very small portion of that which is vacant that would be worth patenting at all; and all that part which might be considered fit for cultivation lies only on the water-courses, and in narrow slips.

This district contains something more than one million of acres; and of that quantity, between two hundred and two hundred and fifty thousand acres have been appropriated, leaving a balance of unappropriated land of say seven hundred and fifty thousand acres; and, out of that quantity, I would judge that not more than twenty thousand would be worth granting at the rate of 12½ cents per acre. I do not wish to be understood as saying there are twenty thousand acres fit for cultivation, for such is not the fact; but there are many persons that would be willing to pay a small price for the lands that lie contiguous to them for the purpose of timber, &c., that would be worth nothing to any other person; and the lands thus situate are pretty near all that would be taken. All the land in this district, except such as is on the different water-courses, is altogether sterile, and totally unfit for cultivation; and, in order to give you full satisfaction upon this subject, I have sketched off a few sections from the general plan, commencing on Tennessee, and extending east, which is about a fair average of the district: (except that which lies in Maury and Giles counties, which compose a very small part of the district.) This statement, it cannot be presumed, is entirely correct; but it is as near so as my information will enable me to make it, and, I trust, will be satisfactory.

Your obedient, humble servant,

H. GROVE,

Deputy Surveyor, eighth district.

Hon. JAMES K. POLK.

P. S.—Major J. Brown, the principal surveyor of the eighth district, handed me a letter addressed to him from Hon. H. L. White, with a request that I should answer it. It was upon the same subject of yours to me; and for answer to which I refer him to your letter. Be so good as to show it to him.

Yours,

H. GROVE.

No. 3.

LAND OFFICE, NINTH DISTRICT, W. TENNESSEE,
February 14, 1828.

DEAR SIR: I have received your note of the 28th December, 1827, respecting the vacant lands in this part of the State. I presume you are aware of the difficulty of making correct estimates of the lands in this district, in which there is so much poor land, and that part worth any thing so widely scattered. Owing to the mode of appropriating the lands in this State heretofore, (which was by warrants, the owners or locators of which had the privilege of satisfying their claims on the best of the lands, without having any regard to the shapes or sizes they might leave the residue of vacant lands,) by which the valuable lands of this part of the State are nearly all appropriated, the *good soil* that yet remains unappropriated is mere *skirts or scraps*, from the sale of which the General Government can realize little or nothing. In my estimate that I herewith transmit, if I have erred materially, it is in putting too high a value on the vacant lands of this district. I think them worth the price estimated, but doubt very much whether the amount could be raised from the sales of them in *two years*. There is a great quantity of more valuable lands in market at reduced prices. The purchasers of the vacant lands here will be mostly poor men, who have little to give for land; in fact, I do not think their situation would be much mended if they should be enabled to obtain the lands for almost nothing; as the *gift* will be too well calculated to keep them always poor.

Respectfully, your friend,

JOHN PURDY.

JAMES K. POLK, Esq.

I, John Purdy, principal surveyor of the 9th district, in the State of Tennessee, do certify that there are about nine hundred thousand acres of unappropriated land in this district; one hundred thousand acres of which I think worth *twenty-five* cents per acre; two hundred thousand acres of which I think worth *twelve and one half* cents per acre; and the residue I do not think worth appropriating at any price.

Given under my hand, this 4th of February, 1828.

JOHN PURDY, *P. S. 9th district.*

No. 4.

BOLIVAR, TENNESSEE, *February 2, 1828.*

DEAR SIR: Yours of the 20th December came to hand by last mail; and, in answer to the same, I can inform you that, from the best information that I can obtain from my deputies, and other gentlemen of extensive information in my district, there is not one-tenth of the vacant lands in my district that is worth twelve and a half cents per acre; and the balance of it not worth one cent per acre. The fact is, sir, all of the valuable land in my district has been appropriated by military land warrants from North Carolina; and what vacant lands there are, lie in detached parcels, generally *very poor*. I have, for your satisfaction, taken off from the general plan of

my district a transcript of five miles square, which is one section, in order to show, more fully, the true shape and size of the vacant lands: the lands in said section that are appropriated by warrants are marked with the amount of acres in each claim, and the balance is vacant. The section which I send you is about an average one of my district, though some of them have more entries, and some less, varying according to the quality of the lands.

The foregoing is the only information that I now have in my power to give you as correct, concerning the lands in my district; any information I may hereafter obtain I will readily transmit to you.

I have the honor to be, sir, with great consideration, your humble and obedient servant,

ELIHU C. CRISP,

Principal Surveyor of the 10th district of the State of Tenn.

P. S.—My district is fifty-five miles long and thirty miles broad.

Yours, &c.,

E. C. CRISP, P. S.

No. 5.

COVINGTON, *January 25, 1827.*

DEAR SIR: Yours of the 24th ultimo came to hand by last mail, and I lose no time in answering your inquiries.

I have no data by which I can answer minutely, without consuming more time than, perhaps, could be delayed between this and acting on the bill now before Congress, on the subject of the vacant lands remaining in my district. From a rough calculation, my district contains something like one million of acres; and, from the best estimate I can make from the spur of the occasion, there have been about 900,000 acres entered and granted on warrants emanating from the State of North Carolina.

It would be impossible for me to fix upon any minimum price at which to put the lands yet vacant, as considerably the greater portion of them consists of swamp lands, in the bottoms of the Mississippi, Hatchie, Wolfe, and Loos hatchee rivers, and their tributary streams; and that lying too low to be reclaimed. There is some highland, but it is generally poor, and lies in detached parcels; so much so, that I would have no hesitation in saying that it would cost the United States more money to arrange it, to get it into market, than could be realized by it. I do think that at least two-thirds of it would not bring in market one cent per acre, and the balance, perhaps, would not average more than 12½ cents; some small pieces that are improved would sell well, but they are few.

If Tennessee had those lands, it would be important to her, as her officers know the little spots still vacant; and besides which it would enable her to protect many of her poor citizens in their sheds, who have settled on those small pieces of vacant land, and increase considerably her revenue, by bringing a considerable portion of land on her tax-list that otherwise never will be there.

I regret extremely it is not in my power to give you a more minute statement on the different points you wish to be informed on, relative to the vacant land here; but time will not permit.

In haste, your friend,

J. TIPTON, P. S.,
Eleventh District, Tennessee.

HON. JAMES K. POLK.

No. 6.

J. B. Hogg, surveyor of the 13th district, as to quantity and quality of land in his district.

TRENTON, January 24, 1828.

DEAR SIR: Yours of the 25th of last month is now before me, and agreeably to your request I have transmitted the following statement—the quantity of acres contained in my district, what amount appropriated, the amount unappropriated, and the probable value thereof:

1st. The amount of acres within the bounds of my district,	1,480,400
2d. Amount of acres granted and entered by warrant	- 984,159½

Balance of vacant land	- - - -	496,240½
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3d. Land fit for cultivation, 60,000 acres, valued at 50 cents per acre.

4th. The balance of 436,240, of no value.

The vast quantity of vacant land that is of no value is occasioned from the lake of Reelfoot, Obion, Forkut, and Deer rivers, and the immense bottoms attached to said rivers and their waters.

I, John B. Hogg, principal surveyor of the thirteenth district, in the State of Tennessee, do certify the foregoing statement to be correct, to the best of my knowledge and belief; and do further certify that the lands fit for cultivation, within the bounds of my district, are in small detached parcels, from five to three hundred acres, occasioned by patented land,

JNO. B. HOGG, P. S. 13th district.

Daniel Graham and George Graham, as to land south of Congressional line, Tennessee.

GENERAL LAND OFFICE,
December 17, 1829.

SIR: In compliance with a resolution of the House of Representatives dated the 20th January, 1829, requiring the Secretary of the Treasury "to procure information, and to report to the House of Representatives at the next session of Congress, what quantity of vacant land belonging to the United States yet remains in that part of the State of Tennessee lying south and west of the line established by the act of Congress, approved April 18, 1806, commonly called the 'Congressional reservation line;' what quantity of the land south and west of said line has been appropriated

to the satisfaction of North Carolina claims, and what portion has been otherwise appropriated; what portion of the lands now vacant, south and west of said line, is of any, and what, value; whether it is in compact bodies, or in detached parcels or small pieces; and whether the same could, in his opinion, be surveyed and brought into market according to the present land system of the United States, so as to defray the expenses of doing so, or so as to yield any profit from the sales, or according to the land system of Tennessee, or any other plan he may suggest; which was referred to this office, I addressed to Daniel Graham, Esq., Secretary of State for the State of Tennessee, the letter marked A. And, in reply thereto, I have received the accompanying communication, marked D, from which it would appear that the quantity of land in the State of Tennessee, lying west and south of the line commonly called the Congressional reservation line, is six million eight hundred and sixty-four thousand acres, of which nine hundred and forty-two thousand three hundred and seventy-eight acres were granted by North Carolina previous to the act of cession, and the amount of the adjudications under the laws of Tennessee is equal to three million five hundred and fifty thousand four hundred and thirteen* acres; warrants for which have been, or may be, entered within the limits referred to, leaving the quantity of two million three hundred and eighty-three thousand eight hundred and twenty-four acres of unappropriated lands subject to the disposition of the United States. In a report made from this office, dated the eighteenth of January, 1828, and submitted to Congress, the quantity of land lying in the State of Tennessee, south and west of the Congressional reservation line, was estimated at eight million five hundred thousand acres. The whole of this portion of the State of Tennessee has been surveyed, and divided into ranges and sections, or townships of five miles square, a connected plat of which accompanies the communication of Mr. Graham. If that plat be correct, it will be found to contain upwards of five hundred and twenty-eight sections or townships, including the fractions. And estimating an entire section at sixteen thousand acres, the quantity of the land in the whole district will be found to correspond very nearly with that heretofore reported from this office, and would make the quantity of unappropriated land upwards of one million five hundred thousand more than that stated in the communication from Mr. Graham. Whether this discrepancy arises from error in calculation or from error in laying down the connected plat of the whole district, I am unable to say.

From an inspection of the plat furnished by Mr. Graham, it will appear that the unappropriated lands lie in detached parcels; and as three million five hundred thousand acres of this land have been entered by selection, at the option of the claimants, there can be no doubt that very nearly all the lands of the best quality have been appropriated, and that a very small portion of the residue could be sold at the minimum price of the United States lands, until further progress shall have been made in the settlement and improvement of the country, and a greater demand thereby created for the inferior lands.

By a law of the State of Tennessee, passed the 23d of October, 1819, (see Laws of Tennessee, 2d vol. p. 555,) which is very special and particu-

* There is a discrepancy in Mr. D. Graham's statement as to this item. He states it, in one part of his communication, as 2,550,413 acres, and in another as 3,550,413; which latter amount is assumed as the correct one, because it corresponds with his balance of the unappropriated lands.

lar in its injunctions, this district of country has been divided into ranges and sections of five miles square, varying from the present system of surveying the lands of the United States as to the extent of the sections or townships, but corresponding in this respect with the military townships in Ohio, and which are readily divisible into lots of one hundred and of fifty acres. These surveys having been made at the expense of the United States, (that is, the surveyors were paid the amount of their respective accounts in land warrants, at two dollars per acre, which were subject to be entered in this district of country,) there would be no necessity to re-survey the ranges and townships agreeably to the existing laws of the United States; and by employing the surveyor appointed by the State of Tennessee in each separate surveying district, and making him or some other person in each district the entry taker, allowing a per centage on the amount of money paid into the Treasury, and no salary, and by adopting, in part, the existing regulations of the State of Tennessee, it is believed that these lands may be brought into market without any extraordinary expense as to the surveying of them, and that they will sell at the minimum prices in due proportions, and in equal periods, with the public lands of similar quality in the adjoining States, and Territory of Arkansas. Any disposition of the public lands in a State, by which they can be brought into market at a price less than the minimum price of the other public lands, operates injuriously on all the other States and Territories where the public lands may lie, and is in contravention of the general principle heretofore pursued, by which equal encouragement has been afforded to the progress of population in each State and Territory in which the public lands are, so far as it respects the sale of those lands.

The construction given to the act of Congress approved the 4th of April, 1818, by the State of Tennessee, and the laws passed by that State in pursuance of such construction, have virtually annulled the provisions of the first condition of the second section of the act of Congress approved the 18th April, 1806, and those of the third section of said act. It may, however, be proper to add, that no contract between the State of Tennessee and the United States could impair the rights of the holders of land warrants *bona fide* issued, or of the claimants to lands granted, under the laws of North Carolina passed previous to the act of cession; and that the whole tenor of the legislation of Tennessee has been in a spirit not only of good faith, but has manifested great liberality in relation to the claims derived from the State of North Carolina.

By the act of Congress approved the 18th April, 1806, provision was made for the reservation of lands for the use of schools from that portion of the lands thereby ceded to the State of Tennessee; and whatever disposition may be made of the unappropriated lands south and west of the Congressional boundary line, the uniform practice of the Government would require that a quantity of land equal to one thirty-sixth part of the whole district should be appropriated for the use of schools.

All which is respectfully submitted.

GEO. GRAHAM.

HON. SAMUEL D. INGHAM, *Secretary of the Treasury.*

A.

GENERAL LAND OFFICE, *April 24, 1829.*

SIR : Having been informed that your office can furnish most, if not all, the information required by the enclosed resolution of the House of Rep-

representatives, I have taken the liberty to address you on the subject, and to request that you will furnish to me, so far as the records of your office will enable you, answers to the following questions :

1. What quantity of land is contained in that part of the State of Tennessee lying south and west of the line established by the act of Congress approved April 18, 1806 ?

2. What quantity of lands south and west of said line has been appropriated to the satisfaction of the North Carolina claims ?

3. What portion of these lands has been otherwise appropriated ?

4. What is the estimated value of the unappropriated lands lying south and west of the line above referred to ?

Having been informed that the surveying districts into which the State of Tennessee has been divided, those numbered 8, 9, 10, 11, 12, and 13, correspond with the boundaries of, and include the whole of, the lands reserved to the United States by the act of the 18th of April, 1806 ; and being also advised that there is a connected plat of each of the above land districts in your office, designating, from actual surveys, the boundaries of each, I have, if this information be correct, to request that you will furnish copies of the connected plats of each of these land districts. If there are no such connected plats in your office, it is probable that they can be furnished by the surveyors of the respective districts ; of which fact you will please advise me.

In answering the fourth question, as stated above, it will probably be expedient to ask for information from the surveyor of each of the districts, or other persons having competent knowledge on the subject.

A reasonable compensation for the expense and trouble of procuring and furnishing the information required will be allowed to you, when an appropriation is obtained, and which will be asked for on the account that may be rendered by you.

With great respect, your obedient servant,

GEORGE GRAHAM.

DANIEL GRAHAM, Esq.,

Secretary of the State of Tennessee, Nashville.

B.

SECRETARY'S OFFICE,
Nashville, Tennessee, August 20, 1829.

SIR: In answering the various interrogatories contained in your letter of the 24th April last, I have the honor to state :

1. That the whole quantity of land in that part of Tennessee lying south and west of the established line, by the act of Congress approved April 18, 1806, amounts to	-	-	-	6,864,000
2. The quantity granted by North Carolina previously to the cession act	-	-	-	942,375
Adjudicated by Tennessee up to the first day of January, 1820	-	-	-	2,550,413
Adjudicated from 1st January, 1820, to 28th August, 1829	-	-	-	17,388
				<u>3,510,176</u>

Leaving a balance of

2,353,824

Two million three hundred and fifty-three thousand eight hundred and twenty-four acres of vacant and unappropriated land, south and west of the line referred to.

The estimate of the quantity of land contained within the whole reservation is made from the official returns of the surveyors of the 7th, 8th, 9th, 10th, 11th, 12th, and 13th districts, on file in my office.

The quantity granted by North Carolina within that district of country may be a little over the amount here stated, as my researches have not included all, especially in the 7th and 8th districts; but is sufficiently accurate for any object of general computation.

The item of 3,550,413 acres, adjudicated as valid warrants by the commissioners of Tennessee, from 1807 to 1828, is ascertained by careful computation and additions, in which I have employed much time since the receipt of your communication. The warrants thus adjudicated have been all, or nearly all, located upon the vacant lands of that country, from time to time, since the month of December, 1820.

The item of 17,388 acres is the amount of unsatisfied warrants adjudicated by me, as commissioner of land claims, since January, 1828, and none of these have been located or granted, as the surveyors' offices have not been open for receiving entries since 1827; but the unappropriated soil, south and west of the line, is considered pledged for their satisfaction, and there is no doubt but the General Assembly will, at the approaching session, direct the offices to be reopened for their location.

3. There has been very little of that country appropriated in any other manner; none, perhaps, but a site for the town of Pulaski, in the county of Giles, which was given by Congress to commissioners for that purpose, previously to 1819, and the donation to General Greene, of 25,000 acres, made by the Government of North Carolina, at the close of the revolutionary war.

4. In forming an estimate of value on the unappropriated lands, we have very little assistance, except from the price of those warrants which have been issued since the surveyors' offices were closed, and which we expect will be admitted to entry in a few months. Of these, I have heard of a sale to the amount of 5,000 acres, by a gentleman of North Carolina to another of this place, at the price of twelve and a half cents per acre. This may be considered the minimum price, as smaller quantities have uniformly sold proportionably higher, whenever a purchaser could be found, though cash sales are seldom effected at any price. In the summer of 1826, a large stock of 91,000 acres, claimed by the University of North Carolina and the colleges and common schools of this State, was, by direction of the Legislature, divided into small parcels of twenty-five acres each, and sold at fifty cents per acre, in cash.

You will, herewith, receive a connected plan of the whole Congressional reservation, which I have formed from the returns of the principal surveyors of the different districts. And to meet, as near as may be, the idea contained in the latter part of the resolution of Congress, I have, with as much accuracy as practicable, laid down every survey made within the 11th and 12th districts. These returns do not come down as late as 1826, and, of course, none of the small entries made on any part of the 91,000 acres above alluded to are here represented. As the labor of laying down the surveys in all the districts would be unnecessarily great, I selected one on the Mississippi border, and one on the Tennessee, as ex-

hibiting very nearly an average aspect of the whole. The 7th, 8th, and 9th districts have perhaps a larger proportion of vacant land; the 10th is about equal to the 12th; and the 13th is almost entirely appropriated, except in the Mississippi, Reelfoot, and Obion swamps, and on a small portion of its eastern boundary.

A single glance at the face of the 11th and 12th districts, as here fairly represented, must confirm the opinion that the vacant residuum cannot, with any reasonable probability, "be surveyed and brought into market, according to the present land system of the United States, so as to yield any profit from the sales;" but, according to the plan adopted by Tennessee, north and east of the reservation line, it is probable that one twentieth part would be granted at twelve and a half cents per acre, and perhaps one-fifth of the residue at one cent. A larger proportion has not been granted north and east of the line, at those prices, where offices of entry and survey have, for many years, been open in each county.

In making appropriations heretofore, both under the laws of North Carolina and Tennessee, the holders of warrants were permitted to act on very ample discretion. They were confined by nothing but natural boundaries, and the lines of older appropriations; and, in the exercise of their discretion, they laid down and shaped their locations so as to include the greatest possible quantity of good land within their several boundaries. In very few instances could it now be found that an entire section of six hundred and forty acres could be laid down on vacant land, that would sell, in cash, for as much as would pay the expense of surveying; especially when it is considered that the lines of the different tracts already appropriated could not be sufficiently known to the Government surveyor without the expense of a resurvey.

No one can safely venture a positive opinion as to the quantity or portion of the remaining eight hundred and fifty two thousand two hundred and thirty-seven acres that might be granted at a graduated price, by opening offices for entry in each county, as now practiced by us; but no one at all acquainted with the true situation of the country, can for a moment doubt the impracticability of laying off and selling what now remains, upon any system like the present, as practised by the United States, without positive loss to the Government.

Respectfully submitted.

DANIEL GRAHAM,
Secretary of State, Tennessee.

TO GEORGE GRAHAM, Esq.,
Commissioner, &c., Washington City.

No. 7.

Mr. Alexander's letter as to value and situation of soil, &c., of the western district land.

MIDDLEBURY, January 26, 1828.

DEAR SIR: Yours of the 24th ultimo has been received, and is now before me, in which you request from me some opinion as to the probable value of the unappropriated land in the western district. To this subject

my mind has been turned for a considerable time past, and, in particular, for the last summer and fall. During that period I have travelled in almost every direction through the district; and, from the strictest observations, as well as the opinions of various gentlemen of respectability and information, I am irresistibly brought to the conclusion, that, if a relinquishment should be made to the State, (at the price she will be able to sell these lands,) she will not realize $12\frac{1}{2}$ cents per acre, on an average, for one-half of the land; and even in making this calculation, I take into view considerable quantities of land which could not be sold for that sum, but in consequence of their being situate so convenient to many small tracts as to afford outlet, timber, &c.

But, sir, if the whole amount of unappropriated land could be sold for $12\frac{1}{2}$ cents per acre, it would still fall very far short of making up the deficit in the common school fund contemplated to be given to Tennessee by the act of Congress of 1806.

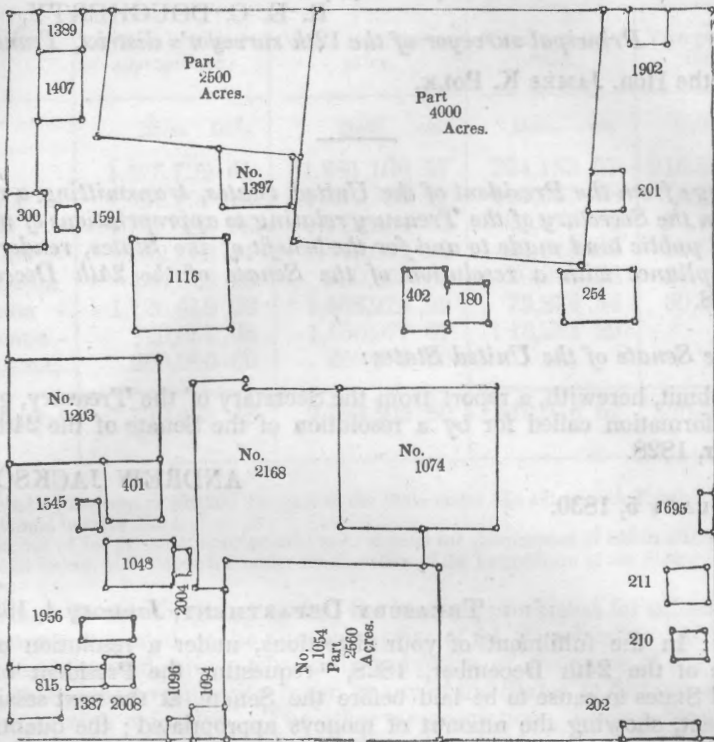
I am not at all surprised at the great difficulty that exists in the minds of many of the eastern gentlemen on the subject of our lands. The manner in which we do, and have heretofore, obtained our titles, being so widely different from the practice of the General Government in the disposition of the public lands, which are sectioned off, and numbered and entered by sections or quarter sections, leaving no remnants or scraps, as is and has been the practice with us from the commencement, under the law which authorized any person holding a warrant issued by the State of North Carolina, be its size what it might, (say from one to five thousand,) to select any spot unappropriated, and there settle his warrant without any respect to what might be the quality or quantity of the remnant left between him and any other claimant; and thus it is that the most valuable land has been selected, and the inferior quality left yet unappropriated. It would be useless for me to say more on this subject, as I am well aware of your thorough knowledge of the matter, as well as your zeal for the promotion of education. Placing full faith and confidence in the intelligence and liberality of Congress in making donations for so laudable an object as the encouragement of *common schools*, I entertain no doubts as to the result, so soon as they are convinced of the real value and true situation of the land thus asked as a donation.

I am, very respectfully, sir, your obedient servant,
ADAM R. ALEXANDER.

HON. JAMES K. POLK.

No. 8.

R. E. Dougherty, surveyor 12th district, as to quantity and quality of land in his district.



MARCH 15, 1828.

DEAR SIR: I received your favor of the 24th of December, 1827, on the 12th instant, and hasten to give you as much information on the subject as I am able. The section represented above contains more vacant land than an average one does. There are, I think, about four or five hundred acres of vacant land in this district; and it is my honest opinion, that, if this State had a right to the vacant land, she could not, in fifteen years, make it average ten cents per acre. There are not more than three or four thousand acres that could be sold for fifty cents per acre; and the balance, in time, people might enter at the present price of entering land east and north of the reservation line, which is one cent per acre: but for the United States or the State of Tennessee to undertake to bring this land into market in the common way that the United States make their lands ready for market, I am certain the amount of sales would not half pay the expenses of making the lands ready for market, as the vacant land lies in such detached parcels, and that part that is most valuable is in the smallest bodies. Where there are three hundred acres in one body, that is so compact as to justify any person to settle on it, it is not worth anything. All

the land in this district that appears to me to be fit for cultivation, is lying in narrow strips, from ten to sixty acres, and from ten to seventy or eighty poles wide. Wherever you find a body of land in the western district vacant, you will universally find it not worth the taxes.

I am, dear sir, respectfully, your obedient servant,

R. E. C. DOUGHERTY,

Principal surveyor of the 12th surveyor's district, Tennessee.

To the HON. JAMES K. POLK.

Message from the President of the United States, transmitting a report from the Secretary of the Treasury relating to appropriations of money and public land made to and for the benefit of the States, rendered in compliance with a resolution of the Senate of the 24th December, 1828.

To the Senate of the United States:

I submit, herewith, a report from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

JANUARY 5, 1830.

TREASURY DEPARTMENT, *January 4, 1830.*

SIR: In the fulfilment of your directions, under a resolution of the Senate of the 24th December, 1828, "requesting the President of the United States to cause to be laid before the Senate, at the next session, a statement, showing the amount of moneys appropriated; the quantity of the public lands, with their value at the minimum prices, which have been granted; and the amount of the per centage on the proceeds of lands sold by the United States, reserved and pledged to the several States admitted into the Union since the adoption of the constitution, for the purposes of *education*, and the construction of *roads and canals*, within and leading to said States, specifying the amount received by each State, as far as practicable," I have the honor to submit the accompanying statements, marked A and B, the former (including tables Nos. 1 to 9) prepared by the Commissioner of the General Land Office, and the latter by the Register of the Treasury.

I have the honor to remain; with high respect, your obedient servant,

S. D. INGHAM;

Secretary of the Treasury.

The PRESIDENT of the United States.

No. 9.

CONSOLIDATED TABLE.

States.	Quantity of land appropriated.	Value at minimum price.	Three per cent. fund.	Two per cent. fund.
	<i>Acres. hths.</i>	<i>Dolls. cts.</i>	<i>Dolls. cts.</i>	<i>Dolls. cts.</i>
Ohio -	1,576,722 61	*1,981,109 67	324,183 67	216,122 45
Indiana -	1,057,107 13	1,321,383 91	115,067 48	76,711 66
Illinois -	1,346,003 96	1,682,504 95	21,273 56	14,182 38
Missouri -	1,132,719 41	1,415,899 26	27,943 85	18,629 24
Mississippi	440,203 72	550,254 65	30,291 38	20,194 26
Alabama -	1,126,619 99	1,408,274 99	75,872 44	50,581 63
Louisiana -	920,061 66	1,150,077 07	† 16,284 29	
Tennessee	200,000 00	250,000 00		
Grand totals	7,799,438 48	9,759,504 50	610,916 67	396,421 62

* Including the sum of \$10,206 41, paid to the State under the act of 28th February, 1823, as explained in table No. 1.

† Amount of five per cent. appropriated to Louisiana for the purpose of constructing public roads and levees, to be expended under the direction of the Legislature of the State.

NOTE.—In the foregoing tables, the lands appropriated for schools and colleges are estimated at the minimum price of \$1 25 per acre. Although they were granted previously to the reduction of the price of the public lands, there was no authority given to any of the States to dispose of them until after such reduction. The other appropriations, having been made since the reduction of the price of the public lands, are also estimated at the present minimum of \$1 25 per acre.

TREASURY DEPARTMENT,
General Land Office.

GEORGE GRAHAM,
Commissioner.

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TREASURY DEPARTMENT,
Register's Office, December 23, 1850.

F. L. SMITH,
Register of the Treasury.

B.

Statement showing, as far as practicable, the amount of moneys expended in each State and Territory, for the construction of roads and canals, since the adoption of the constitution, to the close of the year 1828; prepared in obedience to a resolution of the Senate of the United States of the 24th December, 1828.

Maine -	-	-	-	-	\$9,500 00	
New York	-	-	-	-	4,156 79	
Tennessee	-	-	-	-	4,000 00	
Ohio -	-	-	-	-	6,000 00	
Illinois -	-	-	-	-	8,000 00	
Arkansas	-	-	-	-	45,055 79	
Michigan	-	-	-	-	45,430 14	
Florida	-	-	-	-	83,417 93	
						\$205,560 65
Subscription to the Delaware and Chesapeake canal -	-	-	-	-	300,000 00	
Subscription to the Ohio and Chesapeake canal -	-	-	-	-	10,000 00	
Subscription to Dismal Swamp canal -	-	-	-	-	150,000 00	
Subscription to Louisville and Portland canal -	-	-	-	-	90,000 00	
						550,000 00
Road from Cumberland to the Ohio -	-	-	-	-	1,721,845 75	
Continuation of do. -	-	-	-	-	453,547 36	
Repairs of do. -	-	-	-	-	55,510 00	
						2,230,903 11
Road from Nashville to Natchez -	-	-	-	-	3,000 00	
Do. Wheeling to the Mississippi river -	-	-	-	-	10,000 00	
Do. Missouri to New Mexico -	-	-	-	-	30,000 00	
Do. Mississippi to the State of Ohio -	-	-	-	-	5,539 35	
Do. Georgia to New Orleans -	-	-	-	-	5,500 00	
Do. Nashville to do. -	-	-	-	-	7,920 00	
Do. in Tennessee to Louisiana and Georgia -	-	-	-	-	15,000 00	
						76,959 35
Surveys of roads and canals -	-	-	-	-	-	169,029 89
Opening of the old Natchez road -	-	-	-	-	-	5,000 00
Road through the Creek nation -	-	-	-	-	-	3,621 01
						3,241,074 01

TREASURY DEPARTMENT,
Register's Office, December 29, 1829.

T. L. SMITH,
Register of the Treasury.