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WEDNESDAY, JANUARY 15, 1866

### Congress.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, January 10.

The engrossed bill providing rules and articles for the government of the armies of the United States, was read a third time and passed—Ayes 55—Noes 11.

Mr. J. C. Smith, from the committee of claims, made a report on the petition of George H. Lovejoy, concluding with a resolution that the prayer of the petition ought not to be granted, in which the House concurred.

Mr. Holmes presented a memorial from the Common Council of Alexandria, praying that the provisions of the 3d section of the act of congress relative to quarantines may be extended to the district of Columbia, that there may be erected at Jones's Point the necessary buildings for the accommodation of sick and disabled seamen, and that a general quarantine establishment may be made at Jones's Point, at the public expense, which was referred to the committee of commerce and manufactures.

Mr. Thomas presented certain proceedings of the House of Representatives of Pennsylvania, relative to the conveyance of the mails and the imposition of postage, which was referred to the post-office committee.

At about 12 o'clock the galleries were cleared, and continued closed until past 3 o'clock.

SATURDAY, January 11.

A petition was presented from the inspectors of the customs for the port of Philadelphia, praying for an increase of their compensations, and referred to the Secretary of the treasury.

The speaker laid before the House a letter from the secretary at war, exhibiting a statement of the number of fire arms, the property of the U. S. fit for use, designating the places where they are deposited; by which it appears, that exclusive of the arms in the hands of the troops in the service of the U. S. there are deposited in various places,

- 113,501 muskets with bayonets
- 3,666 rifles
- 62 fusils
- 1,938 pair of pistols, and
- 918 carbines.

This communication was referred to the committee appointed on the arming of the militia.

A short time after eleven o'clock, the galleries were cleared. They continued closed until 4 o'clock, when the House adjourned.

[IN SENATE OF THE UNITED STATES.]

#### MEMORIAL

Of the House of Representatives of the Territory of Orleans, praying that an alteration may be made in the law of last session, respecting the titles to lands; and for a further encouragement to the culture of sugar.

December 31, 1865.

Read and referred to Mr. Anderson, Mr. Tracy, Mr. Baldwin, Mr. Bradley, and Mr. Adams.

IN THE  
HOUSE OF REPRESENTATIVES  
Of the Territory of Orleans.

THURSDAY, THE 14TH NOV. 1865.

To the Honorable the Senate, and to the Honorable the House of Representatives of the United States, in Congress assembled, the memorial of the House of Representatives of the territory of Orleans,

RESPECTFULLY REPRESENTS,

THAT your memorialists have carefully considered the act passed at the last session of Congress, entitled "An act for ascertaining, and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana;" and whilst they applaud the motive, which has thus early called your attention to that subject, they remain impressed with a conviction that many of the provisions of that act require amendment.—Attributing these defects in the law to the want of that local information, which their remote situation from the seat of government, has rendered it impossible you should attain; your memorialists confidently trust, that upon exposing the injuries to which they would be subjected by the execution of that act, in its present imperfect form, your honorable body will apply the appropriate remedy.

The former governments of France and Spain, under whose dominion this country had successively passed, did not consider the vacant lands as a source from which

revenue was to be derived, but as a means of increasing the population of the country, encouraging its agriculture, and gaining the affection of its inhabitants. Hence they were ever ready to grant lands to those who removed to the province and applied for them; and although the concessions generally contained conditions, that the lands should be settled within three years, that the roads and levees should be made, and that the grantee should not alien, unless the conditions were performed; yet it was well understood that these conditions, like those inserted by the British government, in many of her colonial patents, were not designed for the purpose of compelling a rigorous performance of them, but with a view to impress the grantee with a sense of dependence upon that government from which his titles emanated, and to bind him to that sovereign, upon whom the dependence for ultimate confirmation. In no case were lands re-annexed to the king's dominions for want of a performance of the conditions, except where the grantee had manifested some decided disposition to abandon them, or to leave the province; and even then such lands were never considered as liable to be re-granted, until the surveyor general, who was ordered to make the necessary inquiries, reported that the lands in question were subject, in consequence of neglecting to perform the conditions, to be re-annexed to his majesty's domain. From this view of the subject, your honorable body will readily account for that want of a disposition to speculate in lands, which is manifested by the small tracts which are now held by all the ancient inhabitants, and for that negligence in obtaining complete titles, which would in other countries be inexcusable and unaccountable. Where government, possessing immense tracts of land, were ever ready to bestow them on the first applicant, it is obvious that such property would never be considered as worth the expense of engrossing; and where new concessions were daily offered to strangers, it is not surprising that the old inhabitants should feel secure, even with imperfect titles, on the scanty portions which their ancestors or themselves had acquired.

The act to which we have called the attention of Congress, requires that, in order to the confirmation of incomplete titles, dated prior to the 1st day of October, 1800, it shall be necessary,

1st. That the person in whose favor the warrant issued, should at the time it emanated, have attained the age of twenty-one, or have been the head of a family.

2d. That the lands should have been actually inhabited and cultivated on the 1st day of October 1800, by the grantee, or by some one for his use.

The instances where, after performing the conditions in the warrant of survey, the settler has proceeded to obtain his patent, are comparatively few. Lulled into security by causes already briefly enumerated, he depended confidently on his possession, accompanied by his survey; and in numerous instances, after performing the conditions, the lands have been transferred by repeated sales, or have passed by testament or descent through numerous heirs or devisees, without any other written evidence of right, than a warrant, followed by a plat and certificate of survey. Aged invalids are now the proprietors of tracts, held under warrants granted to minors; and numerous families at this moment, subsist upon the productions of lands, formerly granted to those who were then unmarried and without families. Indeed infancy, celibacy, or the want of a family, were never thought of as objections to the emanation of patents under the French or Spanish governments, and your memorialists humbly presume, can never furnish a just reason for refusing a confirmation of incomplete claims under the equitable government of the United States.

Your memorialists, therefore, confidently trust, that your honorable body, aware of the injustice of changing the tenures, by which their lands have heretofore been held, will not make the titles of the citizens of this territory, depend upon conditions not known to them at the time of acquiring their property, not inserted in their concessions, and not contemplated by the laws or usages of the government, from which their claims are derived.

An inspection of the concessions, or warrants of survey, issued by the Spanish authorities here, will prove that manifest injustice will be done to numerous claimants, should proof be required that the lands were actually inhabited and cultivated on the first day of October, 1800, by him in whose favor the warrant was issued, or by some person for his use. In the form of these concessions or warrants of survey, little variety is discoverable. They state that the roads and levees, where they are necessary, are to be made within a year, that the land is to be settled before the expiration of three years, and is not to be aliened, until the conditions are performed. Upon the most strict construction of this instrument, it is clear that the holder of it is allowed three years to settle his land, and that this period cannot be abridged without an act of manifest injustice. In all instances, where the orders of survey are not dated more than three years anterior to the 1st day of October, 1800, this provision of the act, would operate to the great injury of the honest claimant. Your memorial-

ists beg leave to be indulged in repeating that the Spanish government never resumed their grants on account of the non-performance of the conditions, unless the party claiming had evinced some disposition to abandon the land, or to emigrate from the province. It may be proper also to observe, that in many instances, where lands had been long settled, and every condition religiously performed, the proprietor had either settled on some other tract, which he had acquired by purchase, or owed to the bounty of government, and had permitted his former acquisition to remain on the 1st day of October, uninhabited and uncultivated, either by himself, or by any person for his use. It would seem superfluous to observe on the injustice of refusing to confirm a claim under these circumstances, for want of residence and of cultivation; and yet such is the actual state of numerous claims within the territory of Orleans. Your memorialists therefore pray, that so much of the act, as requires actual residence on the land, and cultivation, may be dispensed with, and the commissioners in confirming titles, shall be guided by the tenor of the title papers, and the laws and usages of the government from which the claims are derived.

Your memorialists have also discovered with extreme regret, that no provision is made for recording and confirming any incomplete titles under Spanish warrants, dated subsequent to the first day of October, 1800, and prior to the period at which their territory was surrendered to the French republic. It is a fact well known to your honorable body, that after the treaty of St. Ildefonso, the Spanish authorities continued in possession of this territory, exercised their usual acts of sovereignty, and were supposed by her subjects to enjoy their former unlimited right of granting away the soil. Hence proceeded that confidence which allured adventurers to this country, induced them to accept surveys of land, to enter into possession, and faithfully to perform the usual conditions. That regard for equity, which prevails in the ordinary tribunals of the United States would, it is supposed, prescribe a confirmation of titles commenced under such circumstances; and your memorialists hope that some provision will be made, by which claimants under Spanish titles, dated since the first day of October, 1800, shall be confirmed in their rights.

Your memorialists deem it a sacred duty, which they owe to themselves and to their constituents, to apprise your honorable body, that in consequence of repeated casualties by fire, and owing to the loss of papers and records, consequent upon the frequent political changes, to which this country has been subjected, the title papers of numerous claims have been lost or entirely destroyed. It is some consolation under this misfortune, that the claimants who have suffered most in the loss of papers, are generally those who have remained long in peaceable possession, and who will be able to prove an acknowledged right, not disputed for a succession of years. Equity, however, and a just regard for the peculiar situation of those who have been thus deprived of the evidence of their rights, would seem to require that some specific provision should be made for their relief.

From reflecting on the extent of the districts, of the difficulty of travelling through them, and recollecting that the same individuals may necessarily have business, as parties or witnesses at each of the boards, your memorialists are induced to believe that the time allowed at present for registering, will be too short, and therefore pray that it may be extended.

In many parts of this territory, but particularly in the large and populous counties of Ottapapas and Opelousas, the inhabitants have generally settled upon bayous or rivers, where the soil is extremely fertile, but where there is not a sufficiency of timber for the purposes of fuel, and agricultural conveniences. Immediately behind these lands the prairies or natural meadows commence, and continue to different extents of from one to twenty, and even thirty miles. These prairies are destitute of timber, and terminate in marches, or cypress swamps. The timber growing on these marches, has been the only source from which the settlers have supplied themselves, and the Spanish authorities here convinced of the importance of reserving them, as a common for the use of the inhabitants, refused to grant them to individuals. These swamps at this moment belong to the United States, and severe penalties are annexed to the offence of cutting timber upon them. Without a continuance of the indulgent permission to use the timber on these swamps, the inhabitants situated near the prairies will be compelled to abandon their habitations. Your memorialists therefore pray, that the citizens of this territory situated as aforesaid, may be allowed the use of the nearest cypress swamps without incurring the penalties of the law; and that legal provision may be made, securing them in the right of common in such lands.

Another subject of incalculable importance to the most useful cultivators in this territory, those who reside on the two borders of the river, below the Chatauge, and Iberville, forces itself upon the attention of your memorialists, and seems to deserve the tender consideration of your honorable body. The lands alluded to, are divided into small tracts,

which are entirely cleared on their front, and have long been under cultivation. The grantees of these lands, at the moment of acquiring them, were at liberty to take gratuitously either a single concession, by which they acquired a death from the river of forty acres, or a double concession, by which they acquired all the land between the river and the lakes, or morasses, which approach its borders on both sides. A few of the early grantees accepted double concessions, whilst the greater number, knowing that the lands between them and the lakes, would any time be conceded to them upon their application, and being ignorant of the future destinies of the country, contented themselves with single concessions. These settlers felt the less anxious to extend their grants, when they reflected that the morasses and swamps pressed in every where behind their lands, so close as to allow in few instances more than thirty, and many less than twenty acres in depth, fit for culture. The lands behind these concessions, were sacredly preserved by the Spanish government for the proprietors in front, and they were at any time able to procure them by offering proof that an extension of their grants, would not injure the holders of double concessions.

The culture of sugar, a culture of the first importance to the prosperity and independence of the United States; a culture forbidden by nature to the other inhabitants of the union, and confined exclusively to this favored spot, has on many plantations already nearly exhausted the timber, and will unless aided by the cypress groves, so long reserved by the Spanish government for the present inhabitants, greatly languish or be entirely abandoned. Should these lands be exposed for sale, it is obvious that they could be bought only with a view of harassing the proprietor of the front; because not one acre of them is fit for culture of any kind, and they can be approached only by passing through the cultivated lands of those who are the proprietors of the front. To promote the culture of sugar, to quiet the minds of the settlers, to screen them from the rapacity of those who might purchase the lands between them and the lakes, and to fulfil their expectation founded on the immemorial usages, and solemn assurances of their former governments, your memorialists pray that the holders of single concessions, may be placed upon the same footing with those to whom double concessions were granted by the government of France and Spain.

Your memorialists, before they conclude this address to your honorable body, beg leave to direct your attention to a memorial transmitted you by the late legislative council, relative to the establishment and endowment of public schools, and pray that the liberality which has been so honorably displayed towards the other territories, may be generously extended to the territory of Orleans; and your memorialists, as in duty bound will ever pray.

JEAN NOEL DESTRIHAN,

Speaker of the House of Representatives.

ELIGIUS FROMENTIN,  
Clerk.

#### AUSTRIAN OFFICIAL ACCOUNTS

VIENNA, Oct. 20.

After the first official information respecting the events of war, was inserted in the Court Gazette of yesterday, dispatches were brought from the army, by major Plachensfeld; in consequence of his arrival, the following accounts were published:

1. Battle of Wertingen, fought on the 8th of October, under the command of the field marshal baron Aussenburgh. In the evening of the 7th of October, field marshal baron Von Aussenburgh was detached from Guntzburgh to Wertingen, with six battalions of grenadiers, three of fusiliers, two squadrons of duke Albert's cuirassiers, and two of Ltour's light horse, to observe the enemy who had passed the Danube near Donawerth.—On the forenoon of next day, the enemy made various demonstrations against our divisions, near Wertingen, which gave reason to say, that they meant to advance against them in force. This was rendered more manifest by subsequent movements, and by the march of several columns to Zusmarshausen, and towards the causeway of Guntzburgh. At length the battalions passed near Wertingen, at a great distance from the army, were attacked with vivacity by the enemy's cavalry in superior numbers; and one division of cavalry, notwithstanding all the bravery they displayed, and their repeated efforts in support of the infantry, were not capable of resisting such a force. The loss on our side consists in one officer, 100 men killed; 12 officers and 221 men wounded; 52 officers and one thousand four hundred & sixty nine men made prisoners.—The battalions of Spork's and the archduke Louis's grenadiers, suffered most. Three standards, six cannon, and several ammunition waggons have also fallen into the hands of the enemy. On the following day field marshal Aussenburgh was missing, and it is supposed he was taken prisoner.

2. Battle of Guntzburgh, on the 9th of October, between the royal and imperial army, and the 6th corps of the French army, commanded by marshal Ney. On the 8th of October, a part of the Austrian army advanced from Ulm on Guntzburgh, for the purpose of collecting the regiments which have not yet joined, but

were arriving from their cantonments; and afterwards, if circumstances should permit, of proceeding by the right bank of the Danube against the enemy, should he attempt to pass that river. On the 9th, the army encamped near Guntzburgh, its right wing resting on the village of Linpach, and in front of Reisersbrunn. The bridges on the Danube were occupied as far as Leipham.—The Austrian general Von Aspre was also posted on the left bank of the Danube with a corps of light troops, to detach parties and procure information respecting the enemy.—The camp at Guntzburgh was, however, scarcely occupied, when the corps of general Von Aspre was compelled to retreat beyond the Danube, after sustaining some loss, and the general himself being missing. The enemy, under the command of marshal Ney, then penetrated in force to the bridges of the Danube, endeavored to pass them, and to drive our troops from the bank. During the whole of the afternoon these attempts were made in vain, but towards the evening, a strong column of the enemy succeeded in forcing a passage of the bridge of the causeway, near Guntzburgh, and penetrated into that town. The division of Blakenstein's hussars attacked this close column of the enemy with great courage; but as it had in part reached the adjacent wood the division was obliged to retire. At night the enemy remained masters of the right bank near Guntzburgh. All further attacks or attempts to pass the river were renounced, and the retreat to Ulm was effected during the night. The loss we sustained in killed cannot yet be ascertained, as there has not been time for the regiments to make their returns. There are about 500 wounded in the hospitals of Guntzburgh, and nearly 680 prisoners were taken by the enemy. One piece of cannon, belonging to Spork's regiment of infantry, fell into the hands of the enemy.

3. Battle of Ulm, on the 11th of October, between the imperial and royal army, and the 6th corps of the French army commanded by marshal Ney.

The right wing of the Austrian army, before Ulm, was attacked on the 11th October with great impetuosity, by the French army of observation, under the command of marshal Ney. The plan of the French was to take Ulm by surprise, and the attack was made to favor the operation. Our right wing repulsed the enemy on each attack, with the greatest firmness and valor. At the same time general Mack caused a considerable number of our left wing to advance, which succeeded in turning the right of the enemy, who had two regiments of cavalry and two of infantry almost entirely destroyed. The enemy retired with disorder descending the Danube. They left nearly 1500 dead on the field of battle. We made from 8 to 900 prisoners, & took 11 cannon; the baggage of gen. Dupont, fell into our hands, 20 ammunition waggons, a great number of other waggons, and the baggage of the prince of Schwartzburgh; count Klunau, and Gintay, Albert's and Mack's cuirassiers, and Ltour's light horse particularly distinguished themselves. All the generals and officers, as well as the troops, displayed at once the greatest steadiness and activity.—We lost only a few hundred men. The battle and the pursuit of the enemy lasted all night.

#### A Farm Wanted

TO rent, or to be purchased: if about 100 acres of good land, with a proportionate quantity of woodland thereon; within 10 miles of Baltimore; if stocked, it would be more agreeable; the buildings must be such as to accommodate a genteel family, and the water good. Apply at this office.  
January 8 eot

#### Wanted

TO LEASE or purchase immediately, from 5 to 10 acres of land; situated on any of the public roads within three miles of and leading to the city. Reisterstown or Howard-street roads would be preferred. Enquire at this office.  
January 14 ddt

#### Five Dollars Reward

RAN AWAY from the subscriber on the 5th inst. a mulatto woman, named Nancy; about forty years of age; remarkably fat and lusty, with a felon on her right eye. Had on when she went away, a blue cloth petticoat, a striped lincey short gown; she generally wears a handkerchief tied tight round her head. I will pay the above reward with all reasonable expenses, if brought home.  
JOHN TOBIN,  
No. 20, Fell-street, Fell's-Point  
N. B. I forewarn all persons from harboring her at their peril.  
J. T.  
January 14 d

#### ADVERTISEMENT.

THE subscriber respectfully informs the public that he has opened shop at No. 92, Market-street, one door below his former shop, and in the store formerly occupied by Messrs. CALHOUN & LAMONT, where he will execute with punctuality and dispatch, his business, in the most approved style, and solicits the patronage of the public, his friends and former customers. Fashionable goods suitable to the season, kept on hand and will be disposed of on accommodating terms, by  
BENJAMIN YOE, Taylor.

#### To Let,

THE one half the store, at present occupied by the subscriber, and a large dry cellar, together or separate. They may be had for a term of years at a moderate rent. Apply as above  
B. Y.  
December 9 d

#### A Journeyman Baker

WANTED who can be well recommended Apply to the printer.  
December 30 ddt