

Rule of instruction for the Government of Surveyors.

The west boundary of the second district, shall be the principal meridian of the seventh and eighth districts. The line by this act directed to be run at right angles from the southern boundary of the state and west of Tennessee river, shall be the principal meridian of the 9th and 10th districts; the western boundary of the 10th district shall be the principal meridian of the 11th district, and the dividing line of the 12th and 13th districts shall be the principal meridian of said districts respectively. The principal surveyors in each of said districts shall cause to be run out in ranges five miles wide by lines running from south to north, and parallel with his principal meridian, the whole extent of his district, distinguishing said ranges by progressive numbers East or West (as the case may be) from said meridian, beginning with the number one. The ranges must be divided into sections of five miles square, by lines crossing them at right angles and numbered progressively from south to north. The line must be made to close at the precise distance that is to say: each of the four lines of a section must be precisely five miles long, & run directly strait from one corner to the others, provided nevertheless, that if the section upon the first running shall close within twenty poles of the required distance, it shall be deemed correct; but must in that case be truly represented upon the general plan under the penalties and forfeitures by this act inflicted.

To enable the surveyor to close the sections correctly, he may begin at the south west corner thereof, if on the west of his meridian, and then run a random line, five miles north, set up a temporary corner, and then run a random line east to the north east corner of the section: he may then calculate the true course and distance of each line to make them intersect at the precise point, and run and mark the true lines west and south and establish the corner. And if he is running a range east of the meridian, he may begin at the south-east corner of the section and run a random line north and west. &c. as above mentioned. All section lines must be continued over all rivers in each distance without varying in course or distance. The navigable rivers bordering on the districts must be carefully meandered, where it is practicable, and noted in a field book.

At each corner of the sections a post must be set up, flatted or four sided, the corners whereof to be directed to the cardinal points: and upon the flatted sides the number of each section respectively faced by the same must be distinctly marked, and over it the number of the range. He must also mark on a tree near each corner so made, and within each section, the number of such section and over it the number of the range, noting also the bearing and distance of each tree from the true corner: and at the end of each mile upon the lines of each section a tree must be plainly blazed, facing the four points, forty-five degrees, from the cardinal points, and plainly notched fore and aft with the number of notches corresponding with the number of miles, it stands from each corner of that line of the section, and in case there shall be no tree at the distance aforesaid, a post must be set up for that purpose. All lines of the sections must be plainly marked by a blaze with a chop above and below on all fore and aft trees and near side lines. And all of the said lines, and all lines of surveys to be made, must be run horizontally, by levelling the chain and by plumbing the pins when the ground is uneven; and each surveyor shall carefully note all existing claims crossed by a line or lines of a section he may run, and mark plainly upon a tree at or near the crossing thereof thus X both fore and aft, and the initials of the owner's name if within his knowledge. All of which field notes, together with those otherwise provided by this act to be made, shall be returned to the principal surveyor of each district in time to enable him to exhibit the same in his general plan on or before the first day of October, 1820.

Sec. 7. Be it enacted, That each surveyor by this act appointed shall without delay, cause to be published at least three weeks in one or more papers at Nashville and Knoxville, the boundaries of his district, notifying all persons who may be desirous of making entries within the same, the day on which the office will be opened for receiving of entries and the requisitions of this act preparatory to the making of entries, and at the same time requiring all persons claiming lands within the said district by virtue of a grant or grants derived from North Carolina, to cause the same to be processioned before the first day of October, 1820; and upon application of such grantee or grantees, or his, her, or their legal representatives or assigns, it shall be the duty of such surveyor or his deputy, in whose district such land or beginning corner thereof may be, to attend such claimant, and run and plainly re-mark and describe such tract of land agreeably to the former lines, or natural boundaries, (if any) described in such grant, or if such lines or any part thereof have not been marked, to mark new lines agreeably to the calls of said grant, provided the locality of the same be clearly and certainly identified by agreement of marks, if on trees, with the date of said grant, or otherwise with the natural boundaries or places of notoriety described in the grant.

Sec. 8. Be it enacted, That if any person or persons claiming as aforesaid shall fail to identify his, her, or their grants agreeably to and within the time described by the foregoing section, it shall and may be lawful for the surveyors by this act appointed and recognized, and they are hereby required to cause to be run and plainly marked in the manner prescribed for original surveys, all such grants, agreeably to their calls respectively, provided the calls are special, or depend upon other grants, the locality of which may be clearly identified; and it shall be the duty of the surveyors aforesaid to use all reasonable exertions to identify the grants aforesaid, to procure the field notes of the original surveyors of the same if within their

power, & if obtained may use the same as a guide & directory to the discovery of the true places of said grants, and when thus laid down, it shall not be lawful for any subsequent enterer to cross said lines by a survey, upon any entry made under this act; but said grants so laid down and marked shall be considered as sufficient notice to all subsequent enterers; provided always, that said grant shall have been founded upon valid warrants, and provided also that they be founded upon warrants which have not been already satisfied, and if issued on warrants which have been previously satisfied, the lands included in grants, laid down from corners or objects, not originally marked and called for, as boundaries, shall nevertheless be liable to be tried and grant; under the authority of this act.

Sec. 9. Be it enacted, That it shall be the duty of the respective surveyors within this state, whose districts lie south and west of the congressional reservation, and west of Tennessee river, and the respective surveyors whose districts lie north and east of the congressional reservation line, and north of the rivers Tennessee and Holston; in all cases where any person or persons, shall on the day or days by this act appointed for drawing for preference of entry, or at any time previous thereto, produce to the surveyor of the district, in which such person or persons reside a good and legal warrant or certificate, issued by any of the commissioners of this state equal to the quantity of land proposed by such person to be entered, or for any greater number of acres, and shall at the same time, file the same with said surveyor, and also produce to said surveyor the depositions of two respectable persons, taken in the county where such person or persons resides, before any justice of the Peace of said county, setting forth, that they the deponents are acquainted with the spot or piece of ground intended to be entered; that the same is within said surveyors district; and that they are also acquainted with the person or persons claiming said warrant; and that such persons actually reside within said surveyors district; and that he resided on the same spot or piece of land on the first day of September one thousand eight hundred and nineteen; and that they do believe the same to be ungranted and unappropriated land; and in that case it shall be the duty of the surveyor, to permit such person or persons to make an entry for one hundred and sixty acres in a square or oblong including his, or their improvement as near the centre as may be, and where this cannot be done, by reason of any interfering claims or natural boundaries, then and in that case, it shall be surveyed as nearly conformable thereto as is practicable, without drawing for preference of entry as is prescribed by this act for other cases: Which entry if for lands lying south and west of the Congressional reservation, shall in all respects relating to speciality, be made in the manner pointed out by this act, and if for any other lands lying north and east of said line, shall be made in conformity with the law heretofore in use in this state and because disputes arise about priority of entry between such settlers, the said surveyors are hereby directed to determine such disputes, if any should happen, by lot, in the presence of both parties.

Sec. 10. Be it enacted That if any first enterer under the aforesaid provision, shall in making his said entry, include any house, cleared or inclosed land of any person, entitled to make an entry by virtue of the provision last aforesaid, without the consent in writing of such person or persons, such first enterer shall forfeit the right given him by this act, and any grant obtained upon such entry is hereby declared to be utterly void. And if any younger enterer provided for under the provisions aforesaid shall include any lands taken by a prior entry without the consent in writing of such former enterer, the right given to him by virtue of the aforesaid provisions is hereby forfeited, and any grant obtained thereon is hereby declared void.

Sec. 11. Be it enacted, That if any of the surveyors aforesaid, shall knowingly permit any person or persons to make a subsequent entry, for any of the lands included in any former entry, made by any of the settlers herein before provided for in case any such subsequent entry should be made, shall knowingly survey the same, for any other than such first enterer, without the consent of such first enterer in writing, such surveyor shall forfeit and pay to such first enterer the sum of five thousand dollars, to be recovered by such first enterer by action of debt in any court having cognizance thereof. And because it may happen that the settlers aforesaid, from their poverty or from some other cause or causes may not be able to procure a warrant by the time appointed by this act for drawing for preference of entry whereby they will be liable to have their improvements entered by others, and because it is manifestly unjust that persons should reap where they have not sown, for remedy whereof.

Sec. 12. Be it enacted, That where any person or persons shall have been actually settled, upon any vacant and unappropriated land within this state, and which lies south and west of the congressional reservation line, or north and east of that line, and north of the Tennessee and Holston, and shall have made valuable improvements thereon and shall not enter the same as is provided for by virtue of the provision herein before made for settlers, and the said valuable improvements shall be entered by any other person than such settler, the said surveyors are hereby prohibited, under the penalty last aforesaid, from surveying the same for any other than such settler until the value of such improvements is paid for, or tendered by such enterer, or in case any dispute should arise between such settler and enterer, then and in that case it shall be the duty of such surveyor, or his deputy, to appoint one or more disinterested person or persons, at the expence of such settler to fix on the value of such improvement, whose award shall be final between the parties; and upon the payment or tender thereof to such settler in any current notes of this state, or upon

giving bond with sufficient security, payable with interest, within twelve months, or tender thereof to such settler, it then shall and not before be lawful for said surveyor to survey the same as is required by law, and because it may happen that such settlers may not be able to provide themselves with warrants of suitable size as to number of acres, for remedy whereof.

Sec. 13. Be it enacted, That it shall and may be lawful for any of the settlers herein before provided for, to make their entries upon a warrant of any size allowed of by law, provided that such settler or settlers, shall jointly or severally at the time of making their entries, consume or enter the whole number of acres contained in such warrant; provided that when entries are made upon warrants for more than one hundred and sixty acres by one or more occupants jointly all the land between said settlers shall be included.

Sec. 14. Be it enacted, That it shall be the duty of each principal surveyor, to enter in a book to be by him kept for that purpose a list of all warrants or such other legal evidence of claims to lands as shall be duly certified to be valid by the board of commissioners heretofore directed to be appointed, and filed with him aforesaid, with the names of the assignor or assignees (if any) expressing also the number of acres contained in each warrant in columns, opposite to the owners names & having blank column to be filled with the number of the location which shall have been drawn by lot as aforesaid, in manner and form following:

No. of Location drawn.	
No. of acres	
No. warrants.	
Assignee, of whom.	
Owners names.	

provided that nothing herein contained shall be so construed as to authorise any person or persons to enter the land including any salt spring or springs, or shall any occupant claim be entered or surveyed the same.

Sec. 15. Be it enacted, That the surveyor of the ninth district shall keep his office at Reynoldsburgh, and the surveyor of the tenth district shall keep his office at Reynoldsburgh, and the surveyor of the eleventh district shall keep his office at the Chickasaw bluffs, the surveyor of the 12th district shall keep his office at Dover and the surveyor of the thirteenth district shall keep his office at Dover. And the surveyors herein directed to be appointed are required to give due attendance at their respective offices, at all times in order to perform the duties by this act imposed upon them, under the penalties and forfeitures hereby inflicted, provided that the surveyors hereafter to be appointed for the ninth, tenth, twelfth and thirteenth districts may keep their several offices in their respective districts as near the centre thereof as convenience will permit, and each of said surveyors shall give two months notice previous to receiving entries in some News paper printed in Nashville and Knoxville, declaring where his office will be opened; in what section, township, and range, what water course on, or near to, any other natural or artificial call which would be calculated to give notice of the place, where said offices is to be opened.

Sec. 16. Be it enacted, That the drawing for the number 4 the locations as in manner prescribed by the 14 section of this act, shall commence on the first Wednesday in December, 1820, at ten o'clock in the morning; the tickets shall be neatly cut out of clean paper, of equal size and plainly numbered with progressive numbers, beginning at the number one, and equal to the whole number of evidences of claims, listed as required by the said section; and the said tickets shall be separately and alike folded, and promiscuously put into a box, and drawn by a disinterested person, and the No. so drawn shall be placed in the blank column opposite the names of the persons who have listed their claims as above, in the order they stand on the said book.

Sec. 17. Be it enacted, That immediately after the priority of locations are determined, agreeably to the foregoing section, it shall be the duty of the surveyor to proceed to enter the same in a bound book, to be by him kept for that purpose, in progressive numbers, leaving no blank leaves or spaces between the said entries, and every location shall bear date the day on which it shall be made, and entered accordingly. And if any person shall fail or neglect to offer his or her location agreeably to the number thereof, the surveyor shall proceed, to enter the next in order changing the number so as to make it regularly progressive in his book; and mark on the location the same number on which the entry may stand on his book;—provided nevertheless, every person having right by priority of numbers, may at any time after passing the same tender a location to the surveyor, who shall forthwith enter the same on the book of entries to be by him kept for that purpose; and should two or more persons, the priority of whose location have not been determined, offer at the same time to any surveyor, locations for the same land, he shall immediately have it determined by lot which shall have the priority of entry, and make the entry accordingly.

Sec. 18. Be it enacted, That every person or

persons, or the legal representative of such persons, or the rightful assignee of any of said persons, for whom or for whose use any entry was made for any lands, in any office legally established by the laws of North Carolina, and which were actually located, west and south of the line as described in the first section of the act of congress passed 18th day of April, 1806, entitled "An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described and to settle the claims to the vacant and unappropriated lands within the same," and which said entries by the laws of North Carolina were good and valid, and on which a warrant issued on said entry, or which said entries were founded on a good and valid warrant (as the case may be) and on which no grant or grants ever issued by the state of North Carolina, or by this state; shall be entitled to receive a grant from this state for such quantity of land as is called for in each of said entries respectively, if identified, and shall be taken by the interference of a grant or entry of better title, derived from North Carolina, such claimant or claimants or their legal representatives may be at liberty to remove and enter the same in any office by this act established for receiving entries; provided such evidences of unsatisfied claims shall in all cases be adjudged good and valid by the board of commissioners herein after appointed.

Sec. 19. Be it enacted, That if any person or persons shall have heretofore obtained from the board of commissioners of East or West Tennessee any duplicate warrant or warrants, or any certificate or certificates, and which said warrant or warrants, certificate or certificates, shall have been issued pursuant to law; such person or persons, or the legal representatives or rightful assignees of such persons, shall be entitled to receive a grant for the quantity of land called for in said warrants or certificates, respectively, in any part of this state which by this act is intended to be granted; provided, however, that such evidences of claims shall be filed in the office of the commissioners by this act appointed and adjudged valid, according to the rules of evidence hereinafter prescribed.

Sec. 20. Be it enacted, That it shall and may be lawful for the register of the land office in this state to issue grants and perfect titles upon all warrants or certificates heretofore subdivided according to the laws in force and in use at the time of such subdivision, and also to issue grants and perfect titles upon all warrants or certificates which have been heretofore in part entered or granted; provided, however, that nothing in this act contained shall be construed to authorise in future the subdivision of any warrants or certificates.

Sec. 21. Be it enacted, That it shall and may be lawful for any person or persons, or the legal representatives, or rightful assignee of such person or persons to whom a grant may have issued under the authority of this state, and which said grant or grants may have become void by reason of their location to lands within the Indian territory at the time of such issuance, shall be at liberty to lay the same or a certified copy thereof before the board of commissioners, by this act appointed; and if it shall appear to said commissioners, that any of such grants are founded upon a good and valid warrant, or good and valid certificate, (as the case may be) and that no grant hath ever issued upon a warrant or certificate of the same number, that such person or persons shall be entitled to hold the same piece of land by virtue of the same grant, agreeably to the calls of said grant; provided, however, that the same shall not interfere with or prejudice the claim of any other person or persons whatsoever, that may exist at the time of passing this act; and if such grant is taken by the interference of a grant of better title or any part thereof, such person or persons, may exhibit to said board of commissioners such grant and receive a certificate of the same, under the same restrictions and regulations as by this act are provided for interfering grants; provided said grant may not have been located on lands reserved to the Cherokee Indians south of Tennessee river, in which case they may lay their grant before the commissioners for adjudication and if founded on a good and valid warrant shall be entitled to a duplicate.

Sec. 22. Be it enacted, That every person or persons or the legal representatives or rightful assignees of such person or persons to whom a grant may have issued from the state of North Carolina, or from this state, on a warrant which by the laws of said states respectively was good and valid, and on which no other grant shall have issued, and which is taken by the interference of a grant or entry of a better title for the same land, or for any part thereof, shall be exhibited to obtain a grant for the same quantity of land called for in such grant of younger title; provided the whole of the land in said grant be covered by such grant of better title, and if only a part thereof be covered he shall be entitled to receive a grant for whatever quantity of acres may be deficient, after deducting from the whole quantity called for in said inferior title, the number of acres which may remain uncovered by such grant of better title.

Sec. 23. Be it enacted, That any person or persons, or the legal representatives, or rightful assignees of such person or persons, who may have obtained a grant purporting to have issued under the authority of this state, on a warrant or duplicate of a warrant, or certificate, which by the laws of this state, was good and valid, and which said grant or any part thereof is covered by the interference of any tract of land laid down upon the general plan of any district of the principal surveyors heretofore appointed by law reserved for the use of schools for the instruction to children by any act or acts in this state, shall be at liberty to lay said grant before the commissioners by this act directed to be appointed, and if it shall appear to said commissioners that said grant or any part thereof is covered by, and included within any tract of land reserved as aforesaid, such person or persons shall be entitled to receive a certificate for the whole quantity of acres called