

12-19-1828

## Pre-emption to certain persons in Florida.

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PRE-EMPTION TO CERTAIN PERSONS IN FLORIDA.

DECEMBER 19, 1828.

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

**REPORT :**

*The Committee on the Public Lands being instructed to inquire into the expediency of granting the right of pre-emption to those persons in Florida whose improvements were sold in 1825, and those included in the lands ceded to the Indians, and who would have been entitled to a pre-emption if the sale and cession had not been made before the passage of the pre-emption law of 1826, report :*

That, by the act of 22d April, 1826, the right of pre-emption to a quarter section of land was given to heads of families, or persons over the age of 21 years, who, on or before the 1st day of January, 1825, had actually inhabited and cultivated a tract of land in Florida, and had not removed therefrom; of which settlement, proof was required to be made to the Register and Receiver of the Land Offices. But in May, 1825, and before the passage of the pre-emption law, a part of the public lands in Florida was sold by the United States; and it appears by a certificate of the Register and Receiver at Tallahassee, that eight persons had made settlements on the lands which were sold, who, under said pre-emption law, had the sale not been made, would have been entitled to a pre-emption in the land they occupied. These persons, in the opinion of the committee, were equally entitled to the favor of the Government, on account of these early settlements, with those who did not happen to live on the lands which had been sold before the privilege of pre-emption was recognized; and as the best amends which can now be made for the loss of their improvements and the lands they had selected, they ought to be allowed the privilege of entering an equal quantity of land, at the Government price, elsewhere.

The testimony on the other branch of the resolution shows that two persons, namely, Ellis Wood and Mary Dawes, were actually settlers, and would have been entitled to a pre-emption, but that the land on which they lived had been reserved to an Indian Chief, by the treaty of the 18th of September, 1823. That, by the act of 2d February, 1827, section 15, the right of pre-emption, elsewhere, is given to three persons who had made settlements on lands reserved to Indian Chiefs by the same treaty; and the committee see no reason why these two persons should not have the same relief, and report a bill for that purpose.