



NORTH-CAROLINA STATE GAZETTE.

Ourare the Plans of fair delightful Peace, Unwarp'd by Fere, Rag'd to livelike Brothers.

MONDAY, MAY 9, 1803.

NO. 186.

Vol. IV.

By Authority.

SEVENTH CONGRESS, OF THE UNITED STATES.

At the Second Session,

Began and held at the City of Washington, in the Territory of Columbia on Monday the sixth of December, one thousand eight hundred and two.

AN ACT

Regulating the grants of land, and providing for the disposal of the lands of the United States, south of the State of Tennessee.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who were resident in the Mississippi territory on the twenty-seventh day of October, in the year one thousand seven hundred and ninety-five, and who had, prior to that day, obtained either from the British government of West Florida, or from the Spanish government, any warrant, or order of survey for lands lying within the said territory, to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: Provided however, That no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date either the head of a family, or above the age of twenty-one years.

Sec. 2. And be it further enacted, That to every person, or to the legal representative or representatives of every person who, being either the head of a family or twenty-one years of age, did, on that day of the year seventeen hundred and ninety-seven, when the Mississippi territory was finally evacuated by the Spanish troops, actually inhabit and cultivate a tract of land in the said territory, not claimed by virtue either of the preceding section, or of any British grant, or of the articles of agreement and cession between the United States and the state of Georgia, the said tract of land thus inhabited and cultivated, shall be granted: Provided however, That not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres: And provided also, That this donation shall not be made to any person who claims any other tract of land in the said territory, by virtue of any British or Spanish grant, or order of survey.

Sec. 3. And be it further enacted, That every person, and the legal representatives of every person, who being the head of a family, or above the age of twenty-one years, doth, at the time of passing this act, inhabit and cultivate a tract of land in the said territory, not claimed by the preceding sections of this act, or of any British grant, or of the articles of agreement and cession above mentioned, shall be entitled to a preference in becoming a purchaser from the United States of such tract of land, at the price at which the other lands of the United States in the said territory, are by this act directed to be sold; and payment may be made therefor in the same manner, and under the same conditions as directed by this act for such other lands: Provided however, That no interest shall be charged upon any of the instalments until they respectively become payable.

Sec. 4. And be it further enacted, That for the disposal of the lands of the United States within the Mississippi territory, two land offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the President of the United States, for the lands lying west of "Pearl River," sometimes called "Half way river;" and one at such place in the county of Washington, as shall be designated by the President of the United States, for the lands lying east of Pearl river; and for each of the said offices, a register and a receiver of public monies shall be appointed, who shall give security in the same manner, and in the same manner, and

whose 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 by law provided in relation to the registers and the receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of the Kentucky river.

Sec. 5. And be it further enacted, That every person claiming lands by virtue of any British grant, or of the three first sections of this act, or of the articles of agreement and cession between the United States and the State of Georgia, shall, before the last day of March, in the year one thousand eight hundred and four, deliver to the register of the land office, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and shall also, on or before that day, deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim, and the same shall be recorded by the said register, in books to be kept for that purpose, on receiving from the parties at the rate of twelve and a half cents for every hundred words contained in such written evidence of their claim; and if such person shall neglect to deliver such notice in writing, of his claim, together with a plot as aforesaid, or cause to be recorded such written evidence of the same, all his rights, so far as the same is derived from the above mentioned articles of agreement, or from the three first sections of this act, shall become void, and for ever thereafter be barred; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court in the United States, against any grant derived from the United States.

Sec. 6. And be it further enacted, That the register of the land office in Adams county, and two other persons, who shall be appointed by the President of the United States alone, shall, for the lands lying west of Pearl river, and the register of the land office of Washington county, together with two other persons, who shall be appointed by the President of the United States alone, shall for the lands lying east of Pearl river, respectively be commissioners, for the purpose of ascertaining the rights of persons, claiming the benefit of the articles of agreement and cession between the United States and the State of Georgia, or of the three first sections of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me by an act of Congress, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, to the best of my skill and judgment.'" And it shall be the duty of the said commissioners to meet in the county of Adams, and in Washington county aforesaid, respectively, on or before the first day of December next, and they shall not adjourn to any other place, or for a longer time than three days, until the 1st day of April, one thousand eight hundred and four, until they shall have completed the business of their appointment. And each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination, so far as relates to any rights derived from the articles of agreement above mentioned, or from the three first sections of this act, shall be final; and for the safe keeping of the papers and evidence produc-

ed, and recording their proceedings, the said boards respectively shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, perfect and correct minutes of the proceedings, decisions, meetings and adjournments of the boards, together with the evidence on which such decisions are made: which books and papers, on the dissolution of the boards, shall be submitted to, and lodged in the office of the Secretary of State; and before such clerk entering on the duties of his office, he shall take and subscribe the following oath or affirmation, to wit: "I do solemnly swear (or affirm, as the case may be) that I will truly and faithfully enter and record all minutes, proceedings and decisions of the board of commissioners for the county of _____ appointed under and by virtue of an act of the United States, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the State of Tennessee,'" and well and faithfully do and perform all other acts and things in said act pointed out as the duty of the clerk of the said board," which oath shall be entered on the minutes of the board; and when it shall appear to them that the claimant is entitled to a tract of land under the articles of agreement and cession with Georgia aforesaid, in virtue of a British or Spanish grant legally and fully executed, they shall give a certificate thereof, describing the tract of land and grant, and stating that the claimant is confirmed in his title thereto by virtue of the said articles; which certificate, being recorded by the register of the land office, whose duty it shall be to record the same in a book to be kept by him for that purpose shall amount to a relinquishment for ever, on the part of the United States, to any claim whatever, to such tract of land; and when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of a settlement under the Bourbon act of Georgia, recognized in the said articles of agreement and cession, or of either of the two first sections of this act, they shall give a certificate thereof, stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this act; which certificate being duly entered with the register of the land office, on or before the first day of January, eighteen hundred and five, shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by this act for the other lands of the United States, without the party paying any thing therefor, except the surveying expenses and the fees of office. And when it shall appear to the said commissioners that the claimant is entitled to a right of pre-emption by virtue of the third section of this act, they shall

be entitled by virtue of the three first sections of this act, shall all be claimed by the holder of a British patent, legally and fully executed, and duly recorded, in conformity with the provisions of this act, who is not confirmed in his claim by the articles of agreement above mentioned, the commissioners shall in the certificate granted to the person claiming the same by virtue of this act, state the existence of the adverse claims, in which case the party shall not be entitled to a patent, unless he shall have obtained in his favour a judicial decision in a court having jurisdiction therein; and for every certificate so granted by the board, respectively, the clerk of the board granting the same, shall be entitled to demand and receive of the party to whom the same is granted, the sum of two dollars.

Sec. 7. And be it further enacted, That the commissioners aforesaid shall, on or before the first day of December, one thousand eight hundred and four, make to the Secretary of the Treasury a full report of all the British grants legally and fully executed, which have been duly recorded in conformity to the provisions of this act, the title of which is not confirmed to the holders thereof, by the articles of agreement above mentioned, stating the present situation of the lands, the date of such grants, the conditions annexed thereto, and how far the same have been fulfilled; together with such other remarks thereon as they may think proper; which report shall be laid before Congress at their next session, and the lands contained in such grants shall not be otherwise disposed of, until the end of one year after that time.

Sec. 8. And be it further enacted, That so much of the five million acre reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced by the two first sections of this act, or which may be derived from British grants for lands, which have not been re-granted by the Spanish government, be, and the same is hereby appropriated for that purpose; and so much of the residue of the said five millions of acres, or of the net proceeds thereof as may be necessary for the purpose shall be, and the same is hereby appropriated, for the purpose of satisfying, quieting, & compensating, for such other claims to the lands of the U. States, south of the State of Tennessee, not recognized in the above mentioned articles of agreement, and which are derived from any act or pretended act of the State of Georgia, which Congress may hereafter think fit to provide for, provided however that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same, who shall pay to the person employed by the Secretary of State for recording the same, at the rate of twelve and a half cents for every hundred words contained in each document thus recorded; nor shall any grant, deed, conveyance, or other written evidence of any claim to the said lands, derived, or pretended to be derived from the State of Georgia, and not recognized by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited and recorded in the manner and within the time above mentioned: and provided also, that nothing herein contained, shall be construed to recognize or affect the claims of any person or persons, to any of the lands above mentioned; and provided also, that no certificate shall be granted for lands lying east of the Tombigby river, nor for lands situated without the boundary lines established by treaty between the United States and the Cherokees, on the 17th day of October, in the year eighteen hundred and two.

Sec. 9. And be it further enacted, That the Secretary of State, the

Attorney-General for the time being, be and they are hereby authorized and empowered to receive such propositions of compromise and settlement, as may be offered by the several companies of persons claiming public lands in the territory of the United States, lying south of the State of Tennessee, and west of the State of Georgia, and tenor their opinion thereon to Congress at their next Session.

Sec. 10. And be it further enacted, That a surveyor of the lands of the United States, south of the State of Tennessee, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands above mentioned, to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner hereafter directed, and to do and perform all such other acts in relation to the said lands as the surveyor-general is authorized and directed to do in relation to the lands lying north-west of the river Ohio, and above the mouth of the river Kentucky.

Sec. 11. And be it further enacted, That the lands for which certificates of any description whatever, shall have been granted by the commissioners, in pursuance of the provisions of this act, shall, as soon as may be, be surveyed under the direction of the surveyor of the lands of the United States, above mentioned, in conformity to the true tenor and intent of such certificates; and the said surveyor shall also cause all the other lands of the United States, in the Mississippi territory, to which the Indian title has been extinguished, to be surveyed as far as practicable, into townships, and subdivided into half sections, in the manner provided for the surveying of the lands of the United States situate north-west of the river Ohio, and above the mouth of Kentucky river, and shall transmit to the registers of the land offices respectively general and particular plots of all the lands surveyed aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury; and he shall also, with the approbation of the Secretary, fix the compensation of the deputy surveyors, chain carriers, and axemen: Provided, that the whole expense of surveying and marking the lines, shall not exceed four dollars for every mile that shall be actually run surveyed and marked: And provided that the expense of surveying those tracts of land to which the title of the claimants is confirmed by the articles of agreement, or by the two first sections of this act, and those tracts claimed under British grants, a return of which is to be laid to Congress, shall not be directed by the United States, but shall be paid to the deputy surveyor by the parties claiming the same; and that in relation to all the lands sold by the United States, the purchaser shall make the same payment for surveying expenses, which is directed by law to be made for lands sold north of the river Ohio.

Sec. 12. And be it further enacted, That all the lands aforesaid, not otherwise disposed of or excepted by virtue of the preceding sections of this act, 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 thirty six sections, to be located in one body by the Secretary of the Treasury, for the use of Jefferson college, be offered for sale to the highest bidder, under the direction of the Governor of the Mississippi territory, or the Surveyor of the lands of the United States above mentioned, and of the register of the land office at the places respectively, where the land offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open at each place for three weeks, and no longer; and all lands, other than the section number sixteen, remaining unsold, shall be disposed of at private sale by the registers of the respective land offices in the same manner, under the same regulations, for the same price