31st Congress, 1st Session. [SENATE.] Rep. Com. No. 47.

IN SENATE OF THE UNITED STATES.

February 13, 1850.

Submitted, and ordered to be printed.

Mr. Felch made the following

REPORT:

The Committee on Public Lands, to whom was referred the memorial of citizens of Kanesville, Iowa, praying a grant of titles to the lands on which said town is located, respectfully report:

The memorialists represent that they are citizens of Kanesville, Pottawatomie county, Iowa, which town contains about two thousand inhabitants, and is situated upon lands recently ceded by the Indians to the United States. They ask that titles may be made to the lands whereon the town is located, in the same manner as was provided by Congress in the case of Fort Madison, Burlington, and other towns in Iowa; and that commissioners may be appointed for the purpose of carrying the provisions of the act into effect.

The town of Kanesville is situated near the Missouri river, and in a portion of the State not yet surveyed. The land is, therefore, not subject to private entry, and no titles can at present be obtained.

If an act should be passed in accordance with the prayer of the memorialists, it would require a special survey of the town plat to be made by a government surveyor, the appointment of commissioners to hear testimony and adjudicate the rights of individual settlers, an appraisal of town lots and outlots, a sale of the land in an unusual manner and for an unusual purpose, and the opening and keeping books of a special character at the department having charge of the public lands. It is easy to perceive that, unless great public interest, or important principles of private right, demand it, the law proposed should not be enacted.

The act of Congress of 23d May, 1844, entitled "An act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," (Statutes at Large, vol. 5, p. 657,) provides, in case of public lands occupied as a town site, for the entry of the land at the minimum price of public lands by competent authority, in trust for the use and benefit of the occupants thereof.

This act was passed on occasion of an application similar to the present, presented by the citizens of the town of Weston, in Missouri. The Commissioner of the General Land Office recommended the passage of the general law above mentioned, to meet all cases of a similar character, and a rejection of the then proposed special act. This was the origin of the general law above cited, and this the design of Congress in passing

No difficulty is apprehended to the inhabitants of Kanesville availing

themselves of the provisions of this general law. They cannot, it is true, have the benefit of titles to lots until the government surveys are made in that part of the State; but the Commissioner of the General Land Office, in his annual report made at the present session of Congress has expressed his design, should an appropriation be made, to survey a strip of land of about eighteen miles along the Missouri river, including the land in question, during the coming season. When these surveys are made, the full objects of the memorialists can be readily secured under the general law above mentioned. The committee cannot, therefore recommend special legislation on the subject, and they propose the adoption of the following resolution:

Resolved, That the prayer of the memorialists be not granted.