

CHAP. LXVI.—*An Act to continue in force for a limited time, an act entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the twentieth day of February, one thousand eight hundred and four, entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned," shall be and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

SEC. 2. *And be it further enacted,* That for paying the salaries of the secretaries of state, treasury, war and navy, the comptroller, auditor and register of the treasury, the treasurer of the United States, the accountants of the war and navy departments, the postmaster-general and the first assistant postmaster-general, in addition to the sums already appropriated by the "Act making appropriations for the support of government for the year one thousand eight hundred and twelve," there be appropriated the further sum of seven thousand seven hundred and fifty-two dollars and fifty cents, to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, April 24, 1812.

STATUTE I.

April 24, 1812.

Act of Feb. 20, 1804, ch. 12.
Act of April 27, 1816, ch. 103.
Act of Feb. 20, 1819, ch. 15.
Act of 1804 continued for three years.

Additional appropriation of \$7,752 50.

1812, ch. 33.

STATUTE I.

April 25, 1812.

CHAP. LXVII.—*An Act for ascertaining the titles and claims to Lands in that part of the Louisiana which lies east of the river Mississippi and island of New Orleans.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of ascer-

Act of April 18, 1814, ch. 85.
Act of May 8, 1822, ch. 128.

(a) On the 12th February, 1813, Congress passed an "act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi territory, and west of the river Perdido." This act was not promulgated until the publication of the "Session acts" of the first session of the fifteenth Congress, which terminated April 20, 1818. See "resolution and acts relative to the occupation of Florida by the United States," Appendix to the acts of the first session of the fifteenth Congress, 1818, Vol. 3, p. 472.

Upon the titles to lands in this country, the following decisions have been made by the Supreme Court:—

By the treaty of St. Ildefonso, made on the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty, the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which at the time of the cession was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States; that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. *Foster et al. v. Neilson*, 2 Peters, 306.

If a Spanish grantee had obtained possession of the land in dispute so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic Majesty before the 24th January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is, that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

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