



AND North-Carolina State Gazette.

Ours are the plans of fair & delightful peace, Unwarp'd by party rage, to live like brothers.

MONDAY, MAY 6, 1805.

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By Authority.

LAW OF THE U. STATES.

AN ACT

For ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.

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 on the first day of October, in the year one thousand eight hundred, were resident within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred, obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of the said territories, and duly registered warrant, or order of survey for lands lying within the said territories, 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; nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.

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, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer, and in conformity with the laws, usages and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant, had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land, the 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 one mile square, together with such other and further quantity as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government: Provided also, That this donation shall not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

Sec. 3. And be it further enacted, That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct: in each of which he shall appoint, in the recess of the Senate, but who shall be nominated at their next meeting for their advice and consent, a register: who shall receive the same annual compensation, give security in the same manner and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers 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 Kentucky river. The President of the United States shall likewise appoint

a Recorder of land titles in the district of Louisiana, who shall give security in the same manner and in the same sums, and shall be entitled to the same annual compensation as the registers of the several land offices.

Sec. 4. And be it further enacted, That every person claiming lands in the above-mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant, had the actual possession of the territories, may, and every person claiming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title bearing date subsequent to the first day of October, one thousand eight hundred, shall before the first day of March, one thousand eight hundred and six, deliver to the register of the land office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and shall also on or before that day, deliver to the said register or recorder, 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 register or recorder, or by the translator hereinafter mentioned, 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: Provided however, that where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey and the plat; but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners hereinafter directed to be appointed, when they shall take the claim into consideration. And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void, and forever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded, as above directed, ever after be considered or admitted as evidence in any Court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same at such place in their respective districts, as the President of the United States shall direct.

Sec. 5. And be it further enacted, That two persons to be appointed by the President alone, for the district of Louisiana, and two persons to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans, shall, together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall, previous to their entering on the duties of their appointments, 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 for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana,' to the best of my skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall

have directed therein; for the residence of the register or recorder, on or before the first day of December next, and they shall not adjourn to any other place, for a longer time than three days until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. 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, to compel the attendance of and examine witnesses, and such other testimony as may be admitted; to demand and obtain from the proper officer and officers, all public records in which grants of land, warrants, or orders of survey, or other evidence of claim to land, derived from either the French and Spanish governments may have been recorded, to take transcripts of such record or records, or any part thereof; to have access to all other records of a public nature, relative to the granting, sale, transfer or titles to lands, within their respective districts; and to decide, in a summary way, according to justice and equity, on all claims filed with the register or recorder in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which though not thus filed, may be found of record on the public records of such grants; which decisions, shall be laid before Congress, in the manner hereinafter directed, and be subject to their determination thereon: Provided however, that nothing in this act contained, shall be construed so as to recognize any grant or incomplete title bearing date subsequent to the first day of October, one thousand eight hundred, or to authorize the commissioners aforesaid to make any decision thereon. 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, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made, which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land offices, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favour of the claimants of land; both of which shall be signed by a majority of the said commissioners and one of which shall be transmitted to the officer exercising in the district the authority of surveyor-general; and the other to the secretary of the treasury. It shall likewise be the duty of the said commissioners to make to the Secretary of the Treasury a full report of all the claims filed with the register of the proper land office, or recorder of land titles as above directed, which may have been rejected, together with the substance of the evidence adduced in support thereof, & such remarks thereon as they may think proper; which reports, together with the transcripts of the decisions of the commissioners in favour of the claimants, shall be laid by the Secretary of the Treasury before Congress at their next ensuing meeting. When any Spanish or French grant, warrant, or order of survey, as aforesaid, shall be produced to either of the said boards, for lands which were not at the date of such grant, warrant or order of survey, or within one year thereafter, inhabited, cultivated or occupied by or for the use of the grantee; & whenever either of these said boards shall not be satisfied that such grant, warrant or order of survey, did issue at the time when the same bears date, but that the same is antedated or otherwise fraudulent, the said commissioners shall not be bound to consider such grant, warrant or order of survey, as conclusive evidence of the title; but may require such other proof of its validity as they may deem proper. Each of the commissioners and clerks aforesaid shall be allowed a compensation of two thousand dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath

or affirmation, to wit: I do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners, for examining the claims to land, as enjoined by an act of Congress, entitled "An act ascertaining and adjusting the titles and claims to lands within the district of Orleans, and the territory of Louisiana;" which oath or affirmation shall be entered on the minutes of the board.

Sec. 6. And be it further enacted, That the Secretary of the Treasury shall be, and he is hereby authorized to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as said agents may deem fraudulent and unfounded. It shall also be the duty of the said agent for the district of Louisiana, to examine into and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power with respect to the claims to, and value of the said mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon to the Secretary of the Treasury, to be by him laid before Congress at their next ensuing session. The said board of commissioners shall each be allowed a translator of the Spanish and French languages to assist them in the dispatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidence of claims on the register's books. The said translator shall receive, for the recording done by him, the fees already provided by law, and may be allowed not exceeding fifty dollars for every month he shall be employed; Provided that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars.

Sec. 7. And be it further enacted, That the powers vested by law in the surveyor of the lands of the United States, south of the State of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been or shall hereafter be extinguished, within the said territory of Orleans; and it shall be the duty of the said surveyor to cause such of the said lands as the President of the United States shall expressly direct, to be surveyed and divided, as nearly as the nature of the country will admit, in the same manner and under the same regulations as is provided by law, in relation to the lands of the United States north-west of the river Ohio, and above the mouth of Kentucky river.

Sec. 8. And be it further enacted, That the location or locations of lands which Major-general La Fayette is by law authorized to make on any lands, the property of the United States, in the territory of Orleans, shall be made with the register or registers of the land offices established by this act in the said territory; the surveys thereof shall be executed under the authority of the surveyor of the lands of the United States south of Tennessee; and a patent or patents therefor shall issue, on presenting such surveys to the Secretary of the Treasury, together with a certificate of the proper register or registers, stating that the land is not rightfully claimed by any other person: Provided, that no location or survey made by virtue of this section, shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

Sec. 9. And be it further enacted, That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated moneys in the Treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

NATH. MACON, Speaker of the House of Representatives. A. BURR, Vice President of the United States, and President of the Senate. Approved, March 3, 1805. TH. JEFFERSON.

New Invention to make Cellars dry.

CHARLES DONALDSON,

By a simple process, makes Cellars dry, without either draining or ramming on the outside, and the expence is not more than 10 or 15 dollars. Several gentlemen of Raleigh (whose cellars he has made dry) will testify the usefulness of his plan, which tends not only to convenience, but the preservation of health. He offers his services to the citizens of Wake and the adjacent counties, as well in the above line, as in the digging of wells and draining of wet lands. Raleigh, March 25, 1805. Letters (post paid) addressed to him or to the Post Master at this place will be duly attended to.

SHERIFF'S SALE.

On the 10th day of May next, at District Court-house, will be sold, as much of the following lands as will be sufficient to pay the taxes and expenses of said lands for the years 1803 and 1804.

- 320 acres of land, belonging to the heirs of James Spiller, adjoining the lines of James Kenan.
- 300 acres patented by William Ellis, given in by Felix Frederick, joining the lines of said Felix, on the drains of Nahunga.
- 88 acres on Muddy Creek, belonging to the heirs of James Lockhart, joining James Pickett and Lincoln Sheffield's lines.
- 100 acres, belonging to the heirs of John Megee, joining the lines of Merit Manning and Abraham Andrews.
- 300 acres on Elder swamp, joining the lines of Lewis Hedgman, supposed to be owned by — Moy.
- 612 acres on Pessimon swamp, joining the lines of Thomas Rutledge, given in by William Higgins for the heirs of Nicholas Hunter, and claimed by George Hooper, granted to John Rutherford.
- 249 acres on both sides of Maxwell swamp, joining Nathaniel M'Canne and Isaac Hunter's lines, supposed to be the property of George Hooper, granted to John Thalley.
- 109 acres belonging to the heirs of John Megee, joining the heirs of Samuel Sandlin and Daniel Sutherland.
- 63 1-3 acres, the property of Rebecca Harvel, joining the lines of John Alderman and Joshua Blanton.
- 400 acres belonging to the heirs of Johnston, on the east side the No. East, joining William Pickett's line.
- 100 acres belonging to the heirs of Archibald Pearce, joining the lines of Arthur Murray and William Pickett.
- 2000 acres belonging to the heirs of William Jones, joining the lines of Geo. Powell, Jesse George and John Whitman.

JAMES HALL,

March 23, 1805.

N. B. No letter or order will stop the sale; nothing but cash.

EDUCATION.

ON the 5th day of June an Academy in Williamsboro', Granville County, will commence its Exercises under the direction of Mr. John Nickles, a Gentleman of approved Scholarship and Morals. All the branches of Academical Education, will be taught on the usual terms. Board may be obtained in several respectable Families on low terms. From the healthiness of the place and the Reputation of the Teacher, the Trustees flatter themselves with a respectable School.

Stephen Sneed. Sec.

April, 1805.

Fifty Dollars Reward.

RANAWAY from the Subscriber in the beginning of October last, a Negro Man named Jerry, full 6 Feet high, and but 21 Years old, and has a Gap in his Under Fore Teeth; he had five Fingers on each Hand; the little Fingers were cut off, and where they were is a small Knob about the Size of a large Wart. He has been heard of in Nash County, and passes for a free Man. He has with him a short Great-coat of grey Bear Skin, his under Cloathing of Homespun; he had also with him a considerable Quantity of Money. I have sold him since he ran away to Mr. Joseph Fish. Any Person delivering him to said Joseph Fish, in Johnston County, 18 Miles from Raleigh and 16 from Smithfield, will receive the above Reward.

STARLING JOHNSON.

April 19th, 1805.

VALUABLE LAND.

THE Subscriber offers for sale that valuable Plantation containing about one thousand Acres of River and Back Land lying on the north-east side of the north-west branch of Cape Fear River, about 25 Miles below Fayetteville, formerly occupied by Peter Robinson, dec. There are about one hundred Acres of the said Land cleared on the river, which has a convenient Dwelling House and out-houses; and on the back Lands are two Mill-Seats on different Streams, on one of which has been a Mill. The Land is well timbered with Pine and Oak. For Terms apply to

Thomas J. Robeson.

Fayetteville, April 19, 1805.