

A. B. ROMAN.

[To accompany bill H. R. No. 391.]

JUNE 10, 1854.

Mr. NICHOLS, from the Committee on Private Land Claims, made the following

## REPORT.

*The Committee on Private Land Claims, to whom was referred the memorial of A. B. Roman, having given to the same full consideration, beg leave to report:*

That the memorialist, A. B. Roman, is a resident of the parish of St. James, in the State of Louisiana. He has now in possession, and has always deemed himself the owner in fee simple of, a certain tract of land, situated in the said parish, on the right bank of the Mississippi river, about sixty miles above the city of New Orleans, which measures twenty-seven arpents six toises front upon the Mississippi river, and runs back to the stream or bayou called *Icetamon*. A portion of said tract, to wit, eighteen arpents front thereof, was purchased by him from the late Michael Cautrelli, and the remaining nine arpents six toises front were by him acquired from the estate of the late Onèzima Roman, who had obtained the same from the said Michael Cautrelli.

The lot of eighteen arpents front was acquired by the said Michael Cautrelli from the children and heirs of Nicholas Verret, and form a part of a tract of twenty arpents front, which, on the 25th of June, 1765, was granted by the French government to said Verret, *with all the depth that could be found*, at the place called *Caleaka Nossè*, in said parish. Verret died in peaceable possession of this tract, as well as other lands held by him under similar grants.

Another portion of the lands were originally held by Joseph Hebert and J. B. Cormié, under complete grants from the Spanish government, made in 1773, by virtue of which grants they have, since that period, been held, cultivated, sold, and occupied; the various parties to the transfers, and occupants of the lands, relying upon the original grant, made in 1773, as the basis of their titles.

That these grants were made in good faith by the French and Spanish authorities having a right to make them, is very evident from the proofs adduced by the petitioner. They were recognised by the Spanish and French authorities, and confirmed by actual undisputed possession, up to the time when the Louisiana territory was ceded to the United States. The evidence of the original grants is *complete and final*, as the records of the land office at New Orleans show that they

were minuted upon the registry of complete grants in that office, at the time of the cession. The United States, in its treaty with France for the cession of that territory, provided that its inhabitants should "be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The lands above described were in the possession of Cautrelli, who was commandante of the parish of St. James at the date of the cession. They had been purchased by him of the original grantees, or their heirs, in good faith, and were by him sold in good faith—the one tract to A. B. Roman, the petitioner, and the other tract to Onèzima Roman, through whom the petitioner claims title to the same as a purchaser.

Thus these titles remained at the date of the cession. After that date, the United States took steps to ascertain the number and extent of these grants, and by their law required a minute of the claims to be presented by the claimants, in order that the lands claimed might be surveyed, their boundaries ascertained, and an official record of the same preserved. Cautrelli, from whom the petitioner claims, when Congress prescribed these rules, was register at the land office at New Orleans, and, feeling a delicacy in confirming titles in which he had an immediate interest, postponed the acts necessary for their confirmation, intending to complete their registry and survey in a land office in an adjoining district. He died before completing his registry as intended, the lands descended to his heirs unconfirmed as required by the laws of Congress, and in this condition were sold to the Romans, as before stated, for a valuable consideration.

Various acts of Congress have been passed under which the petitioner might have perfected his title had he known of the defect in it; but as the lands came to him without that knowledge, and as they have been so many years in the undisturbed occupation of the parties heretofore named, Mr. Roman appears to have entertained no suspicion or his difficulties for a long period of time, and these various acts have expired by limitation. His attention having been called to the subject at a later day, however, he filed a petition in the United States district court, under the act of 17th of June, 1844, to quiet his title, and to procure a judicial recognition of his rights. His petition was dismissed, however, in the Supreme Court of the United States, on an appeal taken in behalf of the United States by the district attorney of Louisiana, on the ground that his claim was not of the class covered by the provisions of that statute. The ground of the dismissal was simply a want of jurisdiction; and so far as the title was drawn in question, it seemed to receive a recognition in the decision of the court. This decree of the court was made in 1849, and it left the petitioner without remedy, inasmuch as the courts had refused the jurisdiction of his cause, and the acts of Congress under which his titles should have been perfected were all dead.

In 1841, Congress granted to Louisiana 500,000 acres of land for internal improvements. Under an act of that State of March 26, 1842, the selecting agents of the State were prohibited from selecting and returning any lands for the benefit of the State covered by any pre-emption claim, or which had been in the uninterrupted possession of any person for the space of five years.

The lands of the petitioner above described were vacant on the books of the land office, for want of those acts necessary on the part of Cautrelli to perfect his title at the cession of the territory. No official registry of his claim had been made; no survey was on file; and notwithstanding they were in the occupation of the petitioner, and had been for many years, they were inadvertently returned to the General Land Office *vacant*, with the mass of other lands selected by the agents of the State, under the aforesaid act of Congress. An application made by petitioner, for a confirmation of his title, to the Commissioner of the General Land Office, was rejected by that officer for the want of power on his part—no survey and note of the tract having ever been made by the United States officers, as required by the laws of Congress.

And thus the matter stood until the 30th of July, 1850, when Mr. G. C. Laurason, at that date collector of customs at New Orleans, having ascertained the situation of Governor Roman's title, entered the lands described in the commencement of this report, at the State land office at New Orleans, and the sale having been reported to the General Land Office in this city, was confirmed, and the State authorities issued to Mr. Laurason a deed for said lands. But when the attention of the State authorities was called to the facts in the case, they promptly annulled the entry of Mr. Laurason, and directed him to return his deed for cancellation, as it had been procured in violation of the State law, and with a knowledge of the facts, on his part, which constituted the act a fraud as to him.

Your committee believe the original grants in this case to be *bona fide* grants, and that the faith of the government is pledged for their protection; that Congress had the right to take steps for regulating these titles, and to ascertain their extent, but that it could never take any step which would invalidate or annul them without a violation of public faith. As valid titles when the cession was made, the stipulation of the treaty of cession makes them valid now, and good for all time to come against the government. The petitioner has been for thirty years in actual possession, deriving title from those who had held them undisturbed for full thirty years or more before his title or right accrued. The petitioner has expended in improvements upon the said lands \$30,000, and paid for them a large consideration. Under these circumstances, your committee beg leave to report a bill for his relief.

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AN ACT to authorize the governor of the State to employ agents to locate the land granted to the State by the act of Congress entitled "An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," approved fourth of September, eighteen hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the governor be, and he is hereby, authorized and directed to employ two or more agents, not to exceed five, to select and locate the land given to the State by the act of Congress entitled "An act to appropriate the proceeds of the public lands, and to grant pre-emption rights," approved fourth September, eighteen hundred and forty-one: *Provided*, That

said agents shall not have the right to make any locations or selections, under this act, of lands which may have been in the bona fide possession of any resident of this State for five years prior to the passage of the said act, or to which such person shall have acquired a right under any of the pre-emption laws of the United States.

STATE OF LOUISIANA, *Office of the Secretary of State:*

I hereby certify the foregoing to be a true and faithful copy of the first section of the original act, No. 160, approved March 26, A. D. 1842, entitled "An act to authorize the governor of the State to employ agents to locate the land granted to the State by the act of Congress entitled 'An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights, approved March 4, 1841,'" deposited in my office.

Given under my hand and the seal of the State, at Baton Rouge, on this tenth day of May, A. D. eighteen hundred and fifty-two.

CHARLES GAYARRE, [L. s.]  
*Secretary of State.*

EXECUTIVE OFFICE, *March 12, 1852.*

SIR: From the evidence which has been exhibited to me, it appears that the patent issued to you March 31, 1851, for fractional section 6, township 12, range 14 east, containing 57.22 acres, and section 41, township 13 south, range 16 east, for 365.28 acres, issued in error, the selection and location thereof being upon land which was in the bona fide possession of Gov. A. B. Roman for five years previous to the passage of the act of Congress of 4th September, 1841, donating 500,000 acres of land for internal improvements to the State of Louisiana, and which, consequently, is in violation of, and conflicts with, the 1st section of the act of the legislature of this State, approved March 26, 1842:

Now, therefore, you are hereby requested to return and surrender said patent to the office of the register of the State land office at Baton Rouge, to be cancelled and declared of no effect.

Your obedient servant,

JOSEPH WALKER.

GEORGE C. LAURASON, Esq.

LAND OFFICE, BATON ROUGE, LA.,  
*March 12, 1852.*

SIR: Enclosed I hand you, by direction of his excellency Governor Walker, a copy of a letter this day sent to Geo. Carson Laurason, esq. From it you will learn that, by act of the legislature approved March 26, 1842, selecting agents were not allowed to make locations upon any lands which had been held, bona fide, for five years previous to the passage of the act of Congress of 4th September, 1841, donating

500,000 acres of land to the State of Louisiana for internal improvements. It appears, from the evidence presented to Gov. Walker, that the lands located by Geo. C. Laurason, under State warrants Nos. 593, 644, 553 $\frac{3}{4}$ , were in possession of A. B. Roman, and had been held by him for a number of years, under Spanish grants, and therefore not liable to location by the State.

Very respectfully, your obedient servant,

W. H. CRENSHAW, *Register.*

Hon. J. BUTTERFIELD,

*Commissioner General Land Office, Washington city.*

LAND OFFICE, *Baton Rouge, La.:*

I certify the foregoing to be true and correct copies of letters on file in this office.

Given under my hand and seal of office, at Baton Rouge, this 10th of May, 1852.

[L. S.]

W. H. CRENSHAW, *Register.*





Vol. 10, Part 1, 1880. The first part of the volume contains the following papers:—

1. The Human Skeleton, by J. H. R. Murray, Esq., F.R.S. (continued from Vol. 9, Part 2, p. 250).

2. The Human Skeleton, by J. H. R. Murray, Esq., F.R.S. (continued from Vol. 9, Part 2, p. 250).

3. The Human Skeleton, by J. H. R. Murray, Esq., F.R.S. (continued from Vol. 9, Part 2, p. 250).

4. The Human Skeleton, by J. H. R. Murray, Esq., F.R.S. (continued from Vol. 9, Part 2, p. 250).

5. The Human Skeleton, by J. H. R. Murray, Esq., F.R.S. (continued from Vol. 9, Part 2, p. 250).

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