

ration of slaves within the United States, under the direction of the commissioners authorized to direct the completing of such abstracts, in those states where clerks cannot be procured by the commissioners, for the compensation allowed by law to clerks for performing that business, agreeably to the provisions of the following acts; that is to say, an act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;" an act, intituled "An act supplementary to the act, intituled 'An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;'" and an act, intituled "An act to provide for equalizing the valuation of unseated lands."

APPROVED, March 3, 1801.

STATUTE II.

March 3, 1801.

Act of March 2, 1799, ch. 29.

Act of May, 1802, ch. 44.

Right of pre-emption given to certain persons who have contracted with J. C. Symmes, &c.

CHAP. XXIII.—*An Act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio.*(a)

SECTION 1. *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 representative or representatives of any person or persons, who, before the first day of January, in the year of our Lord one thousand eight hundred, had made any contract or contracts in writing, or by any note or memorandum thereof in writing, either with John Cleves Symmes, or with any of his associates, or who had made to him or them, any payment of money for the purchase of lands, situate between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of Congress of the twelfth of April, one thousand seven hundred and ninety-two, and not comprehended within the limits of a tract of land, conveyed to John Cleves Symmes and his associates, by letters patent, bearing date the thirtieth of September, one thousand seven hundred and ninety-four, in the territory of the United States northwest of the Ohio, shall be entitled to a preference, in becoming the purchasers, from the United States, of all the lands so contracted for, at the price of two dollars per acre, exclusive of the surveying fees, and other incidental expenses; and payment may be made therefor, to the treasurer of the United States, or the receiver of public monies for the lands of the United States at Cincinnati, in like instalments, and under the same conditions, as directed by the act, intituled "An act to amend the act, intituled 'An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river.'" *Provided however,* that no interest shall be charged upon any of the instalments until they respectively become payable.

1800, ch. 55.

Persons claiming the benefit of this act to give notice to the receiver of public monies at Cincinnati.

SEC. 2. *And be it further enacted,* That every person, claiming the benefit of the first section of this act, shall, on or before the first day of November next, deliver to the receiver of public monies, for the lands of the United States at Cincinnati, a notice in writing, stating the nature and extent of his claim or contract; and if any person shall neglect to give such notice of his claim or contract, or having given the same, shall neglect to make application for the purchase thereof, as herein after directed, or shall fail in making the first payment before the first of January next, all his right of pre-emption, on the terms aforesaid, shall cease and become void.

Duty of the receiver herein.

SEC. 3. *And be it further enacted,* That the aforesaid receiver of public monies, on being paid the fees herein after provided, shall receive every such notice of claim, or statement thereof, and give a receipt

(a) Act of March 3, 1803, chap. 21, sec. 4; act of March 26, 1804, chap. 35.

therefor, and carefully put and preserve on file every such paper or writing, and lay the same before the commissioners, when met, for settling and adjusting the claims aforesaid.

SEC. 4. *And be it further enacted*, That the aforesaid receiver of public monies, and two other persons, who shall be appointed by the President of the United States alone shall be commissioners for the purpose of ascertaining the rights of persons claiming the benefits of this act, who, previous to entering on the duties of their appointment, shall respectively take and subscribe the following oath or affirmation, before some person qualified to administer oaths, to wit: "I — do solemnly swear, or affirm, that I will impartially exercise and discharge the duties imposed on me, by an act of Congress, intituled 'An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio,' to the best of my understanding and ability;" and it shall be the duty of the said commissioners to meet at Cincinnati, between the first and the tenth day of November next, of which meeting three weeks previous notice shall be given by them in a public newspaper printed at Cincinnati; and they, or a majority of them, so met, shall not adjourn to any other place, or for a longer time than three days, until they have finally completed the business of their said appointment; and they, or any two of them, shall have power to hear and decide, in a summary manner, all matters respecting all such claims of which notice may have been filed, pursuant to the third section of this act, 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 shall be final; and when it shall appear to them, that the claimant is entitled to the right of pre-emption, on the terms aforesaid, they shall give a certificate thereof, stating as accurately as may be, the quantity and local situation of the lands to which he may be entitled, directed to the register of the land-office at Cincinnati, or when the said register may be a claimant, to the surveyor-general, copies of which certificates shall be by them recorded, in a book to be provided for that purpose, and deposited for safe keeping with the register of the land-office.

SEC. 5. *And be it further enacted*, That the aforesaid register and surveyor-general, respectively, upon application of any person or persons, who shall produce a certificate of the commissioners aforesaid, to him directed, before the first day of January next, and shall also produce a receipt from the treasurer of the United States, or the aforesaid receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of three dollars for each half section or smaller quantity, and shall pay him the fees in like case provided by the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river," shall admit such person or persons to become a purchaser or purchasers of the land designated in the said certificate, and shall receive the said certificate and preserve it on file, and make an entry of the application in his book, kept for the purpose, and on any of the three last payments being made in advance, he shall allow the purchaser the like discount as is allowed by the fourth clause of the fifth section of the act last above recited; and on payment in full, and a final settlement had, he shall give his certificate thereof; upon producing which to the Secretary of the Treasury, a patent shall issue in like manner as is provided by the said act last above recited.

SEC. 6. *And be it further enacted*, That the said receiver of public monies shall be entitled to have and receive, to his own use, from the respective claimants, the following fees, that is to say: for filing a notice

And also of the two commissioners to be appointed.

Duty of the Surveyor General and Register at Cincinnati.

Act of May 10, 1800, ch. 55.

Fees allowed to the receiver and commissioners.

and evidence of claim, or statement thereof, twenty-five cents; for giving a copy thereof, twelve and a half cents for every one hundred words. And the said commissioners shall, as a full compensation for their services, be entitled, jointly, to have and receive from the respective claimants, that is to say: for every determination, and entering the result in their book, at the rate of three dollars for every section; for every certificate, and recording the same, at the rate of one dollar for every section.

Mode in which the land shall be surveyed.

SEC. 7. *And be it further enacted*, That all the aforesaid tract of country shall be surveyed by the surveyor-general, as soon as may be after the first day of September next, in the manner herein after directed.

1. So much of the said tract as lies between the northern boundary line, and the aforesaid patent of John Cleves Symmes, and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforesaid lines, for the corners of sections, shall be established by the surveyor-general, and eastwardly and westwardly lines shall be run to intersect the aforesaid northwardly and southwardly lines, in the corresponding marked points.

2. And the residue of the said tract lying north of the aforesaid southern boundary of the seventh entire range, shall be laid off into sections, according to such uniform rule and method, as, in the opinion of the surveyor-general, shall best secure the rights and interest of those who are entitled to pre-emption.

3. Such divisions shall be made of sections, according to the claim of such who obtain pre-emption right, and the contents of each and every section, and such division thereof, shall be ascertained, and the surveyor-general shall prepare and transmit a plan thereof to the aforesaid register, immediately after the said survey shall be completed, and also forward a copy thereof to the Secretary of the Treasury.

Applications to be made as for a section of 640 acres, &c.

SEC. 8. *And be it further enacted*, That all persons, availing themselves of a pre-emption under this act, shall make application for a section, or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.

Duties and allowance of the Surveyor General, Register, and Receiver of public monies.

SEC. 9. *And be it further enacted*, That the duties of the surveyor-general, of the aforesaid register and receiver of public monies, as nearly as may be consistent with this act, shall respectively be the same as directed in and by the last recited act, and the fees and emoluments shall respectively be the same as provided in the said act last recited.

Parts of the land to be sold in a different manner.

SEC. 10. *And be it further enacted*, That after completing the surveys, agreeably to this act, reserving the lots marked sixteen in each township, or fractional part of a township, in which the same may be, for the purposes expressed in the ordinance of Congress of the twentieth of May, one thousand seven hundred and eighty-five, the residue of the lands, and so many of the aforesaid pre-emptions as shall become forfeited by reason of failures of payment, shall be sold agreeably to the last recited act.

Repeal of former laws within the purview of this.

SEC. 11. *And be it further enacted*, That this act shall have full operation and effect, any thing in any former law to the contrary notwithstanding.

APPROVED, March 3, 1801.