44TH CONGRESS, 1st Session. } SENATE. { REPORT No. 209.

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1876.—Ordered to be printed.

Mr. CHRISTIANCY submitted the following

REPORT:

[To accompany bill S. 678.]

The Committee on Private Land-Claims, to whom was referred the petition of Ephraim P. Abbott, to be allowed to purchase a tract of about eighty acres of land in the county of Wayne, Michigan, in the rear of private land-claim No. 667, report:

That the front claim No. 667, on the south side of the river Rouge, in front of the land asked to be purchased, was patented to Gabriel Godfroy July 3, 1812, under "an act regulating the grants of land in the Territory of Michigan," approved March 3, 1807, (Stats. at Large, vol. 2, pp. 437 to 439,) having been confirmed to said Godfroy by the Land-Board December 29, 1809, (State Papers, "Public Lands," vol. 1, p. 482,) under a previous act of Congress; that under the first-above-named act the several claimants were entitled to a quantity not exceeding 640 acres, and their right was based upon occupancy and improvements made by the claimants, or those under whom they claimed, prior to 1796, and continued occupancy from that date; that this act was general, applying to all lands thus occupied in the district of Detroit, in which these lands were situated; that very few of the claimants made their claims for the whole amount allowed by the act, the rear lands being then of comparatively little value, and the claimants being bound to pay for the survey; that the settlements being confined to the margin of the Detroit and other rivers and along Lake Erie, in the eastern border of the Territory, and the settlers generally within short distances of each other for mutual protection from Indians, the result was that each claim was comparatively narrow, and to give any considerable quantity must extend back to considerable depth, the width of such claims varying from one arpent to six or seven arpents, and the depth from forty to ninety arpents, but along the Detroit River and the river Rouge the length of the claims was generally either forty or eighty arpents, and some of intermediate length; that in 1812, when the rear lands began to be thought of greater value, Congress, by the act of April 23, 1812, (Statutes at Large, vol. 2, p. 711, sec. 2,) gave to all who had claims confirmed along the Detroit River, whose claims did not extend to eighty arpents in depth, the right to a tract in the rear of such front and original claim of equal width and extending far enough to make, with the front grant, eighty arpents in depth, and the claimants along the Detroit River availed themselves of the benefit of this second or back concession. But this act did not extend to any other claims than those bordering on the Detroit River, though the

reasons would seem to have been the same in the cases of other claims generally, and especially those along the river Rouge near its mouth into the Detroit River, where this land was situated. But, whether from the public expectation that such second concessions would be allowed in all cases where the front tract confirmed was less than eight arpents in depth, or because the surveyor who subsequently surveyed the public lands in the rear of the claims in some cases failed to discover the true lines in the rear of the shorter claims situate between longer ones, and supposed such short claims be of equal length with the longer, it is very clear that in many cases the respective pieces of land lying in the rear of the shorter claims (where long claims adjoined them) were not surveyed by the Government surveyor; and though still in fact Government land, these portions not surveyed have generally been claimed and occupied and improved by the respective owners of the front grants as a part of the latter, and in some cases other persons have taken possession of such lands, occupied, claimed, and improved them; and in both classes of cases the parties in possession and claiming the land have sold, mortgaged, or leased the lands, and such lands have passed from the original down through many subsequent occupants, by a regular chain of conveyances, and taxes have been paid and valuable improvements made, and great injustice would now be done, and a fertile field of litigation opened, by treating these as public lands subject to entry by any but the occupant or holder of the record-title. They have, therefore, uniformly, and very properly, been treated in the General Land-Office as not liable to sale, and only to be disposed of by congressional legislation.

In the present case, the front grant No. 667, and that adjoining on the east, No. 259, were short claims of only forty arpents in depth, situate between longer claims on each side, and the land in the rear (forty arpents in depth) was not surveyed as public lands. The portion of such land in rear of the adjoining claim 259 was by act of Congress of July 1, 1870, (Statutes at Large, vol. 16, p. 647,) treated as a pre-emption claim, and allowed to be purchased by Thomas Henderson at $2.50 per acre, he paying for the survey.

In the present case, the grantee of the front claim 667, Gabriel Godroy, after the proof of his claim, and prior to the issuing of the patent to him, conveyed the same to Robert Abbott, since deceased, the father of the petitioner, who not long after took possession as well of the land in rear as of the front grant, and continued to claim and hold the land until his death, in 1850, and his heirs have since claimed and held possession, treating the same as their own. That they have for many years regularly paid taxes on the land. All the other heirs of said Robert Abbott, deceased, have conveyed all their right and interest to the petitioner.

Your committee, therefore, report a bill allowing the petitioner to purchase the right and title of the United States to said land at $2.50 per acre, and providing for a patent which shall operate only as a release, and saving any rights of adverse claimants as well as the rights of any purchaser or incumbrancer from said Robert Abbott or any of his heirs, and recommend its passage.

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