

LETTER

FROM

THE COMMISSIONER

OF

THE GENERAL LAND OFFICE,

TRANSMITTING

REPORTS OF THE LAND COMMISSIONERS

AT JACKSON COURT HOUSE,

NOVEMBER 17, 1820.

Printed by order of the Senate of the United States.

WASHINGTON :

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1820.



GENERAL LAND OFFICE,

16th November, 1820.

SIR : I have the honor to transmit herewith copies of the Reports of the Land Commissioners at Jackson Court House, and a copy of a letter (dated 17th August, 1820) which accompanied them; the reports are numbered 1 to 9 inclusive.

I have the honor to be,

Most respectfully,

Sir,

Your obedient servant.

JOSIAH MEIGS.

The honorable

The PRESIDENT of the SENATE.

LAND OFFICE AT JACKSON COURT HOUSE,

August 17, 1820.

SIR: In conformity with requisition of the ninth section of the act of Congress, entitled "An act for adjusting the claims to Land and establishing Land Offices in the districts east of the Island of New Orleans," I have the honor to report lists or registers of all the claims to land which have been filed in this office, with the substance of the evidence in support thereof, and such remarks upon the claims as appeared to me to be proper.

In consequence of the suggestion in your letter of the 15th November last, evidence of claims to lots in the town of Mobile has been received, which you will find in register No. 7.

Register No. 9, and the accompanying papers, contain a full report of the evidence, and the opinion of the Register and Receiver, in relation to the conflicting claims of Joseph M'Candless and Regis Bermody.

I have the honor, &c.

W. BARTON, Register.

Hon. J. MEIGS, Com. Gen. Land Office,
Washington City.

LIST----Continued.

NO.	PRESENT CLAIMANT.	ORIGINAL CLAIMANT.	DATE OF PRESENT SETTLEMENT.			DATE OF ORIGINAL SETTLEMENT.			WHERE SITUATED.	REMARKS.
			DAY.	MONTH.	YEAR.	DAY.	MONTH.	YEAR.		
64	Felix Turin	Felix Turin		June	1820			1812	Bay of St. Louis	Till after the Americans took possession of the country.
65	Francis Collins	Thomas Johnson			1813			1812	East side of Bon Secour River	
66	Samuel Ketchen	Samuel Ketchen		June	1820			1811	East of Tensa River	
67	John B. Vaughan	John B. Vaughan			1814			1812	Pascagoula River	
68	Michael M·Kinsey	Michael M·Kinsey					early part of	1813	Fish River	
69	Rep. of Henry Baudain	Henry Baudain			1820			1802	Fish River	
70	Rep. of James Garnett	James Garnett		June	1820		June	1811	Pascagoula River	
71	Simeon Davis	Simeon Davis		October	1819		March	1812	Pascagoula River	
72	Allen Goodin	Allen Goodin		June	1820			1811	East of Pascagoula River	
73	Rep. of August. Krebs	Augustine Krebs		June	1820			1811	East side of Pascagoula River	To 1814, and subsequently to June, 1820.
74	Francois Krebs	Joseph Krebs						1805	East side of Pascagoula River	
75	Rep. of John Graham	John Graham			1819			1809	East side of Pascagoula River	
76	Moses Strahan	Bartlett Brown		November	1819		Autumn	1813	Buck's Branch, east of Pearl River	
77	William Baxter	William Baxter		December	1819		January	1819	Juniper Branch	
78	David Kennesey	David Kennesey	2	December	1819		October	1818	West or South side Whiskey Creek	
79	Hiram Smith	Hiram Smith		October	1819			1817	East side of Pearl River	
80	Delazzeris	Joseph Delazzeris	22	November	1819	15	August	1817	Bayou La Gallere	
81	William J. Stuart	William J. Stuart	23	November	1819		March	1815	Bayou Cherreuil	
82	Pierre Morin	Pierre Morin	22	November	1819		Autumn	1813	Jourdan River	
83	William Morrison	William Morrison	25	November	1819		March	1817	Bolochito Creek	
84	John S. Brush	John S. Brush	25	November	1819			1817	W. S. upper branch Bolochito Creek	
85	Richard Mayo	Richard Mayo		November	1819		January	1819	East of Pearl River	
86	James Tillman	James Tillman		July	1819	prev iousto	March 3	1819	Red Creek Swamp	
87	Mathew Richardson	Mathew Richardson	7	August	1819		January	1814	Cedar Swamp	
88	Charles Lyon	Charles Lyon		September	1819		Autumn	1818	Head of Cedar Creek	
89	Noel Turner	Noel Turner		July	1819		February	1819	West Branch of Cedar Creek	
90	John Mounger	Charles Hall		July	1819		April	1814	Indian Creek	
91	John Jacob Beng	John Jacob Beng		July	1819			1818	Bayou	
92	Charles Turner	Charles Turner		September	1819		February	1819	W. prong Cedar Creek	
93	Joseph H. Gibson	Joseph H. Gibson		September	1819		January	1819	W. S. Escatauba River	
94	Francis Williams	Francis Williams		September	1819			1817	W. side Big Creek	
95	David Odom	David Odom		September	1819		February	1819	West of Dog River	
96	Menan Monk	Menan Monk		March	1819		February	1817	Red Creek Bluff	

LIST----Continued.

NO.	PRESENT CLAIMANT.	ORIGINAL CLAIMANT.	DATE OF PRESENT SETTLEMENT.			DATE OF ORIGINAL SETTLEMENT.			WHERE SITUATED.	REMARKS.
			DAY.	MONTH.	YEAR.	DAY.	MONTH.	YEAR.		
97	John Farley	John Farley		October	1819		January	1819	West side Black Creek	None but persons who have both inhabited and cultivated, have been considered by the Register and Receiver as actual settlers, although many others, who have only either inhabited or cultivated, claimed to be registered as such. It is believed that some of the settlers are upon lands claimed by other persons, under written evidence of title, but it is impossible to particularize them, as so few maps or plats accompany the claims.
98	Henry Fletcher	Henry Fletcher		July	1819			1818	Fork of Indian Creek	
99	Charles Bruner	Charles Bruner		July	1819		February	1819	Red Creek	
100	John Bruner	John Bruner		July	1819		February	1819	Fork of Brushy and Red Creek	
101	Richard Gittons	Richard Gittons		July	1819		February	1819	Fork of Brushy and Red Creek	
102	Griffin Bruner	Griffin Bruner		July	1819		January	1819	Black Creek	
103	Thomas Carter	Thomas Carter		July	1819		August	1818	Pascagoula River	
104	William Snyder	William Snyder		July	1819		January	1819	Black Creek	
105	Joseph Rodgers, jr.	Joseph Rodgers, jr.		July	1819		February	1817	Black Creek Swamp	
106	Presley Mathews	Presley Mathews		July	1819		February	1819	Red Creek	
107	James Langham	James Langham		August	1819		July	1817	Cold Creek	
108	Joseph Burns	Joseph Burns		September	1819			1810	W. S. Pascagoula River	
109	Mary Baxter	Mary Baxter		October	1819		January	1815	Main road from Mobile to Ley River	
110	Benjamin Williams	Benjamin Williams		October	1819		January	1819	2 miles from Williams' Ferry	
111	Lewis Williams	Charles Matheny		October	1819		October	1814	Dog River Ferry	
112	Enoch Turner	Enoch Turner		July	1819		February	1819	Greshams' Creek	
113	Joshua Murray	Joshua Murray		July	1819		October	1817	E. Branch of Cedar Creek	
114	Wyche Whatley	Wyche Whatley		October	1819		December	1818	Bogue Homo	
115	James Gold and Henry Patterson }	James Gold and H. Patterson }		August	1819		August	1818	East side Mobile Bay	
116	Smith Johnson	Smith Johnson		July	1819		January	1817	Black Creek	
117	Lewis Goff	Lewis Goff		September	1819		Autumn	1817	W. S. of Cedar Creek	
118	Edmund Goff	Edmund Goff		September	1819		Spring	1818	Upper fork of Cedar Creek	
119	Thomas M'Dowell	Thomas M'Dowell		August	1819			1818	Pascagoula River	
120	Samuel Snell	Aaron Burleson		January	1820		September	1818	South side of Smith's Creek	
121	Samuel H. Garrow	Samuel H. Garrow		January	1820		Autumn	1813	West side of Mobile Bay	
122	James Goff	James Goff		December	1819			1815	Between Cedar and Black Creek	
123	Aaron Burleson	Aaron Burleson		January	1820		November	1818	On the road to Clement's Mill	
124	Charles Conway	Charles Conway		January	1820		January	1819	On a Ck. emptying into By. Manette	
125	Hezekiah Rester	Hezekiah Rester		May	1820		December	1818	East side of Red Creek	
126	James Denmark	James Denmark		May	1820		January	1819	East side of Red Creek	
127	John W. Tanner	John W. Tanner		May	1820		January	1814	East side of Pascagoula River	
128	Stephen Denmark	Stephen Denmark		May	1820		January	1819	East side of Red Creek	
129	Rodney Cooper	Rodney Cooper		May	1820		February	1818	East side of Pascagoula River	

W. BARTON, Reg.

LIST---Continued.

NO.	PRESENT CLAIMANT.	ORIGINAL CLAIMANT.	DATE OF PRESENT SETTLEMENT.			DATE OF ORIGINAL SETTLEMENT.			WHERE SITUATED.	REMARKS.
			DAY.	MONTH.	YEAR.	DAY.	MONTH.	YEAR.		
130	Regis Bernody	Regis Bernody		January	1820		Autumn	1818	21 miles S. W. from Mobile	
131	General Clausel	General Clausel		January	1820		November	1817	West side of Mobile Bay	
132	William Richardson	Thomas Lanthrop		June	1820		Autumn	1814	5 miles from Mobile	
133	Jacob Harrell	Jacob Harrell		June	1820			1818	Head of Crooked Billet Creek	
134	Jacob Page	Jacob Page		June	1820		Autumn	1813	4½ miles from Mobile	
135	John Mason	John Mason		June	1820		Spring	1814	Chickesawhay Road	
136	John Havard	John Havard		June	1820			1817	South side of Big Creek	
137	George Frazer	George Frazer		June	1820			1816	Bolochito Creek	
138	Rasberry Byrd	Rasberry Byrd		June	1820		October	1818	Head of Sweet Water Creek	
139	Donald M'Leod	James Warden		June	1820		February	1818	Goose Pond	
140	John Spiers	John Spiers		June	1820		Spring	1818	Mill Creek	
141	Alexander Thiebout	Alexander Thiebout		June	1820		latter part	1818	H. of Bolochito Creek	
142	Bartholomew Childress	Bartholomew Childress		June	1820			1817	East side of Pascagoula River	
143	Rep. of James White	James White		June	1820			1800	White's Point, Pascagoula River	
144	Clements and Kellogg	Clements and Kellogg		February	1820		March	1814	Dog River Mills	
145	Dougald M'Coll	Dougald M'Coll		November	1819			1813	Pearl River	
146	Phebe Pollard	Phebe Pollard		February	1820		December	1817	One mile from Mobile	
147	Joseph P. Kennedy	Daniel Hartley		April	1820		early part	1815	Bogue Homo	
148	Henry V. Chamberlain	Carman Frazee		February	1820		December	1817	Near Mobile	
149	John Jeandreau, } Henry Stickney, } John W. C. Fleming }	John Jeandreau, } Henry Stickney, } J. W. C. Fleming }		April	1820		February	1819	W. Mobile Bay	
150	Edwin Lewis	William Murphy		January	1820		November	1819	Six miles W. of Mobile	
151	Henry Williams	Henry Williams		December	1819		December	1815	Red Springs	
152	Jacob Beng	Jacob Beng		December	1808			1804	Gravelline, Bayou of	
153	Joseph P. Kennedy	Cornelius Rain		Autumn	1819		Autumn	1814	South side Bogue Homo	

JACKSON COURT HOUSE, July 11, 1820.

Attest,

JNO. ELLIOTT, Clerk.

W. BARTON, Register.

WM. BARNETT, Receiver.

No. 2.

REGISTER of Claims to Land, in the District East of Pearl river, in Louisiana, founded on Orders of Survey, (requettes) permissions to settle, or other written evidence of claim, derived from either the French, British, or Spanish Authorities, which, in the opinion of the undersigned, ought to be confirmed.

No.	BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	NATURE OF CLAIM AND FROM WHAT AUTHORITY DERIVED.	DATE OF CLAIM.			QUANTITY CLAIMED.				WHERE SITUATED.	BY WHOM ISSUED.	SURVEYED.		CULTIVATION AND INHABITATION.	
				DAY.	MONTH.	YEAR.	FRONT.	DEEP.	AREA IN ARPENS.	AREA IN ACRES.			WHEN.	BY WHOM.	FROM	TO.
1	Joshua Kennedy	Francis Fisher	Spanish Government	3	July	1798	20	40	800		East side Tensa River	M. Gayoso de Lemos	No	Survey	1798	1814
2	Joshua Kennedy	Charles Ellies and Lepance	Spanish Government	1	April	1798	21	40	840		Bayou Populus	Lanzos	During Fr. & Br. gov. & from		1809	to 1820
3	Thomas Byrne	Cornelius Dunn	Spanish Government	17	September	1796	Unknown				Potatoo Bayou	Peter Oliver		Survey	1793	1804
4	Samuel Acre, for self and Heirs of Narcissus Brontin	Narcissus Brontin	Spanish Government	18	June	1798	20	40	800		Bayou Taoucha	M. Gayoso de Lemos	No	Survey	1797	1801
5	John Johnston, sen.	John Johnston, sen.	Spanish Government	10	June	1795	20	40	800		East Tombeckbe River	Baron Carondelet	No	Survey	1793	Jan. 1820
6	Augustin Lacoste	Joseph Moro	Spanish Government	21	September	1781	Unknown				Dauphin Island	Galvez	No	Survey	1781	for 20 years.
7	Joshua Kennedy	Euposina Bosage as heiress of C. McCurtin	Spanish Government Confirmed	16	August	1787			3,200		Tensa River	Stephen Miro	Aug. 3, 1810	V. S. Pintado	1810	{ 1820 by present clt.
				21	August	1810										

REMARKS BY THE REGISTER.

Some of the preceding claims have emanated from commandants, whose authority to grant permission to settle did not extend beyond eight hundred arpens, to which quantity it is conceived such should be limited. The instructions of Gayoso and Morales, seem to recognize a right in the settler after three years inhabitation and cultivation, commenced within one year from the date of the permission, or order of settlement, and continued for three consecutive years. In all such cases, it is supposed the claim ought to be confirmed, although the land has not been regularly inhabited and cultivated afterwards, if it has not been subsequently granted by the Spanish government.

W. BARTON, Register.

JACKSON COURT HOUSE, July 11, 1820.

W. BARTON, Register.

WM. BARNETT, Receiver.

Attest,

JNO. ELLIOTT, Clerk.

REGISTER of claims to Land in the district east of Pearl River, in Louisiana, founded on orders of survey, (requettes) permissions to settle, or other written evidence of claim, derived from either the French, British, or Spanish, authorities, which, in the opinion of the undersigned, ought not to be confirmed.

NO.	BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	NATURE OF CLAIM, AND FROM WHAT AUTHORITY DERIVED.	DATE OF CLAIM.			QUANTITY CLAIMED.				WHERE SITUATED.	BY WHOM ISSUED.	WHEN AND BY WHOM SURVEYED.	INHABITATION AND CULTIVATION.
				DAY.	MONTH.	YEAR.	FRONT.	DEEP.	AREA IN ARPENS.	AREA IN ACRES.				
1	Charles Lelande	Charles Lelande	Spanish ord. survey	29	May	1800	4	40	160		Near Mobile	Cayetano Perez	No survey	Not inhabited nor cultivated.
2	Ebenezer Rees	Ebenezer Rees	Spanish concession	26	January	1795			1000		Bayou Sara	Gayoso	do	do
3	Representatives F. Fontanillas	F. Fontanillas	Spanish ord. survey	10	June	1795	20	40	800		Tombeckbe River	Baron Carondelet	do	do
4	Nicholas Weeks	N. Weeks	Spanish permit	29	May	1811	5	40	200		River "De Sur"	Morales	do	{ No evidence of being inhabited or cultivated, nor that the conditions of the grant were complied with.
5	John Eubanks, Sen.	John Eubanks, sen.	Spanish permit	4	February	1802			800		River Estaupachi	I. De Olorno	do	
6	Thomas Shields	Constancio Tardiff	Spanish ord. survey	24	April	1790	20	40	800		Bay of St. Louis	Stephen Miro	do	Cultivated in 1808 by original claimant.
7	Amos Burnett	John B. Morin	Spanish permit	18	October	1807	12	40	480		Chouconpoulon	Philip Saucier	do	From 1800 to 1815.
8	John Jos. Jourdan	John J. Jourdan	Spanish permit	24	April	1798	25	40	1000		Bay of St. Louis	Gayoso de Lemos	do	{ Granted by Philip Saucier, Syndic, who had no authority to grant lands.
9	Anthony L. Carroll	Anthony L. Carroll	Spanish permit	24	July	1802			3000		Pearl River	Grand Pré	do	
10	Samuel A. Tanner	Samuel A. Tanner	Spanish permit	21	March	1799			1600		Pearl River	Gayoso	do	Not inhabited nor cultivated.
11	Francisco Suarez	Francisco Suarez	Spanish ord. survey	26	September	1799	40	40	1600		West Perdido River	B. Garcia Calderon	do	do
12	Lewis Judson & Pet. H. Hobart	John McDonald	Spanish ord. settlement	10	July	1798			1600		Bayou Sara	Ml. Gayoso	do	Inhabited and cultivated in 1802.
13	Washington Wilkins	Washington Wilkins	Spanish permit	31	January	1809			800		East Tensa River	Salazar	do	{ Inhabited and cultivated from January 1811, to January, 1820.
14	Woodson Wren	Littlepage Robertson	Spanish permit	9	June	1782					Bay of Biloxy	Grimarest	do	
15	Representatives of G. Byrne	Gerald Byrne	Spanish permit	15	January	1803	unknown				River Vosblack	I. De Olorno	do	No evidence.
16	Silas Dinsmore	Francis Krebs	Spanish permit	13	December	1783	2 leagues front, 5 in depth				Round Island	Grimarest	do	Cultivated but not inhabited.
							unknown						do	Not Inhabited nor cultivated.

REMARKS BY THE REGISTER.

Most of the preceding claims have been forfeited under the Spanish law, for want of inhabitation and cultivation; nor do they appear to be entitled to confirmation under any law of the United States. A few are granted by persons whose authority to grant is doubted, or, at most, upon so extensive a scale. In some cases the inhabitation and cultivation have not been commenced within the time required by the Spanish regulations; and, in others, have not been continued the requisite period by the original claimant or grantee, who had no power to alienate before he had complied with the conditions specified in the grant.

W. BARTON, Register.

JACKSON COURT HOUSE, July 11, 1820.

W. BARTON, Register.

WM. BARNETT, Receiver.

Attest,

JNO. ELLIOTT, Clerk.

No. 4.

REGISTER of the claims to Land in the District east of Pearl River, in Louisiana, founded on private conveyances, (which have passed through the Office of the Commandant) or other evidence, and founded, as the Claimant supposes, on Grants lost by time or accident.

No.	BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	QUANTITY CLAIMED.				WHERE SITUATED.	INHABITATION AND CULTIVATION.		REMARKS.
			Front.	Deep.	Area in arpens.	Area in acres.		From	To	
1	Rep. of Chev. and Louis de Lusser	Chev. and Louis de Lusser			unknown		Junction of Mobile and Tensa rivers	1781	1789	How long continued unknown. Under the British and Spanish governments, and until the year 1791. Cultivated whilst the British had possession of the country. Under the British and Spanish governments. During the British government Under the British government, until 1781. Under the British government, and for two years afterwards. No evidence of inhabitation or cultivation.
2	Rep. of Louis Duret	John Bte. de Lusser			unknown		Opposite Tensa and Mobile rivers			
3	Rep. of Louis Duret	Louis Duret			unknown		Junction of Mobile and Tensa rivers	1791		
4	Rep. of John Baham	John Baham			unknown		East side of Tensa river			
5	Charles Lelande	Charles Onon			unknown		Junction Deer river with Mobile bay			
6	Catalina Plock	Andre Plock			unknown		South side of Fish river			
7	Mary Stewart	Charles Stewart	2	40	80		East side Mobile bay			
8	Mary Anne Dupont	Claude Dupont			unknown		East side Tensa river			
9	Michael Le Fleau	Dr. Grant			unknown		East side Mobile bay			

REMARKS BY THE REGISTER.

Though the original grants, upon which the preceding claims are founded, have been lost, yet it is conceived that the claims to such lands, as have been inhabited and cultivated under the Spanish government, or which were inhabited and cultivated under the British government, by the person having the legal title therein at the date of the treaty of 3d September, 1783, between Great Britain and Spain, or which were sold and conveyed according to the provisions of the treaty, should be confirmed for a quantity equal to that allowed to actual settlers.

W. BARTON, *Register.*

JACKSON COURT HOUSE, *July 11, 1820.*

W. BARTON, *Register.*

WM. BARNETT, *Receiver.*

Attest,

JOHN ELLIOTT, *Clerk.*

A LIST OF ACTUAL SETTLERS

In the District East of Pearl River, in Louisiana, prior to the 3d March, 1819, who have no claims derived from either the French, British, or Spanish, Governments.

NO.	PRESENT CLAIMANT.	ORIGINAL CLAIMANT.	DATE OF PRESENT SETTLEMENT.			DATE OF ORIGINAL SETTLEMENT.			WHERE SITUATED.	REMARKS.
			DAY.	MONTH.	YEAR.	DAY.	MONTH.	YEAR.		
1	Valentine Delmas	Valentine Delmas		June	1819		June	1811	Pascagoula Bay	
2	Rene Krebs	Rene Krebs			1819		June	1801	Pascagoula Bay	
3	Rene Krebs	Pierre Krebs		June	1819		About	1789	Pascagoula Bay	
4	Antoine Krebs	Antoine Krebs			1819			1810	Pascagoula Bay	
5	Hilaire Krebs	Hilaire Krebs		June	1819		June	1794	Pascagoula Bay	
6	Isabelle Glaude	Isabelle Glaude		June	1819		June	1794	Pascagoula Bay	
7	Helen Moro	Helen Moro		June	1819		June	1794	Pascagoula Bay	
8	Jacob Holland	Jacob Holland		July	1819		Cul. only	1812	Pascagoula River	
9	Thomas Bilbo	Thomas Bilbo		July	1819		Cul. only	1812	East side of Pascagoula River	
10	John Dease	John Dease		July	1819			1809	West side of Pascagoula River	
11	Charles Holland, jr.	Charles Holland, jr.		July	1819			1812	West side of Pascagoula River	
12	Maher Lyle	Maher Lyle		July	1819		January	1812	Fork of Chickesawhay & Leaf Rivers	
13	Daniel McCaskill	Bryant Ferrill		July	1819		Autumn	1812	Skinner's Creek	
14	George B. Dameson	Mde. Neait Pacquet						1779	Above White's Point, Pascag. Riv.	For about six years.
15	William Patterson	William Patterson		August	1819			1812	East of Mobile Bay	
16	John Brewer, jr.	John Brewer, jr.		July	1819		March	1813	Pascagoula River	
17	Edmund Smith	Edmund Smith		July	1819			1808	East side of Pascagoula River	
18	Mose Strahan	Presley German		August	1819			1812	East of Pearl River	
19	Rep. Joseph Cooper	Joseph Cooper		September	1819			1810	Pearl River	
20	John Culpepper, jr.	John Culpepper, jr.		October	1819		Spring	1812	South side of Taylor's Creek	
21	Stephen Terrell	Stephen Terrell	30	October	1819	1	June	1811	Old River, near Pearl	
22	Sol. & Jos. Ford and Wm. Hunt }	John Culpepper, sen.		November	1819			1810	Pearl River	
23	John Joseph Jourdan	John Joseph Jourdan		November	1819			1807	Catahola River	Inhabited and cultivated for 15 years prior to the taking possession of the country by the United States, and from 1814 to November, 1819.
24	Eleazer W. Ripley	Pierre Morin							Jourdan River	
25	Pierre Corea	Pierre Corea		November	1819			1803	Grand Bois Fort	
26	Elisha Carver	Elisha Carver		November	1819		March	1813	South side Bay of St. Louis	
27	Melite Le Sassier	Melite Le Sassier		November	1819			1803	Bay of St. Louis	
28	Noel Jourdan	Noel Jourdan		November	1819		prior to April	1813	Jourdan River	
29	John Bte. Favre	John Bte. Favre		November	1819		April	1812	Hickory Camp Creek	
30	Charles Nicaisse	Charles Nicaisse		November	1819		prior to 15th April	1813	South side Bolochito Creek	

LIST----Continued.

NO.	PRESENT CLAIMANT.	ORIGINAL CLAIMANT.	DATE OF PRESENT SETTLEMENT.			DATE OF ORIGINAL SETTLEMENT.			WHERE SITUATED.	REMARKS.
			DAY.	MONTH.	YEAR.	DAY.	MONTH.	YEAR.		
31	Joseph Favre	Joseph Favre		June	1819	2 yrs	prior to April	1813	Catohola River	
32	John Quevre	John Quevre		November	1819			1812	Bina Choua Creek	
33	Antoine Chabert	Antoine Chabert		November	1819			1810	West bank of Jourdan River	
34	James McArthur	James McArthur		November	1819			1811	Bolochito Creek	
35	Admr. of Ths. Drury	Thomas Drury		March	1820			1812	South side of Mobile Bay	
36	Augustin La Coste	Elizabeth Hartley		March	1820			1812	Bay John	
37	Joseph Grelot	Joseph Grelot		January	1820			1810	Park Rodion	
38	Hrs. of Hen. Francois	Henry Francois	for	many years	previous to			1808	Isle Mon Louis	
39	John Bte. Lamy	John B. Lamy		February	1820			1792	West side of Dauphin Island	
40	John Cook	Francis Andrew		February	1820			1804-5	Grand Bay John	
41	Samuel Suarez	Samuel Suarez		April	1820		prior to April	1813	Bay of Perdido	
42	William Kee	William Kee		April	1820			1812	South side of "Bay" La Lantz	
43	Peter Suarez	Peter Suarez		April	1820			1812	West side of Perdido Bay	
44	Repr. of Duret	Louis Duret		April	1820		March	1790	Lot below Mobile	
45	Louis Alexis	Edwin Lewis		December	1820			1811	Pascagoula River	
46	Martha F. Dolives	Martha F. Dolives		March	1820			1812	Three Mile Creek	
47	Burwell Rouse	Burwell Rouse		March	1820			1809	East side of Pascagoula River	
48	John Bte. Rosage	John B. Rosage						1791	Six miles N. of Bayou Batric	
49	George Davis	George Davis			1820	Cul.	only, June	1811	Fork of Cedar Creek	
50	Hilaire Dubroca	Hilaire Dubroca			1812			1811	St. Philip's Bluff	
51	Henry Conway	Henry Conway		February	1820			1811	Near Blakely	
52	Maximilien Dubroca	Maximilien Dubroca			1820			1808	Twenty-one miles above Mobile	
53	Isaac Graves	Celeste Favre		June	1820			1812	Pearl River	
54	Francis Cunningham	Francis Cunningham		November	1819		March	1813	East side of Pascagoula River	
55	Elisha Lott	Elisha Lott			1820			1812	Bolochito Creek	
56	Joseph Suarez	Joseph Suarez		April	1820			1812	West of Perdido River	
57	Steph. Nicaise, natural guardian of Josephine Lebat	Joseph Lebat		June	1820			1811	Bay of St. Louis	
58	Chevalier Dedeaux	Chevalier Dedeaux		June	1820			1810	North side of Wolf River	
59	Joachim Pierre Dane	Joachim P. Dane		June	1820			1812	East part of Bay of St. Louis	
60	John Bte. Nicaise	John Bte. Nicaise		June	1820			1812	Jourdan River	
61	Charles Ladner	Charles Ladner		June	1820			1811	East of Wolf River	
62	John Ladner	John Ladner		June	1820			1812	Bay of St. Louis	
63	John Philip Saucier	John P. Saucier		June	1820		May	1812	West side of Wolf River	

How long continued is not proven.

No. 5.

REGISTER of claims to land, in the district east of Pearl river, in Louisiana, founded on orders of survey, (requettes) permissions to settle, or other written evidence of claim, derived from either the French, British, or Spanish authorities, which, in the opinion of the former commissioner, William Crawford, Esq. ought not to be confirmed, but which have been revived, and additional evidence adduced in their support, and which, in the opinion of the undersigned, also, ought not to be confirmed.

No.	FORMER COMMISSIONER'S REPORT.		BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	ADDITIONAL EVIDENCE.	REMARKS.
	NO. OF REPORT.	NO. OF CLAIM.				
1	6	96	William E. Kennedy,	William E. Kennedy,	Inhabited and cultivated from 1806 to 1814.	<i>By the Register.</i> These claims were all reported against by the former commissioner; the most of them as having been forfeited under the Spanish law, for want of inhabitation and cultivation. They have been revived under the 7th section of the act of the 3d March, 1819, and additional testimony has been offered in their support. But the testimony, in most cases, does not amount to satisfactory proof of inhabitation and cultivation, according to the Spanish regulations; and in those cases where the proof of inhabitation and cultivation are satisfactory, there are other reasons apparent, which invalidate the claims, as in the following, viz. Nos. 96, 99, 89, 93, 101, in report No. 6, which claims are founded on sales, the terms of which do not appear to have been complied with by the purchasers. Claim No. 104, Rep. 3, was reported for confirmation by the late commissioner, but not confirmed (in the opinion of the Register and Receiver) by the act of the 3d March, 1819. It should not, therefore, have been revived, and was acted on only through inadvertance. W. BARTON, <i>Register.</i> A tract of land hath been previously confirmed to the original claimant; but whether as tenant of Mr. McCandless, or not, doth not appear.
2	6	99	William E. Kennedy,	Lewis Christin,	Inhabited and cultivated from beginning 1807 to 1814.	
3	6	92	Joshua Kennedy,	George Tucker,	Inhabited and cultivated from 1798, for four or five years, under claim of said Tucker, but not by said Tucker personally.	
4	6	82	Cyrus Sibley,	Cyrus Sibley,	Inhabited and cultivated from spring of 1810, till January, 1811.	
5	6	3	Eloise J. Inerarity,	Peter Trouillet,	Peter Trouillet's slaves worked on said tract about thirty years ago.	
6	10	15	Benj. and Daniel Ward,	<i>Unknown.</i>	Occupied by Val. de Boucour, from 1780 to 1785.	
7	6	89	Joshua Kennedy,	Joshua Kennedy,	Inhabited and cultivated by a person employed by claimant, from 1807 to 1813.	
8	6	109	Joshua Kennedy,	Cornelius M'Curtin,	Inhabited and cultivated from 1798, for four or five years.	
9	6	93	Joshua Kennedy,	William McBoy,	Inhabited and cultivated from 1807 to 1820, under claimant, and by a Spaniard, employed by J. Kennedy.	
10	6	101	Francis G. Arroyo, and W. E. Kennedy,	Francis G. Arroyo,	Inhabited and cultivated by a person for original claimant, from 1812 to 1815.	
11	6	65	Augustine Lacoste,	Augustine Lacoste,	Inhabited and cultivated from 1808 to 1820.	
12	6	49	Benj. Lancier and wife,	Geralde Byrne,	Inhabited and cultivated from 1807 to 1808.	
13	6	50	Benj. Lancier and wife,	Thomas Byrne,	Inhabited in 1807 and 8, and cultivated from 1807 to 1811.	
14	6	20	Repr. of William Tervin,	William Tervin,	No evidence of having been inhabited or cultivated.	
15	6	56	Repr. of James White,	James White,	Inhabited and cultivated in 1806.	
16	6	7	Alexis Truillet,	Alexis Trouillet,	Cultivated from 1810 to 1811.	
17	3	104	William E. Kennedy,	Francis Suarez,	Inhabited and cultivated for several years prior to 1809, and to March, 1820.	
18	6	106	Joseph McCandless,	Dennis Bruin,	Inhabited and cultivated from 1812 to 1813, by John Haley.	

JACKSON COURT HOUSE, July 11th, 1820.

W. BARTON, *Register.*
WM. BARNETT, *Receiver.*

Attest, JOHN ELLIOTT, *Clerk.*

No. 6.

REGISTER of Claims to Land, in the District east of Pearl River, in Louisiana, founded on orders of survey, (requettes,) permission to settle, or other written evidence of claim, derived from either the French, British, or Spanish authorities, which, in the opinion of the former Commissioner, Wm. Crawford, Esqr. ought not to be confirmed, but which have been revived, and additional evidence adduced in their support, and which, in the opinion of the undersigned, ought to be confirmed.

NO.	FORMER COMMISSIONER'S REPORT.		BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	ADDITIONAL EVIDENCE.	REMARKS.
	NO. OF REPORT.	NO. OF CLAIM.				
1	6	68	Admr. of Joseph Collins	Joseph Collins	Inhabited and cultivated from 1800 to 1805 or 6.	
2	6	16	Samuel Kitchen	Richard Wortman	Inhabited & cultivated from beginning of 1807 to 1811.	
3	6	28	Nathan Smith	William Smith	Inhabited and cultivated from 1809 to October, 1819.	
4	5	1	Harry Toulmin & Ed. P. Gaines	Felicite Chastang	Inhabited and cultivated from 1790 to 1809.	
5	6	14	Louis Dolive	Louis Dolive	Inhabited and cultivated from 1803 to 1806.	
6	6	88	Joshua Kennedy	Richard Tervin	Inhabited and cultivated upwards of thirty years ago.	

JACKSON COURT HOUSE, *July the 11th, 1820.*

W. BARTON, *Register.*
WM. BARNETT, *Recorder.*

Attest,
JOHN ELLIOTT, *Clerk.*

REMARKS BY THE REGISTER.

Most of the preceding claims were reported against by the former Commissioner, for want of inhabitation and cultivation. The additional testimony which has been adduced in their support, amounts to full and satisfactory proof of their having been inhabited and cultivated according to the Spanish regulations; nor does sufficient reason appear why they should be rejected on other grounds.

W. BARTON, *Register.*

Register of Evidence collected in relation to Lots in the Town of Mobile.

NO.	BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	NATURE OF CLAIM AND FROM WHAT AUTHORITY DERIVED.	DATE OF CLAIM.	QUANTITY CLAIMED, IN FEET.			WHERE SITUATED.	BY WHOM ISSUED	CULTIVATION AND INHABITATION.		
					Front.	Deep.	Area in feet.					
1	James Badger	William Plumley	Actual settler	- - -	Un	known		North Dauphin street	- - -	From 1813, to August, 1819		
2	Carman Frazee	William Plumley	Actual settler	- - -						North Dauphin street	- - -	Inhabited and cultivated of original claimant, prior to 15th April, 1813
3	Repr. of Wm. Pollard	William Pollard	Actual settler	- - -				72	40	2,880	North Dauphin street	- - -
4	Telder Nicholas	Telder Nicholas	Actual settler	- - -	120	600	72,000	North Dauphin street	- - -	Occupied and cultivated prior to 1813, and to 1814		
5	Samuel Acre	Samuel Acre	Actual settler	- - -	28	120	3,060	Royal street	- - -	A house built in 1817, and occupied since said period		
6	Samuel Acre	Samuel Acre	Actual settler	- - -	220	220	48,400	St. Joachim street	- - -	A house built in 1817, and occupied since said period		
7	Henry Gunnison	Henry Gunnison	Actual settler	- - -	170	220	37,400	St. Michael street	- - -	A wharf and store erected in June, 1816, and occupied since		
8	Henry Stickney	Henry Stickney	Actual settler	- - -				East end of Dauphin street	- - -	A store built in 1818, and occupied since by claimant		
9	Daniel Duval	Daniel Duval	Actual settler	- - -				North Dauphin street	- - -	A small house built in January, 1819, and occupied as such since		
10	Richardson & Blake	Richardson & Blake	Actual settler	- - -				West side Royal street	- - -	A store built in 1818, occupied by claimant since		
11	David Rowland	David Rowland	Actual settler	- - -	27	126	3,402	North Dauphin street	- - -	Occupied and improved in 1815, and inhabited ever since		
12	Thomas G. Newboldt	Thomas G. Newboldt	Actual settler	- - -	46	140	6,440	North Dauphin street	- - -	A store built in 1818, and occupied ever since		
13	Levn Nicolas	Levn Nicolas	Spanish permit	12th Sept. 1810	60	120	7,200	Dauphin street	Cayetano Perez	Fenced in and built upon in 1810		
14	Silvain Nicolas	Silvain Nicolas	Spanish permit	19th May, 1811	6	120	7,200	Dauphin street	Cayetano Perez	Fenced in 1811, and built upon before 1813, and inhabited ever since		
15	Devises of S. Motters	Silvain Motters	Spanish permit	21st April, 1803	5	Un	known	Government street	Cayetano Perez	Inclosed in 1811, but neither inhabited nor cultivated		
16	William E. Kennedy	Alexander Baudain	Spanish permit	10th July, 1798				North east town of Mobile	Gayoso	Ditched in 1801, a house built in 1808		
17	Repr. of Benito Caro	Benito Cavo	Spanish order of survey	22d August, 1805	60	120	7,200	East Royal street	Maxent	Enclosed and a house built in 1800, occupied as a warehouse ever since		
18	John Forbes & Co.	John Forbes & Co.	Spanish concession	8th July, 1802	Un	known		On river, east of Royal street	Gayoso	Used as a levee dock, during the Spanish government		
19	Samuel Acre	Margueritte Goguette	Spanish order of survey	22d May, 1800				60	20	7,200	Conception street	C. Perez
20	Nanette Durette	Augustin Rochon	Grant lost by time or accident	- - -	6	120	7,200	St. Manuel street	Spanish government	{ Inhabited and cultivated, during the British and Spanish times, and purchased by N. Durette, at the Marshal's sale, at the suit of the United States vs. Augustus Rochons, as appears by the Marshal's sale, dated 7th November, 1818		
21	John Forbes & Co.	John Forbes & Co.	Spanish grant	10th Sept. 1810	3	arpens		Margin of Mobile river	Spanish government	Ditched in 1810, and ditched, fenced, and raised		
22	Repr. of Isc. Campbell	Isabel Campbell	Spanish order of survey	10th Aug. 1810				Back of Mobile	Cayetano Perez	Fenced and a house built in 1811		
23	William E. Kennedy	William E. Kennedy	Spanish order of survey	27th Sept. 1806				Town of Mobile	J. V. Morales	Occupied and cultivated from 1807 to 1814		
24	Michael Leflo	— Grant	Grant lost by time or accident	- - -	Un	known		Town of Mobile	- - -	Inhabited by Grant, during the British government		
25	Armand Duplantier	Armand Duplantier	Spanish order of survey	21st July, 1806				24	150	3,600	West Royal street	Spanish government
26	James Innerarity	Repr. of S. Joyce	Grant lost by time or accident	- - -	127½ &	197	front	Corner of Dauphin and Royal streets	- - -	Occupied and inhabited for thirty years past		
27	Heirs of Robt. Farmer	— Grondel	French patent	19th April, 1757				84			Government street	French government

REMARKS.

No. 13, revived claim; see Crawford's Report No 7, claim No. 18. No. 14, revived claim; see same report No. 25. No. 17, revived claim; see same report, claim No. 23. No. 16, revived claim; see report No. 6, claim No. 100. No. 18, revived claim; see report No. 7, claim No. 26. No. 19, revived claim; see report 7, claim 47. No. 22, revived claim; see report No. 6, claim No. 45. No. 23, revived claim; see report 7, claim 46. Claim No. 27, revived claim; see report No. 11, claim No. 70.

JACKSON COURT HOUSE, July the 11th, 1820.

W. BARTON, Register.

WM. BARNETT, Receiver.

Attest, JNO. ELLIOTT, Clerk.

REMARKS BY THE REGISTER ON THE PRECEDING CLAIMS.

The evidence in relation to the above mentioned claims to lots in the town of Mobile has been collected in compliance with a suggestion of the Commissioner of the General Land Office, by whom the Register and Receiver were instructed, that town lots, where the titles were incomplete, were not within their jurisdiction, but that it was desirable the evidence in such claims should be collected, in order to enable Congress finally to dispose of them.

Many of these claims were reported against by the former Commissioner, and have been revived in virtue of the 7th section of the act of the 3d March, 1819, and additional testimony offered in their support. Grants of town lots, it is believed, were made in a manner, and upon conditions, essentially different from those of country tracts or farms. In grants of the latter, *cultivation*, as well as inhabitation, was required, as much for the comfort of the settler, who derived his subsistence therefrom, as by the policy of the state, which demanded the strengthening of the province by a population of actual settlers, residents upon the soil which they cultivated. The same reason does not apply to town lots, which are never granted in sufficient quantity to admit of cultivation to any useful extent. Town lots, it is believed, were granted only on condition (if any condition were annexed) of being built upon and inhabited within a limited time and for a continued period. By the 34th article of the instructions of Morales, it is declared, that all lots or public places which should be found to be vacant, either in New Orleans or in the bourgs, or villages, or those which might thereafter be established, should be sold for cash. Most of the above claims have originated since the date of the instructions, (17th July, 1799,) are founded on *gratuitous concessions*, not on *actual sales for cash*, as required, and are therefore void. A rigid adherence, however, either to the letter or spirit of the instructions, seems not to have been observed, even by the Intendant himself, who, as will appear by a reference to the claim of William E. Kennedy, No. 23, subsequently made that concession in violation of his own rule and without assigning even a plausible reason therefor. If it were consistent with the nature of his duty, the Register would endeavor to shew the impolicy of holding the claimants of lots in Mobile to strict proof of compliance with the Spanish regulations for the allotment of lands. He will only remark, that it has come within his personal observation, that a very large proportion of the granted lots has been built upon, and is inhabited by the grantees and those claiming under them, who are generally the ancient native inhabitants, and the circumstance of the uninterrupted possession they were permitted to hold of respectively held possession of the country, do not conform in their limits or bounds, with the original British map or plan of the town, certified by the Spanish surveyor general Trudeau, and now in the possession of the principal Deputy Surveyor Mr. Dinsmore; which fact appeared from the survey recently made by him of the public ground on which fort Charlotte stands. Should it be determined to adhere rigidly to this, or any other plan, great confusion must inevitably ensue in attempting to reconcile the conflicting boundaries, and serious injury result to many, whose principal property consists in their lots and habitations. In relation to actual settlers, it will be sufficient to remark, that they comprise the principal mercantile population of the place; that their improvements are generally the most expensive, and that they cover the most valuable vacant ground in the town, with the exception of that around fort Charlotte. The unsettled and uncertain tenure by which the granted lots are held, has deterred most of the considerate settlers from purchasing, and determined them to build on public ground, and depend on the liberality of Congress to grant them a right of pre-emption at a reasonable price.

W. BARTON, Register.

REGISTER of Claims to Land in the District east of Pearl River, in Louisiana, founded on complete grants and orders of survey, which, from their nature, require a special report.

No.	BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	NATURE OF CLAIM, AND FROM WHAT AUTHORITY DERIVED.	DATE OF CLAIM.	QUANTITY CLAIMED.				WHERE SITUATED.	BY WHOM ISSUED.	SURVEYED.		CULTIVATION & INHABITATION.
					FRONT.	DEEP.	AREA IN ARPENS.	AREA IN ACRES.			WHEN.	BY WHOM.	
1	Reps. of Wm. Donaldson	William Donaldson	Spanish grant	20th June, 1804			20,000		Pascagoula river	Juan Ventura Morales	March 22, 1804.	C. Trudeau.	No evidence of inhab. and cult. From 1798 to 1810. Cult. and inh. in 1798, and for several years thereafter, and from 1808 to 1814, by the present claimant.
2	Reps. of Louis Boisdore	Louis Boisdore	Spanish order of survey	20th April, 1783			unknown		From Bay St. Louis to Pearl river	Stephen Miro	no	survey	
3	William E. Kennedy	Thomas Price	Spanish order of survey	18th November, 1798	20	30	600		Adjoining Mobile	Gayoso	no	survey	

No. 1. A grant from the Spanish government, issued the 20th June, 1804, by John V. Morales. This grant is void under the 4th section of the act of 26th March, 1804, which enacts that all grants for lands within the territories ceded by the French republic to the United States, by the treaty of the 30th April, 1803, the title whereof was, at the date of the treaty of St. Ildefonso, in the crown, government, or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority, transacted or pretended, "should be, and the same were thereby declared to be, and to have been, from the beginning, null, void, and of no effect, in law or equity." Nor can it derive any relief from the provisos contained in the said section, which require, 1st. That the grantee should be an *actual settler* upon the land so granted. 2d. That such grant should not secure to the grantee *more than one mile square* of land, together with such other and further quantity as theretofore had been allowed for the wife and family of such actual settler, agreeably to the laws, usages, and customs, of the Spanish government. It is further to be remarked, in relation to the merits of this claim, 1st. That from the date of the application for the purchase, the Spanish authorities in Louisiana must have been apprised of the cession of the province, by France, to the United States, and could not, in good faith, make grants of lands, and especially such excessive sales, after such knowledge. 2d. The title, in form, was not issued until the 20th June, 1804, more than fourteen months after the cession of the province, and six months after its actual delivery to the United States.

No. 2. This claim is founded on an order of survey, issued by governor Miro, in favor of Louis Boisdore, confirmed to his widow, Margueritte Daussin, by the intendant Morales, 4th April, 1808. Although a map, or conjectured plan, of the limits of the above claim, made by the surveyor general Pintado, the 30th May, 1810, accompanies the title papers, yet it does not appear to be the result of an actual survey, nor to have been made with geometrical precision, but merely intended for the direction of such persons as might be employed to make the survey; no survey appears to have been made. This claim extends from the Bay of St. Louis to the mouth of Pearl river, and is supposed to cover several hundred thousand acres.

No. 3. This claim was recommended for confirmation by the former commissioner, Wm. Crawford, esquire, as will appear by reference to his report, No. 6, claim No. 103, which report he was afterwards induced to alter, as appears by his letter, dated the 23d November, 1816, annexed to the record of the claim, in consequence of his belief "that it was fraudulent and ought to be rejected." Although we have received no instructions from the General Land Office, concerning the claim, yet the intimation conveyed by the annexation of Mr. Crawford's letter was too strong to be disregarded, and we assumed the responsibility of refusing to grant a certificate of confirmation, and to consider the claim in the light of a rejected one, which might be revived and additional evidence adduced in its support. The claim hath been revived, and additional evidence adduced, which amounts to full proof of its inhabitation and cultivation, according to the Spanish regulations, and the claimant disavows that his grant does, or ever was intended to include fort Charlotte, or any of the public buildings. In order to obtain a full view of the merits of the claim, and more especially to ascertain whether it would actually encroach on the fort, and the other public grounds and lots in Mobile, we have deemed it advisable to direct the principal deputy surveyor Silas Dinsmore, esquire, to make an accurate survey and plat of the said land, upon the return of which we will make a supplemental and full report of the claim, accompanied by our opinion of its justice and validity.

LAND OFFICE, JACKSON COURT HOUSE, July 11th, 1820.

W. BARTON, Register.

WM. BARNETT, Receiver.

Attest,
Jno. ELLIOTT, Clerk.

REPORT on the conflicting claims of Joseph McCandless, and Regis Bernody, both of whom claim the same tract of Land, and in relation to whose claim the former Commissioners reported favorably.

FORMER COMMISSIONER'S REPORT.		BY WHOM CLAIMED.	ORIGINAL CLAIMANT.	NATURE OF CLAIM, AND FROM WHAT AUTHORITY DERIVED.	DATE OF CLAIM.	QUANTITY CLAIMED.				WHERE SITUATED.	BY WHOM ISSUED.	SURVEYED.	CULTIVATION AND INHABITATION.	
NO. OF REPORT.	NO. OF CLAIM.					FRONT.	DEEP.	AREA IN ARPENS.	AREA IN ACRES.				FROM.	TO.
3 10	48 11	Joseph McChandless Regis Bernody	Charles Proffit Joseph S. Munora	Spa. pert. or cert. from commandant. Grant lost by time or accident.	28th Nov. 1811. 3d March, 1792.			Un known 600		Mobile Bay Mobile River	Cayetano Perez Carondelet	Nourvey Nourvey	October, 1812. 1809.	May, 1813. 1813.

Report 3. Claim 48. The Claim of Joseph McCandless is founded on the certificate of Cayetano Perez, commandant of Mobile, dated 28th November, 1811; a copy whereof is hereto annexed, which states "That the Intendant General sent to him, for information, a memorial presented by Charles Proffit, soliciting a tract of land at Mobile Point, and the tract of land above mentioned, which he had solicited at the time J. de Osorno was commandant of Mobile, which memorial, with the information required, said Perez returned to Pensacola, to the Intendant. This inchoate claim of Charles Proffit, (if it deserve the appellation,) on the first day of April, 1812, was transferred by said Proffit to James Bready, who, on the 14th of the same month transferred the same to the claimant. It is alleged by the claimant, that the title papers under which he claims were destroyed by fire, which consumed the records of Pensacola in 1811; but, it does not appear that any subsequent proceedings had taken place, in relation to the memorial of the said Proffit, in the office of the Intendancy, after its reference to the commandant of Mobile for information, and the transmission of such information to the office of the Intendancy. According to the Spanish regulations, the information required by the Intendancy, in relation to applications for land, is the incipient proceeding, which serves as the basis of such subsequent proceedings as may be determined upon by the Intendancy; and this information is directed, in most cases, to the ascertaining whether 'the lands solicited be vacant,' and whether the grant of them would not operate to the detriment and prejudice of third persons." Commandant Perez certifies, that he returned to Pensacola, the information required, in obedience to the order of the Intendant; but, he does not state, whether the information forwarded was favorable or adverse to the application of Proffit. Admitting, however, that the usual proceedings had taken place, in relation to this claim, it is in proof, from the testimony of James Innerarity hereto annexed, (marked A. No. 3,) "that Proffit never did, either by himself or agent, at any time before, or subsequent to, his application, much less within three years (the time required by the instructions of Gayosa and Morales,) establish himself upon, or cultivate the said land, and consequently having entirely failed

to comply with this essential requisite, in all gratuitous concessions, this concession, accordg to the accustomed stipulations and limitations, became void, and the alienation of it by Proffit, the grantee, must have been in direct opposition to both its letter and spirit.

Report No. 10, Claim No. 11. The claim of Regis Bernody is founded on a conveyance made to him by Joseph Gasper Munora, at Pensacola, which passed through the office of the commandant, as all authentic conveyances must have done, in the Spanish posts of the Intendancy, and recognizes the original grant or concession of the same made by the Baron Carondelet, in favor of said Munora, on the 3d March, 1792, which grant was produced by Munora, on the day of the execution of the conveyance to Bernody. The proof of the inhabitation and cultivation by Bernody, (until forcibly expelled by McCandless,) is complete, and the inference is strong that Munora, the grantee, did comply with the essential conditions of the grant, inasmuch as the instructions of Morales expressly charge the "notaries and commandants not to pass any conveyances of lands, where the conditions of the grant were not previously proven to have been complied with;" and independently of this consideration, the declaration of Munora, in the conveyance to Bernody, that it was "the same land that Antonio Espejo worked with his permission," made too, at a time, when it could not be imagined that any rival claim would arise, furnishes a violent presumption that the land was inhabited, or cultivated, by or for Munora, agreeably to the Spanish regulations. A full report of all the evidence presented by the conflicting claimants is herewith presented.

Upon the best view we have been able to take of the relative merits of these claims, were decidedly of opinion that the claim of Joseph McCandless ought to be rejected, and that of Regis Bernody confirmed.

W BARTON, Register.

REPORT OF EVIDENCE

IN RELATION TO THE CONFLICTING CLAIMS OF JOSEPH M'CANDLESS AND REGIS BERNODY.

To the Register of the Land Office and Receiver of Public Moneys for the district east of Pearl river, acting as Commissioners, &c.

You will be pleased to take notice, that I protest against a certificate issuing to Joseph M'Candless, for the place whereon the said M'Candless resides, called the Brick-yard, situate on the west side of Mobile bay, about one mile below the city of Mobile; the said place having been confirmed to me under the report of the late commissioner, William Crawford, Esq. by the act of Congress, passed the 3d of March, 1819, for adjusting the land claims of this district.

REGIS [R. B. his mark] BERNODY.

District east of Pearl river, 28th Feb. 1820.

A—No. 1.

Testimony in support of the claim of Regis Bernody.

[TRANSLATION.]

Be it known, that I, José Gaspar Munord, inhabitant of the city of Havana, and at this time of this place, acknowledge, that I sell, bona fide and effectually, to Regis Bernody, free mulatto of the town of Mobile, fifteen arpens of land, front on the eastern side of the river, and on the river and marshy lands, with forty deep to the west; bounded on the south, by lands belonging to Mr. Francis Fontanillas; on the north, by those said to belong to Mr. Favre, formerly interpreter for His Majesty of the Choctaw nation; it being the same tract of land that the late Antonio Espejo cultivated with my permission, which was granted to me by his excellency the Baron de Carondelet, formerly governor general of these provinces, as may be seen

by the title therefor, which I deliver to the purchaser, bearing date the 3d of March, 1792. And the said land I sell to the aforesaid Regis Bernody, free from incumbrance and mortgage, neither of which there is in this government, for and in consideration of the sum of one thousand one hundred and thirty dollars, to me cash in hand paid, the receipt whereof I do hereby acknowledge; wherefore, I give up and relinquish all right, title, and claim, which to the said land I had or held, and the whole thereof I yield, renounce, and transfer, to the purchaser, his heirs and assigns, in order that, as legitimate owner thereof, he may possess, exchange, sell, or alienate it at pleasure, by virtue of this writing, which, in his favor, I give, whereby he may be seen to have acquired legal possession without the necessity of any other proof, wherefrom I exempt him, and oblige myself to guarantee, in every lawful form, the legality of this sale, to the extent of all my property present and to come, with submission to the power and justice of his majesty, whereby I may be compelled to the fulfilment thereof, whereupon, I relinquish the laws in my favor with the general in form that forbids it. And I, Don Peter Palao, captain of the Louisiana regiment of infantry, attorney for the aforesaid Regis Bernody, accept, in his name, for him, his heirs, and successors, the present deed of conveyance; and, by virtue of it and of my instructions, I also accept the purchase of the fifteen arpens of land front, by forty deep, for the price, and on the conditions, hereinbefore stipulated, with which, in his name, I acknowledge myself to be satisfied. In testimony whereof, these presents are executed in Pensacola, this 24th day of March, 1813.

I, Don Mauricio de Zunega, colonel of the army, political and military governor pro tem. of this place, and of the province of West Florida, certify, that the parties have agreed as above.

Witnesses. Antonio Molina, Ignatio Cruzat, and Anastasio Montesdevid.

Witnesses of assistance for want of a notary public. Domingo Sausa, and José Ignacio Rebollar, who have signed with me, José Gaspar Munora, Peter Palao.

Before me, Mauracio De Zunega, Domingo Sausa, José Ignacio Rebollar.

I certify this to be conformable to the original which exists in the archives of this government; and, at the request of the party interested, I give the present on the pages of common paper, the sealed not being in use.

MAURICIO DE ZUNEGA.

DOMINGO SAUSA.

JOSE IGNACIO REBOLLAR.

I certify the above to be a correct copy of the original, in testimony whereof, I have hereunto set my hand and seal of my office.

ZENON ORSA, *Notary Public.*

Mobile, 18th June, 1813.

No. 2.

Peter Lorendine, being sworn, saith, that the land claimed by Regis Bernody, and lying on the east side of Mobile river, has been occupied by said Bernody about four years, for the purpose of making bricks.

Though the papers call for the land on the east side of Mobile river, claimant and witness say the land lies on the west side of said river.

No. 3.

NEW EVIDENCE.

Land Office east of Pearl river.

Before the undersigned, register and receiver of said office, personally appeared James Innerarity, of this town, who, being duly sworn, deposeth and saith, that, as far back as 1802, in the month of October and November, he knew the lands claimed by Regis Bernody, and by Joseph M'Candless, and that there was then a small brickery worked thereon, but by whom he did not inquire; that he afterwards knew Antonio Espejo to have worked it, and subsequently, in 1809 or 10, he knew Regis Bernody to be in possession of the land, who was supplanted by M'Candless under a conveyance from Charles Proffit. That he, the deponent, knew Proffit, and was for some time intimate with him, but never heard from him that he had any claim to this land; that he learned it, however, by public report, that he had obtained some species of permit from commandant Osorno, who was commandant here till towards the close of 1805, or the beginning of 1806; that said permit must have been irregular in its nature, or surreptitiously obtained on account of the land being in previous occupancy, and that, allowing it to have been regular, it must have become forfeited by the non-occupancy of Proffit, who never, to this deponent's perfect knowledge, ever struck a hoe into the ground or made any improvement thereon by himself, or by others on his account. That the certificate given by Losada, recorded in the commissioner's books, is irrelevant and irregular, inasmuch as, even allowing them to have been burnt, some notice of them would have remained in the office through which they had to pass previously, viz. the intendency, and, moreover, the *originals* ought to have remained in Mobile, the regular course being to keep them in the archives, and to furnish copies to the parties interested for their purposes. That the claim of Proffit, such as it is, was offered, for a trifling consideration, to this

deponent by James Bready, previous to its conveyance to McCandless, but was rejected under an impression of its irregularity.

JAS. INNERARITY.

Sworn to before me, 28th February, 1820.

W. BARTON, *Register*.

No. 4.

John Chavana, Thomas Blair, and Dominic Salle, being duly sworn, depose and say, that, to their own certain knowlege, Regis Bernody did inhabit and cultivate a certain tract of land, lying about one mile, more or less, from Mobile, in a southerly direction from the same, in the year 1809 or 10, and made brick on the same; and that they had no knowledge of Joseph McCandless having any claim or possession of the said tract of land, until after the Americans took possession of this country.

JEAN CHAVANA,
THOS. BLAIR,
D'QUE SALLE.

Sworn before me,

WM. BARNETT.

Teldar Nicholas, being sworn, deposeth as above.

WM. BARNETT.

T. NICHOLAS.

Mobile, 1st February, 1820.

No. 5.

Sebastian Caro, being duly sworn, deposeth, that, about eight years ago, say in 1812, deponent heard a conversation between an officer of the commandancy of this jurisdiction, whose name he does not recollect, and his father, Don Benito Caro, in which the said officer declared, that a large crop-eared horse, which the commandant, Cayetano Perez, at that time rode, was given to the said Perez by Joseph McCandless, as a consideration for his granting to the said McCandless the tract of land whereon the said McCandless now resides, and which he uses as a brick yard, and which is claimed by Regis Bernody: further deponent saith not.

SEBASTIAN CARO.

Sworn to and subscribed before me,

W. BARTON, *Register*.

No. 6.

I certify that, shortly after Mobile was taken possession of by the United States, I was an officer of the United States service, and employed in and about Mobile; that I applied to Regis Bernody, living in Mobile, to purchase from him some brick for Fort Charlotte, which were made, with the exception of burning, and which were on a place now occupied by Mr. McCandless, and that the said Regis told me that he could not supply me, in consequence of the said McCandless beating and driving off all his hands, which were sent to work at the said brickery.

A. L. SANDS.

Mobile, 23d March, 1818.

I certify that I was present at the wharf when Captain A. L. Sands put his name, with a pencil, to the above certificate, he being about to leave Mobile.

HENRY V. CHAMBERLAIN.

B. No. 1.

Testimony in support of the claim of Joseph McCandless.

TRANSLATION.

I, Don John Miguel de Losada, minister of the royal revenues of the Indies, honorary contada, and treasurer of the royal coffers of the principal ministry of West Florida, commissary of war, and officer of the royal revenues, certify, that Mr. Charles Proffit preferred a memorial some years past, (en los anos ultimos) soliciting a tract of land in the district of Baton Rouge, which, having been submitted to the inspection of the officer of the revenue, was returned, in order that the ordinary steps might be taken thereon to a conclusion, and not having read the said memorial throughout, I cannot affirm positively that he solicited the eighteen thousand arpens expressed in the memorial now presented by him, soliciting that quantity, although I can certify that he preferred that petition wherein he alleges that he sold the lands he possessed in the said district, to defray the expenses he incurred during the time he was employed in drawing a map of the coast of Florida, for the use of Don Vincente Folche, commandant thereof; which, in the month of September, 1811, was submitted to my inspection, with another petition of the said Proffit, wherein he solicited a small tract of vacant land, lying in the district of Mo-

bile; but there happened, unfortunately, a fire early in the morning of the 24th of October following, whereby the books and public records of this government were burnt, without the possibility of saving a single paper, in consequence of the rapidity of the flames, and in which was also burnt the petition of Proffit, the titles therein solicited not having been issued previously to that event. In testimony whereof, and in order that it may answer the purposes of said Proffit, I give this certificate, at his request, in virtue of a marginal decree, passed on the 1st inst. by the Intendant and Superintendant General, sub-delegate of the royal revenues of this province, in the practical ministry of Pensacola, this 7th of August, 1812.

JOHN LASADA.

No. 2.

I, Don Cayetano Perez, captain of the Louisiana regiment of infantry, civil and military commandant of the town of Mobile, and of the jurisdiction thereof, certify, that the Intendant general of this province sent to me for information a memorial preferred by Mr. Charles Proffit, soliciting a tract of land on Mobile Point, and another betwixt the lands of Mr. Favre, and Messrs. John Forbes & Co. which he had solicited at the time when Don Jonquim De Osorno was commandant at Mobile, which memorial, with the information required, I returned to Pensacola to the Intendant.

In testimony whereof, and at the request of the said Charles Proffit, I give the present, at Mobile, this 28th day of November, 1811.

CAYETANO PEREZ.

No. 3. Bill of sale from Proffit to James Bready, dated at Mobile, 1st April, 1812.

No. 4. Bill of sale from Bready to Joseph McCandless, dated Mobile, 14th April, 1812.

No. 5. Inhabited and cultivated since October, 1812.

NEW EVIDENCE.

No. 6.

Personally appeared before me, the undersigned, Register of the Land Office, James Innerarity, Esq. who, being sworn, deposes and

says, that he has been regularly an inhabitant of Mobile, since the year 1807; that he has occasionally visited the said place since 1798, and has known the inhabitants thereof since the year 1802, but has never known or heard of any such person as José Gaspar Munora, as an inhabitant or proprietor within the jurisdiction of Mobile, under whom it appears Regis Bernody claims a tract of land, claimed also by Joseph McCandless; and that he does not know that either Regis Bernody, or Antonio Espejo, ever cultivated the said land in an agricultural point of view, but that they both, at different periods, made bricks thereon, and that Joseph M'Candless has inhabited and cultivated the same since the year 1812.

JAMES INNERARITY.

Sworn to before me, the 4th March, 1820.

W. BARTON, *Register.*

No. 7.

Sebastian Caro was also produced as a witness, who, being duly sworn, deposes, that he was born in Pensacola; he was raised, for the most part, in Mobile; that he has always been acquainted with the inhabitants of Pensacola and Mobile; that he has never known any person, or heard of any one, by the name of José Gaspard Munora, or that any one of that name claimed land within the jurisdiction of Mobile.

SEBASTIAN CARO.

Sworn to and subscribed before me, 4th March, 1820.

W. BARTON, *Register.*

No. 8.

Lewis Indion was also produced, who, being sworn, deposes and says, that the land whereon Joseph M'Candless now resides has been inhabited and cultivated by him since about one or two years before the change of government, and that the said land is now inhabited and cultivated by him.

L. INDION.

Sworn to and subscribed before

W. BARTON, *Register.*

4th March, 1820.

