

Mr. Tipton from the committee on public lands, made the following report in the United States Senate, on the 7th ult., on the subject of the salt lick section (as it is called) in this (Dearborn) county.

The Committee on Public Lands, to whom was referred a joint resolution of the General Assembly of the State of Indiana on the 3d of February last, and a resolution of the Senate of the 3d of May, 1832, with instructions to inquire into and report all the facts and proceedings in relation to a reservation and sale of the northeast, northwest, and southwest quarters of section 25, township 6, of range 1, west of the meridian drawn from the mouth of the Great Miami river, having given the subject that attention which a resolution of so honorable a body, as the General Assembly of a State, requires of a branch of the National Legislature, beg leave to report:

That, from an examination of the resolution presented to the Senate by the General Assembly of Indiana, it appears that that State claims the three quarter sections of land above referred to, by virtue of the 6th section of the act of Congress of 19th of April, 1816, which grants to that State all salt springs within its limits, and the land reserved for the same, not exceeding, in the whole, the quantity contained in 36 entire sections; and alleges that, ever since the adoption of her constitution, she has had undisputed possession of these lands—has, in accordance with the terms of the said grant, leased and exercised other acts of ownership over them; and that, particularly on the 4th day of January, 1830, these three quarter sections of land were leased by the Hon. M. C. Eggleston, President Judge of the third judicial circuit, on behalf of the State, to one David Guard, for a term of three years, who took possession, and placed Mary Muir, John Davis, and Thomas Branigan thereon, as tenants; and they complain that these tenants through the agency of an attorney, have been permitted to purchase these lands from the United States, as occupants thereof, under the pre-emption law of May, 1830, at the minimum price of one dollar and twenty-five cents per acre, when, in fact, they were the rightful property of the State of Indiana, and are worth, in cash, eight thousand dollars.

It is further stated in the resolution, that patents have been issued from the General Land Office for this property, and that the holders under the patents have conveyed the same to third persons, who are now claiming to hold the same in virtue of such sale and conveyance, thereby defrauding the State of Indiana of her vested rights therein.

In the investigation of this matter, it would seem to be the duty of the Committee to present to the Senate: 1st. All the facts going to establish the claim of the State of Indiana to the land in question, by showing that there is, or is not, a salt spring on section 25, to bring it within the provisions of the acts of Congress of 1816, under which the reservation and grant is claimed by that State; and, secondly, to present the facts in relation to the sale by the officers of the Government, and the attorney in fact who transacted the business on the part of the claimants under the pre-emption law.

The committee are of opinion, that, to effect this object, it will be most plain and intelligible to refer to the general laws, to incorporate all special acts in relation to the section of land in question, and all the correspondence between the late and present Commissioner of the General Land Office, and the land officers at Cincinnati, and with the committee, and members of Congress.

These will consist of a reference to the general act of 1796, (page 421 of the Land Laws,) the 4th section of the act of 1800, (page 457,) the 12th section of the act of 1804, (page 501,) the 4th section of the act of 1805, (page 538,) the act of 24th April, 1820, (page 770,) the act of 23rd of May, 1830, and of the incorporation of the special acts of the 24th February, 1815, the act of 19th April, 1816, under which the State claims, and of the act of 12th of February, 1831, directing these three quarter sections of land to be sold as other public lands are sold.

The correspondence is numbered from 1 to 9, including the petition of David Guard, which is also submitted.

No. 1.
General Land Office, May 12, 1832.

SIR: I have the honor to communicate to the Committee on Public Lands, in compliance with your letter of the 7th inst., copies of all the correspondence of this office, which contain all the facts and proceedings in relation to the reservation and sale of the northeast, northwest, and southwest quarters of section 25, of township 6, of range 1, west meridian, as known to this office required by the resolution of the Senate of the 3d instant; which is herewith returned.

With great respect, your obedient servant,
ELIJAH HAYWARD.
Hon. WILLIAM R. KING, Senate U. S.

(Extract.)

No. 2.
Land Office, Cincinnati, Feb. 8, 1823.

In regard to the saline reservation, (section 25, t. 6, 1, west,) about which the Hon. Mr. Noble has made inquiry, I have to state, that Daniel Perine entered the southeast quarter on the 25th of May, 1815, under an act of the 24th February preceding, (Land Laws, page 185,) the same having been duly examined at the instance of the register and receiver, and found to contain no salt spring, or springs, valuable for the purpose of making salt." No law having since been passed in relation to the remaining three quarters, (unless, indeed, the act of the 24th of April, 1820, may be so construed,) they have not hitherto been offered at public sale, and are not, therefore considered now open for entry.

The authority under which this tract was originally reserved, will be found (in the third section of the act of May 18, 1795,) by turning to page 113 of the last edition of the "Land Laws."

PEYTON S. SYMMES,
Register
To the COMMISSIONER of the General Land
Office.

No. 3.

GENERAL LAND OFFICE, March 18, 1826.
SIR: Your letter of the 8th ultimo, explanatory of the entry, by Daniel Perine, of the southeast quarter of section 25, township 6, range 1 west, has been received. The provisions of existing laws will be sufficient authority for the offering of the three remaining quarters of that section at the next public sale of relinquished lands.

I am, &c.
G. GRAHAM.
P. S. SYMMES, Esq., Register, &c.
Cincinnati Ohio.

No. 4.

GENERAL LAND OFFICE, March 18, 1826.
SIR: Enclosed is a copy of a letter from the Register of the land office at Cincinnati, Ohio, in relation to what was supposed to be a saline reservation in section No. 25, township 6, range 1, W. M. L. The entry of the southeast quarter of that section, appears to have been made under the authority of a special act to that effect (vide, Land Laws, page 135.) The three remaining quarters not having been yet exposed to public sale, will be offered for sale with the relinquished lands under the existing laws.

I am, &c.
GEO. GRAHAM.
Hon. JAMES NOBLE, Senate U. S.

No. 5.

GENERAL LAND OFFICE, Dec. 14, 1829.
SIR: The Hon. W. Findlay having inquired, in your behalf, to ascertain the time when sec. 25, town. 6, range 1 west, in the Cincinnati District, would be offered for sale, I have to inform you that it will be included in the next proclamation directing sales at the land office at Cincinnati; and I have to request that you will, in the meantime, prevent, as far as in your power any person from injuring that tract, by taking from it either stone or timber.

Very, &c.
G. GRAHAM.
Mr. DAVID GUARD, Lawrenceburg Indiana.

No. 6.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, David Guard, of the county of Dearborn, and State of Indiana, showeth unto your honorable body, that section twenty-five, in township six, range one west of the principal meridian, of the lands directed to be sold at Cincinnati, was reserved from public sale, under the impression that said section contained a valuable salt spring; that, many years ago, when salt was obtained with great difficulty in the western country, some fruitless attempts were made to procure salt therefrom, but, after much labor and pains, it was found totally impracticable to do so at any reasonable expense, and the spring was accordingly abandoned as useless and worthless. That, in the year 1815, a law was passed by Congress, authorizing the register and receiver of public moneys at the land office at Cincinnati, to permit one Daniel Perine, of Indiana, to enter and become the purchaser at private sale, on the usual terms of sale, the southeast quarter, of said section, if the said register and receiver should be satisfied that the said remaining three quarters of said section is extremely rough and broken; so much so, that it is not susceptible of ordinary tillage, and can be useful for pasture only and the small portion of timber upon it, and even the latter has been so long a subject of depredations by the surrounding inhabitants, as to become almost worthless; and, if remaining much longer unoccupied, it will be valueless to the government, and useless to individuals. This land joins the lands of your petitioner, in consequence of which he feels desirous to attach it to his farm, believing it will be more advantageous to him than any other person, and, perhaps, will indemnify him for the purchase money; wherefore he prays your honorable body to permit him to enter the remaining three quarters of the said section, and become the purchaser of the same at private sale, in the same manner, and for the usual price of public lands; and he, as in duty bound, will ever pray, &c.

Respectfully yours,
DAVID GUARD.
No. 7

LAND OFFICE, Cincinnati, June 3, 1831.
SIR: Among the tracts recently claimed by pre-emption rights, are the three remaining quarters of the section near Lawrenceburg, commonly known and designated as the "lick section," or "saline reserve," (N. E. N. W., and S. W. 25, 6, 1 W.) But, as some doubts arose, on the part of the receiver and myself, whether this section had not been "reserved from sale," in such a manner as to shield it from the operation of the act of the 29th May, 1830, and more especially as it was expressly ordered to be offered at next August sales by authority of an act of Congress passed after the date of the pre-emption law, with the advice of Judge McLean, we came to the conclusion that it would be most decorous to avoid looking behind the peremptory Congressional order to sell, for the grounds of a decision; and the applications filed by Mr. Lane, were, accordingly, received as conditional only, and subject to the revision and direction of your department.

As Mr. L. was anxious that the papers should be forwarded in time to meet him

on his arrival at Washington, I enclose them, herewith, and will forward, in a few days, with our returns, such additional facts on the subject as the records of this office, and further inquiries may develop.

I am, &c.
PEYTON S. SYMMES.

Hon. ELIJAH HAYWARD,
Commissioner of the General Land Office.
No. 8.

GENERAL LAND OFFICE, June 10, 1831.

SIR: Your letter of the 3d instant has been received. No evidence can be found in this office going to show that section 25, township 6, range 1 west or any part thereof, was directed to be reserved from sale by reason of its including a salt spring, or from any other cause.

The act of 24th February, 1815, entitled "An act for the relief of Daniel Perine," authorized the entry, by said Perine, of the southeast quarter of that section, but does not intimate that the tract was reserved from sale by authority.

Your letter of the 8th February, 1826, represents, that the three remaining quarters of that section had not been offered at public sale, but does not state that they were reserved from sale by authority. If your office exhibits no authority for making the reservation, those tracts cannot be regarded as subject to the restriction imposed by the 4th section of the pre-emption law of the 29th May, 1830, which is, that the right of pre-emption contemplated by that act, "shall not extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever."

If, therefore, pre-emption claims are established to those three quarter sections under the act of 29th May, 1830, they are valid in law; and the subsequent act directing them to be exposed to public sale, cannot take effect, inasmuch as, in so doing, it would interfere with rights reserved by a previous act. The papers are returned herewith.

I am, &c.
E. HAYWARD.
PEYTON S. SYMMES, Esq.,
Register &c. Cincinnati, Ohio.

P. S. In case you should discover any evidence in your office to justify you in reserving those lands from sale, you will be pleased to suspend proceedings, and report thereon.

No. 9.

By a special act of Congress, of 24th February, 1815, the sale of the southeast quarter of this same section is authorized, as will appear from the following:

"Be it enacted, &c. That the register and receiver of public moneys for the district of Cincinnati, shall permit Daniel Perine, of Indiana Territory, to enter and become the purchaser, at private sale, of the southeast quarter of section numbered twenty-five, of township numbered six, in range numbered one west, in the Cincinnati district, if, on due inquiry, the said register and receiver shall be satisfied that the said quarter section does not contain any salt spring, or springs, valuable for the purpose of making salt. And the said Daniel Perine shall be entitled to a grant of the aforesaid quarter section, on completing the payments therefor, on the terms and conditions provided for the sale of public lands sold at private sale.

That part of the act of 19th of April, 1819, under which the State of Indiana claims, is the second proposition of the 6th section, and is as follows:

"That all salt springs within said Territory, and the land reserved for the use of the same, together with such other lands, as may, by the President of the United States, be deemed necessary and proper for working the said salt springs, not exceeding, in the whole the quantity contained in thirty six entire sections, shall be granted to the said State, for the use of the people of the said State, the same to be used under such terms, conditions, and regulations, as the Legislature of the said State shall direct: Provided, The said Legislature shall never sell, nor lease the same for a longer period than ten years at any one time."

On the 16th December, 1831, a bill was introduced, on leave, into the Senate of the United States, granting to David Guard of Indiana, the right to purchase, at private sale, the southwest, northwest, and northeast quarters of section numbered twenty-five of township number six, in range number one west, in the Cincinnati district under the same rules and regulations that govern the sale of other public lands of the United States."

By the act of 1796, aforesaid, the surveyor was required to note in his field book, all mines, salt licks, salt springs, and mill seats. The same act reserves from sale, all salt springs with one mile square, and such other sections as the President shall designate. From this act, to the act of 1816, under which the State claims, all the acts of Congress reserve from sale by express words, all salt springs, and such sections as had been reserved for their use by order of the President.

There being no evidence in the field notes, or in any book, map, or plat in any of the offices, that section 25 ever had upon it a salt spring, or was ever reserved as such, or for the use of a salt spring, or for any other purpose, the committee cannot see by what authority the State claims this section as being embraced in the provisions of the act of 1796 or, of 1816.

In 1815, Congress passed a special act authorizing Daniel Perine, of the Indiana Territory, to enter at private sale, the south-

east quarter of this section; and, in 1831, an act passed directing the President to cause the three remaining quarters to be sold at public sale. At the time of passing the last-mentioned act, the delegation in Congress from the State of Indiana, part of whom were members of the convention that formed her constitution, alive to her interest, and well acquainted with her rights, would surely have claimed this land, if they had considered it a reservation belonging to that State. It appears to the committee, from the above documents and proceedings, that the Commissioner of the General Land Office, and the Register at Cincinnati, acted with great caution in the sale of the three quarter sections of land mentioned in the resolution; and, if there has been fraud practised by the attorney in fact for the purchasers, or by any other person, the committee have not been able to detect it. They, therefore, offer the following resolution:

Resolved, That the Committee be discharged from the further consideration to the memorial of the Legislature of Indiana, and the resolution of the Senate of the 3d of May, 1832.

From the N. Y. Courier & Enq. June 23.

THE CHOLERA.

It appears that this awful scourge is taking the direction of the western states. It has marched up both sides of the St. Lawrence as far as Prescott on the Canada shore, and Ogdensburg on the United States, mowing down its victims, unpitied and unknown. It has already reached Sackett's Harbour, at the foot of Lake Ontario. A reasonable expectation may now be indulged that its course will be westward with the tide of emigration. The decided and prompt measures taken by the authorities of New York on the Northern Canal and Lake Champlain, furnish great cause of gratulation to this part of the country.

It is highly probable that New York and the Atlantic sea-board will, for the present, escape, especially if the same vigilance, care, temperance, and cleanliness be continued which have hitherto marked our conduct in this section of the country. Let not our public authorities, however, relax their exertions for a single moment.

Our papers are from Montreal of the date of Saturday, 16th, containing information up to the evening of the 15th, but we have been favored with the following letter of Sunday, the 17th, at half past 12 o'clock. Its contents are of the deepest interest.

Montreal, Sunday, 17th June, 1832,

Half past 4 o'clock P. M.

Messrs. C. MILLS & Co. N. Y.

Gentlemen—We have merely time to say,

that the Cholera has raged more for the last 24 hours, than at any previous period.

Great numbers who were walking our streets yesterday morning, are now in eternity.

The city is all commotion. Of the victims of the disease, we notice Mr. Sweeny, potash inspector; Mr. Rutherford, the public contractor; Mr. Scott, of the custom house; and a great many others of our acquaintance we could add, if time served.

We see scarcely nothing but carts with the dead. The disease now proves fatal in one or two hours. We have just learned that B. Thatcher, the livery stable keeper, died at St. John's on his way out.

In great haste, yours truly,

C. & J. E. MILLS.

Another letter, from Montreal, dated June 16, states that four clerks in a respectable mercantile house, went to bed well on the evening of the 15th, and were all dead next morning.—And that on the morning the letter was written, there were twelve emigrants found in a small compass in the street, six of whom were dead, and the rest not likely to recover.

The writer adds, "although the deaths up to yesterday, 2 o'clock were reported only 210, they now exceed 400! 5 o'clock, P. M. 16th."

Speaking of the description of persons attacked, the Montreal Gazette says:

Another fact cannot fail to strike every one with surprise, is, that but a very small proportion of the cases are among nearly arrived emigrants or those connected with them or with shipping, but the disease seems to have fallen with the greatest severity on the natives or those who have been long residents in the country.

From the Boston Morning Post.

CHOLERA.

The following letter has been received by a gentleman in this city, (Boston,) last evening:

Concord, N. H. June 19th.

My Dear Sir:—The Cholera has arrived at Montpelier, Vt. One case occurred yesterday—an Irish emigrant. The people are in great alarm.

Yours, in haste.

From the Albany Argus of yesterday.

Dr. Wm. Tibbits made a communication to the President of the village, [Mechanicsville] relative to the symptoms of an English emigrant who left Montreal, Monday week and died at Mechanicville, Tuesday, 9 o'clock, A. M. after an illness of 18 hours, from which it is unquestionable that his death was occasioned by the Asphyxia or India Cholera.

[Signed] ELIJAH PORTER.

PLATTSBURGH.

A letter dated Plattsburgh, June 19, 1832, 4, P. M. says—"Our village is in great alarm—we have had six cases of the Cholera—4 have proved fatal. There has been but one case since Saturday night, and that was a case this morning about 9, A. M. They say at this moment the man is likely to recover.

All the cases, thus far, have been confined to Canadians and Irish, of the very lowest order as to filth and intemperance excess. The Board of Health at Burlington, have reported one case yesterday.