

Lighthouse near the mouth of Duck creek.

Salaries of the respective keepers of lighthouses. Proviso.

Appropriation.

To build a lighthouse near the mouth of Duck creek, adjoining Delaware bay, the sum of four thousand dollars.

Sec. 4. *And be it further enacted*, That, from and after the passage of this act, the Secretary of the Treasury be, and he is hereby, authorized and empowered to regulate and fix the salaries of the respective keepers of lighthouses, in such manner as he shall deem just and proper: *Provided*, The whole sum allowed shall not exceed an average of four hundred dollars to each keeper.

Sec. 5. *And be it further enacted*, That the sum of five thousand two hundred dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, in addition to the sums heretofore appropriated, to pay the salaries to the several keepers of the lighthouses within the United States; to be applied under the direction of the Secretary of the Treasury, in conformity to the authority in him vested by the third section of this act.

APPROVED, May 23, 1828.

STATUTE I.

May 23, 1828.

CHAP. LXX.—*An Act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.* (a)

Act of May 8, 1822, ch. 129.

Act of March 3, 1823, ch. 29.

The three claims to land in the district of West Florida, contained in the reports of the commissioners, numbered 4, 8, and 10, excluding from the latter the land contained in certificate, and in the plats A. and C., &c., confirmed.

No more than the quantity of acres contained in a league square shall be confirmed within the bounds of any one grant, &c.

All the decisions made by the register, &c., of the district of East Florida, as commissioners under act of Feb. 8, 1827, ch. 9, recommended for confirmation, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the three claims to land in the district of West Florida, contained in the reports of the commissioners, and numbered four, [4] eight, [8] and ten, [10] excluding from the latter the land contained in certificate, and in the plats A. and C., and the claims contained in the reports of the commissioners of East Florida, and in the reports of the receiver and register, acting as such, made in pursuance of the several acts of Congress providing for the settlement of private land claims in Florida, and recommended for confirmation by said commissioners, and by the register and receiver, be, and the same are hereby, confirmed to the extent of the quantity contained in one league square, to be located by the claimants, or their agents, within the limits of such claims or surveys filed, as aforesaid, before the said commissioners, or receiver and register, which location shall be made within the bounds of the original grant, in quantities of not less than one section, and to be bounded by sectional lines.

Sec. 2. *And be it further enacted*, That no more than the quantity of acres contained in a league square, shall be confirmed within the bounds of any one grant: and no confirmation shall be effectual until all the parties in interest, under the original grant, shall file with the register and receiver of the district where the grant may be situated, a full and final release of all claim to the residue contained in the grant: and where there shall be any minors incapable of acting within said territory of Florida, a relinquishment by the legal guardian shall be sufficient; and thereafter the excess in said grants, respectively, shall be liable to be sold as other public lands of the United States.

Sec. 3. *And be it further enacted*, That all the decisions made by the register and receiver of the district of East Florida, acting *ex officio*, as commissioners, in pursuance of an act of Congress, approved the eighth of February, one thousand eight hundred and twenty-seven, authorizing them to ascertain and decide claims and titles to lands in the district aforesaid, and those recommended for confirmation under the quantity of three thousand five hundred acres, contained in the reports, abstracts, and opinions, of the said register and receiver, transmitted to the Secretary of the Treasury, according to law, and referred by him to Congress, on the twenty-ninth January, one thousand eight hundred and twenty-

(a) See notes of the decisions of the Supreme Court upon claims and titles to land in the territory of Florida, vol. iii. 709.

eight, be, and the same are hereby, confirmed. The confirmations authorized by this act shall operate only as a release of any claim had by the United States, and not to affect the interest of third persons.

SEC. 4. *And be it further enacted*, That the said register and receiver shall continue to examine and decide the remaining claims in East Florida, subject to the same limitations and in conformity with the provisions of the several acts of Congress, for the adjustment of private land claims in Florida, until the first Monday in December next, when they shall make a final report of all the claims, aforesaid, in said district, to the Secretary of the Treasury; and it shall never be lawful, after that time, for any of the claimants to exhibit any further evidence in support of said claims. And the said register and receiver, and clerk, shall receive the compensation provided in the act aforesaid, to be paid out of any money in the treasury not otherwise appropriated: *Provided*, That the extra compensation of one thousand dollars, each, which is hereby allowed to the register and receiver, for services under and by the provisions of this act, shall not be paid until a report of all the claims be made to the Secretary of the Treasury.

SEC. 5. *And be it further enacted*, That the proper accounting officers of the treasury be, and they are hereby, authorized to adjust and pay the accounts of the register and receiver, acting as commissioners, their contingent expenses, and the receiver the compensation heretofore allowed for bringing their reports to Washington, out of any money in the treasury not otherwise appropriated.

SEC. 6. *And be it further enacted*, That all claims to land within the territory of Florida, embraced by the treaty between Spain and the United States of the twenty-second of February, one thousand eight hundred and nineteen, which shall not be decided and finally settled under the foregoing provisions of this act, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by this act: and which have not been reported, as antedated or forged by said commissioners, or register and receiver acting as such, shall be received and adjudicated, by the judge of the superior court of the district within which the land lies, upon the petition of the claimant, according to the forms, rules, regulations, conditions, restrictions, and limitations prescribed to the district judge, and claimants in the state of Missouri, by act of Congress, approved May twenty-sixth, eighteen hundred and twenty-four, entitled "An act enabling the claimants to lands within the limits of the state of Missouri, and territory of Arkansas, to institute proceedings to try the validity of their claims:" *Provided*, That nothing in this section shall be construed to authorize said judges to take cognisance of any claim annulled by the said treaty, or the decree ratifying the same by the king of Spain, nor any claim not presented to the commissioners or register and receiver, in conformity to the several acts of Congress, providing for the settlement of private land claims in Florida.

SEC. 7. *And be it further enacted*, That it shall be lawful for the claimants to lands, as aforesaid, to take an appeal, as directed in the act aforesaid, from the decision of the judge of the district, to the Supreme Court of the United States, within four months after the decision shall be pronounced; and the said judges shall each be entitled to receive the extra compensation given to the district judge of Missouri, for the performance of the duties required by this act, out of any money in the treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That so much of the said act, the provisions of which, so far as they are applicable, and are not altered by this act, are hereby extended to the territory of Florida, as subjects the claimants to the payment of costs in any case where the decision may be in favour of their claims, be, and the same is hereby, repealed; and

Register and receiver to examine and decide the remaining claims in East Florida, &c.

Proviso.

Accounting officers of the treasury to adjust, &c., the accounts of the register and receiver, &c.

Claims not decided and finally settled by the commissioners to be decided by the judge of the superior court of the district.

Act of May 26, 1824, ch. 173.

Proviso.

Claimant may appeal to the Supreme Court of the United States within four months after the decision shall be pronounced, &c.

Costs.

Repeal of certain provisions.

Attorney general of the United States, for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, to make out and transmit to the attorney general a statement containing the facts of the case, &c.

The President of the United States to appoint a law agent, to superintend, &c.

Duty of the agent.

The President to appoint assistant counsel.

Claims to lands, &c., within the purview of this act, forever barred after the passage of this act, if, &c.

Decrees rendered by said district or Supreme Court United States to be conclusive, &c.

STATUTE I.

May 23, 1828.

Where public lands have

the costs shall abide the decision of the cause as in ordinary causes before the said court. And so much of the said act as requires the claimants to make adverse claimants parties to their suits, or to show the court what adverse claimants there may be to the land claimed of the United States, be also hereby repealed.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, to make out and transmit to the attorney general of the United States, a statement, containing the facts of the case, and the points of law on which the same was decided: and it shall be the duty of the attorney general, in all cases where the claim exceeds one league square, and in all other cases, if he shall in such latter cases think the decision of the district judge is erroneous, to direct an appeal to be made to the Supreme Court of the United States, and to appear for the United States, and prosecute such appeal: which appeal in behalf of the United States may be granted at any time within six months after the rendition of the judgment appealed from, or at any time before the expiration of the term thereof, which may commence next after the expiration of said six months; and it shall be the further duty of the district attorney to observe the instruction given to him by the attorney general in that respect.

SEC. 10. *And be it further enacted*, That it shall be lawful for the President of the United States to appoint a law agent, whose special duty it shall be to superintend the interests of the United States in the premises, to continue him in place as long as the public interest requires his continuance; and to allow such pay to the agent as the President may think reasonable. It shall also be the duty of said agent to collect testimony in behalf of the United States, and to attend, on all occasions, when said claimants may take depositions; and no deposition so taken by them shall be read as evidence, unless said agent or district attorney shall have been notified, in writing, of the time and place of taking them, so long previous to said time as to afford to him an opportunity of being present.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President to employ assistant counsel, if in his opinion the public interest shall require the same: and to allow to such counsel and the district attorney, such compensation as he may think reasonable.

SEC. 12. *And be it further enacted*, That any claims to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before said court within one year from the passage of this act, or which, after being brought before said court, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within two years, shall be forever barred, both at law and in equity; and no other action at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever.

SEC. 13. *And be it further enacted*, That the decrees which may be rendered by said district, or the Supreme Court of the United States, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

APPROVED, May 23, 1828.

CHAP. LXXI.—*An Act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in all cases where public

(a) See notes to the act of March 21, 1828, ch. 22.