State of Rhode Island, District & Port of Newport,
Collector's-Office, March 28th. 1823.

Sir

I have the honor to acknowledge the receipt of your letter of the 27th instant.

By an act of the General Assembly of this State, passed in the year, 1794, all the right of the State to the lands on which the fortifications on Goat-Island, in the township of Newport, stand, was granted to the United States, together with the right to the circumjacent lands theretofore improved by the State for the purposes of defence. By the same act it was made lawful for the town of Newport, with consent of the Governor, to sell to the United States, such lands as should be deemed necessary for the erection of fortifications for defence of the port and harbour of Newport. And by the said Act, it seems to have been intended, that the jurisdiction over the lands thus granted, and the lands which might be thus sold, should be ceded to the United States, with a provision that processes, under the authority of the State, might be executed upon the lands and within the fortifications. Goat-Island is a narrow piece of land, of about ten acres, extending in nearly a northerly

and southerly direction before the inner harbour of New-port; and the part granted by the State is about one third of it, across the middle of the Island, from East to West; the other two thirds having been sold by the town of Newport, under the Act mentioned, to the United States, by deed bearing date April 16. 1799, the town, however, having reserved the right to take away sea-weed, sand, and gravel, under the superintendence of officers to be appointed in annual town-meeting. Taking these facts into consideration, the questions arise, whether it be necessary to take measures, as required by your letter, for obtaining the land suitable for the site for a light-house to be erected on the island, and whether, if this be decided affirmatively, it will become necessary to apply to the legislature for a cession of jurisdiction. The answers must depend, I suppose, upon the construction given to the Act. If the construction be that there has been a grant and sale of the whole of the Island to the United States, and a cession of the jurisdiction over it, then, possibly, it may be questioned whether the grant, sale, and cession will be rendered null and void, wholly or partially, by a diversion of the use of any

portion of the soil from the purposes of fortifi-
-cation and defence to those of the light-house esta-
-blishment.

Having submitted these facts & questions
for your decision, and requesting your further
instructions, I have only to say additionally,
that there is, at the ~~East~~ north end of Goat-Island,
the proper situation for a light-house, about half
an acre of land unoccupied by the garrison, bor-
-dering upon the garden and burying ground, which are
next south of it and which extend across the island,
and are contiguous to the barracks and other buildings
stretching across the Island in like manner
from east to west

Most respectfully, Sir,
Y. Mo. Ob. Servant
Chris. Ellery Col.
Supt. Light Houses

Stephen Pleasonton Esquire
5th Auditor & Acting-Commis-
-sioner of the Revenue

to

S. Pleasonton, 5th Aud. & Act. Com.
Revenue. March 28th 1823.
asking further instructions relative
to site for light house on Goat Island,