

commissioners for their attendance after 1st April.

Whole additional allowance limited.

Compensations of the clerks of the boards of commissioners in the Mississippi territory.

Claimants under British grants legally and fully completed, allowed a further time for filing their claims.

Register to make report to Secretary of the Treasury of the grants thus recorded.

The lands included in the grants not to be disposed of for one year.

Grants not filed, &c. according to this act to be no bar to other Spanish and American grants.

STATUTE II.

March 2, 1805.

The titles of persons residing in the ced-

eight hundred and five: *Provided*, that such additional allowance shall not exceed five hundred dollars for each commissioner.

SEC. 4. *And be it further enacted*, That the clerk of each of the boards of commissioners appointed to ascertain the claims to lands in the above-mentioned territory, shall be allowed at the rate of seven hundred and fifty dollars a year, from the time when he entered on the duties of his office, to the time when the board shall adjourn sine die.

SEC. 5. *And be it further enacted*, That persons claiming lands in the Mississippi territory, by virtue of British grants, legally and fully completed, who may not have filed their claims with the proper register of the land-office, in conformity with the provisions heretofore made for that purpose, may, until the first day of December one thousand eight hundred and five, file such claims with the register of the land-office west of Pearl river, and have the same recorded. And the said register shall, on or before the first day of January, one thousand eight hundred and six, make to the Secretary of the Treasury, a full report of all the British grants thus recorded; which report shall immediately after be laid before Congress. The lands contained in such grants shall not be otherwise disposed of until the end of one year, after that time. And if any such person shall neglect to file such British grant, and to have the same recorded, in the manner and time hereby provided, neither such grant nor any other evidence of such claim, which shall not have been recorded as above directed, shall ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States, or against any title legally and fully executed, derived from the Spanish government;—any act or acts to the contrary notwithstanding.

APPROVED, March 2, 1805.

CHAP. XXVI.—*An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons,

(a) Acts which have been passed relative to lands and land titles in Louisiana:—An act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 14, 15. An act for ascertaining and adjusting the titles and claims within the territory of Orleans, and the district of Louisiana, March 2, 1805, chap. 26. An act supplementary to an act entitled, "An act for ascertaining and adjusting the titles and claims to lands within the territory of Orleans, and the district of Louisiana," April 21, 1806, chap. 39. An act respecting claims to lands in the territories of Orleans and Louisiana, March 3, 1807, chap. 36. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, February 15, 1811. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 16, 1811, March 3, 1811, chap. 46. An act giving further time for registering claims to lands in the western district of the territory of Orleans, March 10, 1812, chap. 38. An act for ascertaining the title and claims to land, in that part of Louisiana which lies east of the river Mississippi and the island of New Orleans, April 25, 1812, chap. 67. An act giving validity to the sale of certain tracts of public land, sold in the western district of the territory of Orleans, now the state of Louisiana, July 1, 1812, chap. 118. An act giving further time for registering claims to land in the eastern and western districts of the territory of Orleans, now state of Louisiana, February 27, 1813, chap. 38. An act for the final adjustment of land titles in the state of Louisiana and territory of Mississippi, April 12, 1814, chap. 52. An act supplementary to an act for ascertaining the titles and claims to land in that part of Louisiana which lies east of the river Mississippi and island of New Orleans, April 18, 1814, chap. 85. An act concerning certificates of confirmation of claims to lands in the state of Louisiana, April 18, 1814, chap. 93. An act to provide for the appointment of a surveyor of the public lands in the territories of Illinois and Missouri, April 29, 1816, chap. 151, sec. 3. An act for the confirmation of certain claims in the western district of Louisiana, and in the territory of Missouri, April 29, 1816, chap. 159. An act concerning pre-emption rights given in the purchase of lands to certain settlers in the state of Louisiana, and in the territory of Missouri and Illinois, April 29, 1816, chap. 162. An act explanatory of the act entitled, "An act for the final adjustment of the land titles in the state of Louisiana, and territory of Missouri," March 3, 1819, chap. 84. An act to authorize the President of the United States to take possession of East and West Florida, and to establish a temporary government therein, March 3, 1819, chap. 91. An act for adjusting the claims to land, and establishing land-offices in the districts east of the island of Orleans, March 3, 1819, chap. 98. An act confirming the titles to lots in the town of Mobile, and in the former province of West Florida, which

and the legal representatives of any person or persons, who on the first day of October, in the year one thousand eight hundred, were resident within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred, obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of said territories, any duly registered warrant, or order of survey for lands lying within the said territories to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided however*, that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years: nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.

Sec. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person, who being either the head of a family, or twenty-one years of age, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer, and in conformity with the

ed territories on 1st Oct. 1800, who held lands under French or Spanish grants, to which the Indian title has been extinguished, and which were settled or occupied on that day for or by these persons, confirmed.

No such incomplete title to be confirmed unless the grantee was at its date the head of a family, or above the age of twenty-one years; nor unless the condition of the grant shall have been fulfilled.

Grants to actual settlers of the lands occu-

claims have been favourably reported on by the commissioners appointed by the United States, May 7, 1822, chap. 122. An act supplemental to the several acts for adjusting the claims to land, and establishing land-offices in the districts east of the island of New Orleans, May 8, 1822, chap. 128. An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana, February 21, 1823, chap. 15. An act to revive and continue in force the seventh section of an act entitled, "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh of May, 1820, and for other purposes, February 28, 1823, chap. 18. An act providing for the examination of the titles to land in that part of the state of Louisiana, situated between the Rio Hondo and the Sabine river, March 3, 1823, chap. 29. An act supplementary to the several acts for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, May 26, 1824, chap. 175. An act supplementary to an act providing for the examination of the titles to land in that part of the state of Louisiana situated between the Rio Hondo and the Sabine river, May 26, 1824, chap. 182. An act to confirm the supplementary report of the commissioners of the western district of Louisiana, March 31, 1826, chap. 18. An act to confirm certain claims to lands in the district of Opelousas in Louisiana, May 16, 1826, chap. 62. An act granting the right of preference to the purchasers of public lands in the St. Helena district in the state of Louisiana, March 19, 1828, chap. 19. An act to confirm claims to lands in the district between the Rio Hondo and Sabine river, May 24, 1828, chap. 92. An act to authorize the registers of the several land-offices in Louisiana, to receive entries of land, in certain cases, and give to purchasers thereof, certificates of the same, May 5, 1830, chap. 86. An act for the final adjustment of the land claims in the southeastern land district of the state of Louisiana, July 4, 1832, chap. 166. An act in reference to pre-emption rights in the southeastern district of Louisiana, June 28, 1834, chap. 125. An act further to provide for the location of certain land in the territory of Arkansas, June 28, 1834, chap. 106. An act for the final adjustment of claims to lands in the state of Louisiana, February 6, 1835, chap. 17. An act supplementary to an act entitled, "An act to entitle the inhabitants of Louisiana to enter the back lands," February 24, 1834, chap. 24. An act supplementary to an act of the fourth of July, one thousand eight hundred and thirty-two, entitled, "An act for the final adjustment of claims of lands in the southeastern district of Louisiana," March 3, 1835, chap. 46. An act confirming claims to lands in the state of Louisiana, July 4, 1836, chap. 358. An act supplementary to the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved June 18, 1838, June 1, 1840, chap. 12. An act to confirm land patents, March 3, 1841, chap. 13. An act to confirm certain entries of land, in the state of Louisiana, and to authorize the issuing patents for the same, April 14, 1842, chap. 10. An act confirming certain land claims in Louisiana, July 6, 1842, chap. 22. An act to set aside certain reservations of lands on account of live oak in the southeastern district of Louisiana, March 3, 1843, chap. 77.

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle, which would have been held equally sacred, although it had not been inserted in the treaty. *Soulard et al. v. The United States*, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract, those which are executory as well as those which are executed. In this respect the relation of the inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away. *Ibid.*

For the decisions of the Supreme Court on the subject of Louisiana land titles, see notes to act of March 26, 1804, chap. 38, *ante*, page 288.

pied by them, with the permission of the proper Spanish officer, and in conformity with the Spanish usages, &c.

No more than one tract to be granted to such person, and not to exceed one mile square.

This donation not to be made to any one who claims any other under a French or Spanish grant.

Territory of Orleans to be laid off into two districts, for the ascertainment of land titles therein.

A register to be appointed for this purpose in each.

His compensation, duties, &c.

Act of May 10, 1800, ch. 55.

A recorder of land titles to be appointed for Louisiana district.

His compensation, &c.

Persons claiming lands under French or Spanish grants, &c. to have their claims recorded, &c.

Record to be made before the first day of March, 1806.

By whom the foregoing claims are to be recorded, and the officer's fees, &c., for recording them.

Where lands are claimed by virtue of a complete French or Spanish grant, no other evidence of the claim to be recorded but the original grant or patent. Other deeds to be deposited with the register, and laid before the commissioners.

1806, ch. 39.

laws, usages and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land; the tract of land thus inhabited and cultivated, shall be granted: *Provided however*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than one mile square, together with such other and further quantity, as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government: *Provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

SEC. 3. *And be it further enacted*, That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct; in each of which, he shall appoint, in the recess of the Senate, but who shall be nominated at their next meeting, for their advice and consent, a register; who shall receive the same annual compensation, give security in the same manner, and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. The President of the United States shall likewise appoint a recorder of land titles in the district of Louisiana, who shall give security in the same manner, and in the same sums, and shall be entitled to the same annual compensation, as the registers of the several land-offices.

SEC. 4. *And be it further enacted*, That every person claiming lands in the above-mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the territories, may, and every person claiming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, shall, before the first day of March, one thousand eight hundred and six, deliver to the register of the land-office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and shall also, on or before that day, deliver to the said register or recorder, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the register or recorder, or by the translator herein after mentioned, in books to be kept by them for that purpose, on receiving from the parties at the rate of twelve and an half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant, or order of survey, and the plat; but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners herein after directed to be appointed,

when they shall take the claim into consideration. (a) And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void, and for ever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same, at such place in their respective districts, as the President of the United States shall direct.

SEC. 5. *And be it further enacted*, That two persons to be appointed by the President alone, for the district of Louisiana, and two persons to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans, shall, together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts, the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall, previous to their entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I do solemnly swear, (or affirm,) that I will impartially exercise and discharge the duties imposed on me by an act of Congress, intituled 'An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana,' to the best of my skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall have directed therein, for the residence of the register or recorder, on or before the first day of December next, and they shall not adjourn to any other place, nor for a longer time than three days, until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. Each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths, to compel the attendance of, and examine witnesses, and such other testimony as may be adduced, to demand and obtain from the proper officer and officers, all public records, in which grants of land, warrants, or orders of survey, or any other evidence of claims to land, derived from either the French or Spanish governments, may have been recorded; to take transcripts of such record or records, or of any part thereof; to have access to all other records of a public nature, relative to the granting, sale, transfer, or titles of lands, within their respective districts; and to decide in a summary way, according to justice and equity, on all claims filed with the register or recorder, in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which, though not thus filed, may be found of record on the public records of such grants; which decisions shall be laid before Congress in the manner herein after directed, and be subject to their determination thereon: *Provided however*, that nothing in this act contained, shall be construed so as to recognize any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, or to authorize the commissioners aforesaid to make any decision thereon.

Neglect to deliver notice of claim, and to record evidence of it, so far as derived under the two first sections of this act, to be forever barred.

Register and recorder to commence the execution of their offices on or before the 1st September, 1805.

Commissioners to be appointed for the district of Louisiana, and the districts to be laid off under this act for ascertaining land titles, &c.

The oath of office which they must take.

Commissioners to meet in their respective districts at such places as may be the residence of the recorders, registers, &c. on or before the 1st December, and not to adjourn until they shall have finished their business.

Powers of the boards of commissioners.

To administer oaths, compel the attendance of witnesses, demand all public records of grants of land.

To take transcripts of records.

To decide summarily according to justice and equity on all complete titles under French or Spanish grants.

Decisions of the boards to be laid before Congress.

(a) By the 3rd section of the act of February 28, 1806, chap. 11, the claimants to lands within the territory of Louisiana, whose tracts have not been surveyed by the officers of the Spanish government prior to 20th December, 1803, are exempted from these provisions.

No title under a grant subsequent to October 1, 1800, to be recognized.

The boards to appoint a clerk.

His duties.

Transcripts of decisions in favor of claimants to be delivered to the surveyor-general, and the Secretary of the Treasury.

Reports of rejected claims likewise to be made, and filed in the proper land-office, and to be laid by the Secretary of the Treasury before Congress.

Grants antedated or otherwise defective, not to be considered as conclusive evidence of title.

Compensations of the commissioners' clerks, &c.

Their oaths of office, &c.

Agents to be employed for each board of commissioners.

Their compensations not to exceed 1500 dollars each.

Their duties. Agent for the district of Louisiana, to collect information concerning the title to the lead mines, and lay it before the commissioners.

Board of commissioners to employ a translator, to assist in the despatch of business, and to record Span-

The said boards respectively shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made, which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land-offices, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favour of the claimants to land; both of which shall be signed by a majority of the said commissioners, and one of which shall be transmitted to the officer exercising in the district the authority of surveyor-general; and the other to the Secretary of the Treasury. It shall likewise be the duty of the said commissioners, to make to the Secretary of the Treasury a full report of all the claims filed with the register of the proper land-office, or recorder of land titles, as above directed, which may have been rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper; which reports, together with the transcripts of the decisions of the commissioners in favour of the claimants, shall be laid by the Secretary of the Treasury before Congress, at their next ensuing meeting. When any Spanish or French grant, warrant, or order of survey, as aforesaid, shall be produced to either of the said boards, for lands, which were not at the date of such grant, warrant, or order of survey, or within one year thereafter, inhabited, cultivated, or occupied, by or for the use of the grantee; or whenever either of the said boards shall not be satisfied that such grant, warrant, or order of survey, did issue at the time when the same bears date, but that the same is antedated or otherwise fraudulent; the said commissioners shall not be bound to consider such grant, warrant, or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of two thousand dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation, to wit: "I do solemnly swear, (or affirm,) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners, for examining the claims to land, as enjoined by an act of Congress, intitled 'An act ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana.'" Which oath or affirmation shall be entered on the minutes of the board.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as said agents may deem fraudulent and unfounded. It shall also be the duty of the said agent for the district of Louisiana, to examine into and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power, with respect to the claims to, and value of the said mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon, to the Secretary of the Treasury, to be by him laid before Congress, at their next ensuing session. The said board of commissioners shall each be authorized to employ a translator of the Spanish and French languages, to assist them in the despatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidences of claims on the registers' books. The said translator shall receive, for the recording done by him, the fees already

provided by law, and may be allowed, not exceeding fifty dollars, for every month he shall be employed; provided that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars.

SEC. 7. *And be it further enacted*, That the powers vested by law in the surveyor of the lands of the United States, south of the state of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been, or shall hereafter be extinguished, within the said territory of Orleans; and it shall be the duty of the said surveyor to cause such of the said lands, as the President of the United States shall expressly direct, to be surveyed, and divided, as nearly as the nature of the country will admit, in the same manner, and under the same regulations as is provided by law, in relation to the lands of the United States northwest of the river Ohio, and above the mouth of Kentucky river.

SEC. 8. *And be it further enacted*, That the location, or locations of lands which Major General La Fayette is by law authorized to make on any lands, the property of the United States, in the territory of Orleans, shall be made with the register or registers of the land-offices established by this act in the said territory: the surveys thereof shall be executed under the authority of the surveyor of the lands of the United States, south of Tennessee; and a patent or patents therefor shall issue, on presenting such surveys to the Secretary of the Treasury, together with a certificate of the proper register, or registers, stating that the land is not rightfully claimed by any other person: *Provided*, that no location or survey made by virtue of this section shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

SEC. 9. *And be it further enacted*, That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

APPROVED, March 2, 1805.

ish or French claims. &c.
Fees to the translator.

Powers of the surveyor of lands south of the state of Tennessee to extend over those of the U. States, &c.

Made his duty to cause these lands to be surveyed and divided.

Gen. La Fayette's locations.

How and where to be made.

Proviso.

Appropriation for carrying this law into effect.

STATUTE II.

CHAP. XXVII.—*An Act to authorize the Secretary of War to issue military land warrants, and for other purposes.*

March 2, 1805.

Act of May 18, 1796, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is authorized from and after the passing of this act, to issue warrants for military bounty lands to the sixty-three persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same, to the Secretary of War; and also, to such persons as shall, before the first day of April next, produce to him satisfactory evidence of the validity of their claims, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, intituled "An act in addition to an act, intituled An act in addition to an act, regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen."

Act of April 15, 1806, ch. 24.

Secretary of war authorized to issue warrants for military bounty land to certain persons referred to; and to others producing satisfactory evidence of their claims before the 1st April, &c.

Where the foregoing warrants may be located.

1802, ch. 30.

SEC. 2. *And be it further enacted*, That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, intituled "An act in addition to an act, intituled An act regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen."

SEC. 3. *And be it further enacted*, That the act, intituled "An act in addition to an act, intituled An act in addition to an act, regulating the

Former act continued in