

act, in the recess of Congress; and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

SEC. 17. *And be it further enacted*, That the several superintendents of the public sales directed by this act, shall receive six dollars each, for each day's attendance on the said sales.

SEC. 18. *And be it further enacted*, That a sum not exceeding twenty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying this act into effect; which sum shall be paid out of any unappropriated monies in the treasury.

APPROVED, March 26, 1804.

of the next session of Congress.

Per diem allowance to superintendents of sales.

Sum appropriated to carry this act into effect.

STATUTE I.

CHAP. XXXVI.—*An Act altering the time for the next meeting of Congress.*

March 26, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the expiration of the present session, the next meeting of Congress shall be on the first Monday of November next.

Congress shall meet on the first Monday in November, 1804.

APPROVED, March 26, 1804.

STATUTE I.

CHAP. XXXVIII.—*An Act erecting Louisiana into two territories, and providing for the temporary government thereof.*(a)

March 26, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans; the government whereof shall be organized and administered as follows:

Act of Feb. 20, 1811, ch. 21.
Act of April 8, 1812, ch. 50.
Act of April 14, 1812, ch. 57.

Lands south of the Mississippi territory in Louisiana made the territory of Orleans.

SEC. 2. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon, shall be made known; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

The executive power—how constituted.

To hold his office three years.

The governor's powers, duties and authority.

SEC. 3. A secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor

A secretary to be appointed.

(a) Prior acts relating to Louisiana.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof, Oct. 31, 1803, chap. 1; an act authorizing the creation of a stock to the amount of eleven millions two hundred and fifty thousand dollars for the purpose of carrying into effect the convention of the thirtieth of April, 1803, between the United States of America and the French Republic, and making provision for the payment of the same, Nov. 10, 1803, chap. 2; an act making provision for the payment of claims of citizens of the United States, on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, 1803, between the United States and the French Republic, November 10, 1803, chap. 3; an act to repeal an act entitled, "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act entitled, An act to regulate the duties on imports and tonnage," Nov. 25, 1803, chap. 5.

In case of vacancy, the government to devolve upon him.

A legislative council to be appointed by the President.

The governor with the advice and consent of the council, may alter or repeal laws, &c.

Legislative powers of the council.

No law to be valid that is repugnant to the constitution, &c. of the U. States; to be a perfect equality and freedom in religious matters.

Laws to be published: and from time to time to be reported to the President, who is to lay them before Congress, for their approbation.

Governor and council to have no control over the primary disposal of the soil, nor to tax the lands of the U. States, nor to decide upon interfering land claims.

Governor may convene and prorogue the council:—made his duty to obtain information concerning the people, &c. of Louisiana, and report it to the President.

Judicial arrangement for the territory.

Inhabitants of the territory entitled to the benefit of the writ of habeas corpus, bailable but in certain cases, and exempt from all cruel and unusual punishments.

Governor, &c. may be appointed by the President, in the recess of the senate; but in that

in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor, the government of the said territory shall devolve on the secretary.

SEC. 4. The legislative powers shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least, in the said territory, and hold no office of profit under the territory or the United States. The governor, by and with advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions or worship; in all which he shall be free to maintain his own, and not burthened for those of another. The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time, report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said territory. The governor shall convene and prorogue the legislative council, whenever he may deem it expedient. It shall be his duty to obtain all the information in his power, in relation to the customs, habits, and dispositions of the inhabitants of the said territory, and communicate the same from time to time, to the President of the United States.

SEC. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may from time to time establish. The judges of the superior court and the justices of the peace, shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases criminal and civil in the superior court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.

SEC. 6. The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, shall be appointed by the President of the United States, in the recess of the Senate; but shall be nominated at their next meeting for their advice and consent. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States

shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor; and all other officers before such persons as the governor shall direct. The governor shall receive an annual salary of five thousand dollars; the secretary of two thousand dollars; and the judges of two thousand dollars each; to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory. The members of the legislative council shall receive four dollars each per day, during their attendance in council.

SEC. 7. *And be it further enacted*, That the following acts, that is to say:

An act for the punishment of certain crimes against the United States.

An act, in addition to an act, for the punishment of certain crimes against the United States.

An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States.

An act for the punishment of certain crimes therein specified.

An act respecting fugitives from justice, and persons escaping from service of their masters.

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

An act to prevent the importation of certain persons into certain states, where by the laws thereof, their admission is prohibited.

An act to establish the post-office of the United States.

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.

An act for the more general promulgation of the laws of the United States.

An act, in addition to an act, intituled an act for the more general promulgation of the laws of the United States.

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned.

An act, supplementary to an act, intituled An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.

An act providing for salvage in cases of recapture.

An act respecting alien enemies.

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated, so as to take effect in every other state.

An act for establishing trading houses with the Indian tribes.

An act for continuing in force a law, intituled An act for establishing trading houses with the Indian tribes. And

An act making provision relative to rations for Indians, and to their visits to the seat of government, shall extend to, and have full force and effect in the above mentioned territories.

SEC. 8. There shall be established in the said territory a district court, to consist of one judge, who shall reside therein, and be called the district judge, and who shall hold, in the city of Orleans, four sessions annually; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every

case he must nominate them at the next meeting of the senate.

Governor, &c. to take an oath of office, &c.

Compensation of the governor, &c.

Certain acts of Congress to be in force in the territory.

Act of June 5, 1794, ch. 50.

Act of April 24, 1800, ch. 35.

Act of June 14, 1797, ch. 1.

Act of Jan. 30, 1759, ch. 1.

Act of Feb. 12, 1793, ch. 7.

Act of March 22, 1794, ch. 11.

Act of Feb. 28, 1803, ch. 10.

Act of March 2, 1799, ch. 43.

Act of March 26, 1804, ch. 34.

Act of March 3, 1795, ch. 50.

Act of March 2, 1799, ch. 30.

Act of Feb. 21, 1793, ch. 11.

Act of April 17, 1800, ch. 25.

Act of May 31, 1790, ch. 15.

Act of April 29, 1802, ch. 66.

Act of March 2, 1799, ch. 24, sec. 7.

Act of July 6, 1798, ch. 66.

Act of May 26, 1790, ch. 11.

Act of April 18, 1796, ch. 13.

Act of April 30, 1802, ch. 39.

Act of May 13, 1800, ch. 68.

District court of the U. States created in the territory, the court to consist of one judge.

Sessions and jurisdiction of the court.

A clerk to be appointed: his fees and emoluments.

An attorney and a marshal to be also appointed.

Their compensation.

Repealed May 22, 1812.

How juries are to be selected.

Importation of slaves forbidden under a penalty.

Importation of slaves brought to the U. States since May, one thousand seven hundred and ninety-eight, forbidden under a penalty.

No slaves to be brought into the territory but by citizens of the U. States, bona fide owners of them at their removal.

Certain laws of the territory declared in force.

third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers, which are by law given to, or may be exercised by the judge of Kentucky district; and shall be allowed an annual compensation of two thousand dollars, to be paid quarterly out of the revenues of impost and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky district is entitled for similar services.

There shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall moreover be paid two hundred dollars, annually, as a compensation for all extra services.

SEC. 9. All free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the courts of the said territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively, shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

SEC. 10. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought, shall thereupon become entitled to, and receive his or her freedom. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, which shall have been imported since the first day of May, one thousand seven hundred and ninety-eight, into any port or place within the limits of the United States, or which may hereafter be so imported, from any port or place without the limits of the United States; and every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and no slave or slaves shall directly or indirectly be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom.

SEC. 11. The laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SEC. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the district of Louisiana, the government whereof shall be organized and administered as follows:

The executive power now vested in the governor of the Indiana territory, shall extend to, and be exercised in the said district of Louisiana. The governor and judges of the Indiana territory shall have power to establish, in the said district of Louisiana, inferior courts, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, that no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship; in all of which he shall be free to maintain his own, and not burthened for those of another: *And provided also*, that in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. The judges of the Indiana territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of. It shall be the duty of the secretary of the Indiana territory to record and preserve all the papers and proceedings of the governor, of an executive nature, relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district, all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease, and be of no effect.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of eighteen and forty-five, shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who whether a captain, a major or a colonel, shall be the commanding officer of the district, and as such, shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrol, aided by militia if necessary, to arrest unauthorized settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

SEC. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.

SEC. 14. *And be it further enacted*, That all grants for lands within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, in the year one thousand eight hundred and three, the title whereof was, at the date of the treaty of St. Ildefonso, in the crown, government or nation of Spain, and every act and pro-

The remaining part of Louisiana made a separate district.

The executive power of Indiana extended to this district, and the legislative also.

Proviso.

In all criminal cases the trial to be by jury.

The judges to hold two annual sessions of the district court in the Indiana territory.

The secretary of the territory to keep a record of executive proceedings and transmit copies to the President.

Laws to be published by the governor, and copies to be sent to the President, for the sanction of Congress.

District of Louisiana to be subdivided.

Militia formed out of the inhabitants of the particular districts.

Officers to be appointed, &c.

Laws now in force in the district of Louisiana, not inconsistent with this act, continued in force.

Certain grants for lands in the territories ceded to the U. States which were in

the crown of Spain at the time of the treaty of St. Ildefonso declared void.

Proviso.

ceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted, or pretended, be, and the same are hereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity. (a) *Provided nevertheless*, that any thing in this section con-

(a) Decisions of the Supreme Court on Louisiana land titles:—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, 254.

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 of 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.*

The controversy in relation to the country lying between the Mississippi and the Perdido rivers, and the validity of the grants made by Spain in the disputed territory, after the cession of Louisiana to the United States, were carefully examined and decided in the case of *Foster and Elam v. Neilson*. The supreme court, in that case, decided that the question of boundary between the United States and Spain was a question for the political departments of the government; that the legislative and executive branches having decided the question, the courts of the United States are bound to regard the boundary determined by them as the true one; that grants made by the Spanish authorities of lands, which, according to this boundary line belonged to the United States, gave no title to the grantees, in opposition to those claiming under the United States; unless the Spanish grants were protected by the subsequent arrangements made between the two governments; and that no such arrangements were to be found in the treaty of 1819, by which Spain ceded the Floridas to the United States, according to the fair import of its words, and its true construction. *Garcia v. Lee*, 12 Peters, 511.

In the case of *Foster and Elam v. Neilson*, the supreme court said, that the Florida treaty of 1819 declares that all grants made before the 24th January, 1818, by the Spanish authorities, "shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic majesty;" and in deciding the case of *Foster and Elam*, the court held that even if this stipulation applied to lands in the territory in question, yet the words used did not import a present confirmation by virtue of the treaty itself, but that they were words of contract; "that the ratification and confirmation, which were promised, must be the act of the legislature; and until such shall be passed, the court is not at liberty to disregard the existing laws on the subject." Afterwards, in the case of *The United States v. Percheman*, 7 Peters, 86, in reviewing the words of the eighth article of the treaty, the court, for the reasons there assigned, came to a different conclusion; and held that the words were words of present confirmation, by the treaty, where the land had been rightfully granted before the cession; and that it did not need the aid of an act of Congress to ratify and confirm the grant. This language was, however, applied by the court, and was intended to apply to grants made in a territory which belonged to Spain at the time of the grant. The case then before the court was one of that description. It was in relation to a grant of land in Florida, which unquestionably belonged to Spain at the time the grant was made; and where the Spanish authorities had an undoubted right to grant, until the treaty of cession in 1819. It is of such grants that the court speak, when they declare them to be confirmed and protected by the true construction of the treaty; and that they do not need the aid of an act of Congress to ratify and confirm the title of the purchaser. The court do not apply this principle to grants made within the territory of Louisiana. The case of *Foster and Elam v. Neilson*, must in all other respects be considered as affirmed by the case of *Percheman*; as it underwent a careful examination in that case, and as none of its principles were questioned, except that referred to. *Garcia v. Lee*, 12 Peters, 511.

The acts of the commissioners appointed to adjust and settle land titles in Louisiana, under the acts of Congress authorizing and confirming the same, are conclusive as to all titles to lands which have been confirmed, according to the provisions of the different acts of Congress on the subject. *Strother v. Lucas*, 12 Peters, 410. See also *The United States v. Percheman*, 7 Peters, 86.

tained shall not be construed to make null and void any bona fide grant, made agreeably to the laws, usages and customs of the Spanish government to an actual settler on the lands so granted, for himself, and for his wife and family; or to make null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages and customs of the Spanish government, to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the twentieth day of December, one thousand eight hundred and three: *And provided further*, that such grant shall not secure to the grantee or his assigns more than one mile square of land, together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government. And that if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall, on conviction thereof, in any court of record of the United States, or the territories of the United States, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person, who shall attempt a settlement thereon.

SEC. 15. The President of the United States is hereby authorized to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the individuals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. And in order to maintain peace and tranquillity with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress, passed on the thirtieth day of March, one thousand eight hundred and two, intitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," is hereby extended to the territories erected and established by this act; and the sum of fifteen thousand dollars of any money in the treasury not otherwise appropriated by law, is hereby appropriated to enable the President of the United States to effect the object expressed in this section.

SEC. 16. The act, passed on the thirty-first day of October, one thousand eight hundred and three, intitled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, and for the temporary government thereof," shall continue in force until the first day of October next, any thing therein to the contrary notwithstanding; on which said first day of October, this act shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress which may happen thereafter.

APPROVED, March 26, 1804.

Grants to actual settlers excepted.

Proviso.

Limitation of such grants.

Prohibition of settlements on the lands of the United States.

President authorized to enter into certain agreements with the Indian Tribes, owning lands on the east side of the Mississippi.

The act to regulate trade, &c. and to preserve peace on the frontiers, extended to the territory ceded by France to the United States.

Act of March 30, 1802, ch. 13.

Limitation of a former and the commencement of this act.

Act of October 31, 1803, ch. 1.

This act to be in force on the 1st of October, 1804, and to continue for one year.