

as in his opinion shall be deemed expedient: *Provided*, that no deviation shall be made from the principal points established on said road between Cumberland and Brownsville.

APPROVED, March 3, 1811.

STATUTE III.

March 3, 1811.

Act of Feb.

15, 1811, ch. 14.

Act of April

25, 1812, ch. 67.

Act of May

11, 1820, ch. 86.

Allowances

and compen-

sations.

CHAP. XLVI.—*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 sixteenth, one thousand eight hundred and eleven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following allowances and compensations shall be made to the several officers appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana; which allowances and compensations shall be in full for all their services, including those rendered since their salaries respectively ceased; that is to say: To each of the commissioners, and to each of the clerks of the boards, fifty cents for each claim, duly filed according to law, which remained undecided on the first day of July, one thousand eight hundred and nine, and on which a decision has been made subsequent to that day, or shall hereafter be made, whether such decision be in favour of, or against the claim: which allowance of fifty cents shall be paid at the treasury of the United States, from time to time, and on receipt of the transcripts of the decisions and of the reports of claims not finally confirmed, as the same may be transmitted by the boards respectively to the Secretary of the Treasury according to law. To each of the said commissioners and clerks a further allowance of five hundred dollars, to be paid after the completion of the business of each of the boards respectively to the officers then in office. And to each of the translators, at the rate of six hundred dollars a year, and not to exceed in the whole for each the term of eighteen months: *Provided always*, that the above mentioned allowance of fifty cents for each claim decided upon, shall not be made to any of the commissioners who may be absent at the time of such decision; the attendance of each to be certified by the clerk, or by a majority of the board: *And provided also*, that no allowance shall be made to any agent heretofore employed by the Secretary of the Treasury for any period of time, subsequent to the time when such agent ceased to act, or when the board ceased to receive evidence.

Duties of the deputy surveyors and mode of survey.

SEC. 2. *And be it further enacted*, That the two principal deputy surveyors of the territory of Orleans shall, and they are hereby authorized, in surveying and dividing such of the public lands in the said territory, which are or may be authorized to be surveyed and divided, as are adjacent to any river, lake, creek, bayou, or water course, to vary the mode heretofore prescribed by law, so far as relates to the contents of the tracts, and to the angles and boundary lines, and to lay out the same into tracts as far as practicable, of fifty-eight poles in front and four hundred and sixty-five poles in depth, of such shape, and bounded by such lines as the nature of the country will render practicable, and most convenient: *Provided however*, that such deviations from the ordinary mode of surveying shall be made with the approbation of, and in conformity with the general instructions which may be given to that effect, by the surveyor of the public lands south of the state of Tennessee.

Land-offices to be established at New Orleans and Opelousas, &c.

SEC. 3. *And be it further enacted*, That for the disposal of the lands of the United States, lying in the eastern land district of the territory of Orleans, a land-office shall be established at New Orleans; and that for the disposal of the lands of the United States, lying south of Red river, in the western land district of the territory of Orleans, a land-office shall be

established at Opelousas; and that for the disposal of the lands of the United States, lying north of Red river, in the western land district of the territory of Orleans, a land-office shall be established, which shall be kept at such place as the President of the United States may direct. The register of the western land district of the territory of Orleans shall act as register of the land-office of Opelousas, and as one of the commissioners for ascertaining the rights of persons claiming lands in any part of the said western land district. And for the land-office north of the Red river, a register, and for each of the said three offices a receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States, in the territory of Mississippi.

SEC. 4. *And be it further enacted*, That the powers vested in the President of the United States by the eleventh section of the act, entitled "An act supplementary to an act, entitled An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana," passed on the twenty-first day of April, one thousand eight hundred and six, in relation to the public lands, lying in the western district of the territory of Orleans, and all the other provisions made by the same section, for the sale of said lands, and for obtaining patents for the same, shall be, and the same are hereby, in every respect, extended to the public lands, lying in the eastern district of the territory of Orleans.

SEC. 5. *And be it further enacted*, That every person who, either by virtue of a French or Spanish grant recognized by the laws of the United States, or under a claim confirmed by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans, owns a tract of land bordering on any river, creek, bayou, or water course, in the said territory, and not exceeding in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to, and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land that which is contained in his own tract, at the same price, and on the same terms and conditions, as are, or may be, provided by law for the other public lands in the said territory. And the principal deputy surveyor of each district respectively shall be and he is hereby authorized, under the superintendence of the surveyor of the public lands south of the state of Tennessee, to cause to be surveyed the tracts claimed by virtue of this section; and in all cases where by reason of bends in the river, lake, creek, bayou, or water course, bordering on the tract, and of adjacent claims of a similar nature, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him, to divide the vacant land applicable to that object between the several claimants, in such manner as to him may appear most equitable: *Provided however*, that the right of pre-emption granted by this section shall not extend so far in depth, as to include lands fit for cultivation, bordering on another river, creek, bayou or water course. And every person entitled to the benefit of this section shall, within three years after the date of this act, deliver to the register of the proper land-office, a notice in writing, stating the situation and extent of the tract of land he wishes to purchase, and shall also make the payment and payments for the same, at the time and times, which are, or may be, prescribed by law for the disposal of the other public lands in the said territory; the time of his delivering the notice aforesaid being considered as the date of the purchase. And if any such person shall fail to

Certain powers with respect to public lands in eastern district of Orleans territory extended to the President.

Act of April 21, 1806, ch. 43.

Persons entitled to a preference.

Proviso as to the extent of the pre-emption.

deliver such notice within the said period of three years, or to make such payment or payments at the time above mentioned, his right of pre-emption shall cease and become void; and the land may thereafter be purchased by any other person in the same manner, and on the same terms, as are or may be provided by law for the sale of other public lands in the said territory.

When land of-
fices established
by this act to be
opened.

1811, ch. 14.

1803, ch. 27.

Proviso.

Proviso.

An additional
township to be
located in Or-
leans territory
for seminary of
learning.

SEC. 6. *And be it further enacted*, That the land-offices established by virtue of the third section of this act, shall be opened on the first day of January, one thousand eight hundred and twelve, for the sale of all the public lands, with the exception of section No. sixteen, of the salt springs, and land contiguous thereto, and of the tracts reserved for the support of seminaries of learning as herein after provided, which shall have been previously surveyed, and the surveys thereof returned according to law to the registers of the land-offices respectively; and on the first day of February, one thousand eight hundred and twelve, for the sale of such of the public lands, which from the nature of the country cannot be surveyed in the ordinary way, and are embraced by the provisions of the second section of this act, as shall have, at least six weeks previous to the said first day of February, one thousand eight hundred and twelve, been advertised for sale by the surveyor of the public lands south of the state of Tennessee, with the approbation of the President of the United States. The public sales for the land subdivided into quarter sections in the ordinary way, shall be held for one calendar month, under the superintendence of the register and receiver of each land-office respectively, and of either the surveyor of public lands south of Tennessee, or of his principal deputy surveyor in the district, who shall each receive six dollars for each day's attendance on the same; and no tract of land shall be sold at said public sales for a less price, than that which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. And from and after the first day of February, one thousand eight hundred and twelve, any tract which has been thus offered for sale at public sale, and remains unsold, as well as any tract of land embraced by the provisions of the second section of this act, the sale of which is authorized by this section, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. All the lands sold by virtue of this section, shall in every other respect be sold on the same terms of payment, and conditions, in the same manner, and under the same regulations as are, or may be, prescribed by law, for the sale of public lands in the Mississippi territory: *Provided however*, than in case of an application being made at the same time, for the purchase at private sale of the same tract of land by two or more persons, one of whom did actually inhabit and cultivate such tract of land at the time of passing this act, and still continues to inhabit and cultivate the same at the time of such application, the preference shall be given to the person thus inhabiting and cultivating such tract of land. *And provided also*, that till after the final decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time, and according to law, presented to the register of the land-office, and filed in his office, for the purpose of being investigated by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans; or which shall have been located by or for Major-general La Fayette, according to law.

SEC. 7. *And be it further enacted*, That in addition to the township already reserved for that purpose by law in the western district of the territory of Orleans, and which shall be located south of Red river, another entire township shall be located by the Secretary of the Treasury north of Red river, for the use of a seminary of learning, and also

an entire township in the territory of Louisiana, for the support of a seminary of learning within the said territory.

SEC. 8. *And be it further enacted*, That the surveyor-general shall cause such of the public lands in the territory of Louisiana, as the President of the United States shall direct, to be surveyed and divided in the same manner and under the same regulations and limitation as to expenses, 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. 9. *And be it further enacted*, That for the disposal of the lands of the United States lying in the territory of Louisiana, a land-office shall be established, which shall be kept at such place as the President of the United States may direct; and a register and receiver of public monies shall be appointed for said office, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their office, as are or may be provided for by law in relation to the register and receiver of public monies in the several offices established for the disposal of the lands of the United States, northwest of the river Ohio, and above the mouth of Kentucky river.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think proper, to direct so much of the public lands lying in the territory of Louisiana, as shall have been surveyed in conformity with the eighth section of this act, to be offered for sale. All such lands shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same, with the exception also of a tract reserved for the support of a seminary of learning, as provided for by the seventh section of this act, and with the exception also of the salt springs and lead mines, and lands contiguous thereto; which, by the direction of the President of the United States, may be reserved for the future disposal of the said states, shall be offered for sale to the highest bidder, under the direction of the register of the land-office and the receiver of public monies and of the principal deputy surveyor, and on such day or days as shall, by public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks and no longer. The lands shall be sold for a price not less than that which has been or may be fixed by law for the public lands, northwest of the river Ohio, and above the mouth of Kentucky river. And shall in every other respect be sold in tracts of the same size, on the same terms and conditions, as have been or may be by law provided for the lands sold in the state of Ohio. The superintendents of the said public sales shall each receive six dollars for each day's attendance on the said sales. All the lands which have been thus offered for sale, at public sale, remaining unsold at the closing of the public sales, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law for the sale of public lands in the state of Ohio: *Provided however*, that till after the decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time and according to law presented to the recorder of land titles in the district of Louisiana and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the territory of Louisiana. And patents shall be obtained for all lands sold in the territory of Louisiana, in the same manner and on the same terms as is or may be provided by law for land sold in the state of Ohio.

SEC. 11. *And be it further enacted*, That the claim of the corporation of the city of New Orleans, to the common adjacent thereto, and within six hundred yards from the fortifications of the same, as confirmed by

Surveyor-general to cause certain portions of public lands in territory of Louisiana to be surveyed and divided.

Office to be established for disposing of public land in territory of Louisiana.

1800, ch. 55.

Lands in territory of Louisiana to be offered for sale.

1800, ch. 55.

Proviso.

Patents how obtained.

Claim of corporation of Orleans to be deemed valid.

- 1807, ch. 36. the act, entitled "An act respecting claims to lands in the territories of Orleans and Louisiana," shall be deemed valid, although the relinquishment of the said corporation to any claim beyond the said distance of six hundred yards was not made till after the expiration of the period of six months prescribed by the act last mentioned.
- Navigable rivers to be public highways. SEC. 12. *And be it further enacted*, That all the navigable rivers and waters in the territories of Orleans and Louisiana shall be and for ever remain public highways.
- Appropriation. SEC. 13. *And be it further enacted*, That a sum not exceeding forty 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 unappropriated monies in the treasury.
- Repeal of the act of Feb. 15, 1811, ch. 14. SEC. 14. *And be it further enacted*, That the act, entitled "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," approved February the sixteenth,^(a) eighteen hundred and eleven, be, and the same is hereby repealed.

APPROVED, March 3, 1811.

March 3, 1811.

This act, and the act referred to, not to be published until the end of the next session of Congress, unless, &c.

CHAP. XLVII. — *An Act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes, and the declaration accompanying the same.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That this act, and the act passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes," and the declaration accompanying the same, be not printed or published, until the end of the next session of Congress, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

APPROVED, March 3, 1811.

Jan. 15, 1811.

The United States cannot, without iniquity, see the Floridas pass into the hands of a foreign power, &c.

RESOLUTION *relative to the occupation of the Floridas by the United States of America.*

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.

APPROVED, January 15, 1811.

(a) The act here referred to will be found in Vol. III. p. 471.