

and such penalties and forfeitures may be examined, mitigated or remitted in like manner, and under the like conditions, regulations and restrictions as are prescribed, authorized and directed by the act, intitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned."

1797, ch. 13.

APPROVED, April 18, 1806.

STATUTE I.

CHAP. XXX.—*An Act supplementary to the act making provision for the payment of claims of citizens of the United States on the government of France.*

April 18, 1806.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, the amount of certain claims of citizens of the United States against the government of France, arising from the Bordeaux embargo, in conformity with a certified list of liquidations, attested by the minister of the public treasury of France, and transmitted by the minister plenipotentiary of the United States, at Paris, to the said secretary; which payments shall be made for such sums, respectively, as are stated in the above-mentioned list of liquidations, to such persons, respectively, as the accounting officers of the treasury shall determine to be rightfully entitled to the same, and out of the monies heretofore appropriated for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which was assumed by the government of the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three.

Claims of citizens of the U. States under the Bordeaux embargo to be paid at the treasury.

APPROVED, April 18, 1806.

STATUTE I.

CHAP. XXXI.—*An Act to authorize 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.*(a)

April 18, 1806.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the state of North Carolina, intitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three) thence with the military boundary line, west to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the state of Tennessee.

A line established for defining the limits of the vacant lands of the U. S. in Tennessee.

Courses thereof.

(a) The state of North Carolina, by her act of cession of the western lands, of 1789, recited in the act of Congress of April 2, 1790, chap. 6, vol. 1, page 106, accepting that cession, and by her act of 1803, chap. 3, ceding to Tennessee the right to issue grants, has parted with her right to issue grants for lands within the state of Tennessee, upon entries made before the cession. *Burton's lessee v. Williams*, et al., 3 Wheat. 529; 4 Cond. Rep. 315.

Under the cession act, ratified by the act of Congress, the United States held the domain of the vacant lands in Tennessee, subject to the right which North Carolina retained, of perfecting the inchoate titles created under her laws. *Ibid.*

But it seems that the holder of such a grant must resort to the equity jurisdiction of the United States for relief. *Ibid.*

After the cession of land by North Carolina to the United States, the former had no right to grant those lands to any grantee who had not an incipient title before the cession. *Polk's lessee v. Wendall*, 9 Cranch, 87; 3 Cond. Rep. 286.

Upon relinquishment of the claim of Tennessee to certain lands.

The U. S. to cede to that state certain other lands.

Certain entries, &c. to be located within the territory ceded to the state of Tennessee.

Lands to be appropriated by the state of Tennessee for the support of seminaries and schools of learning.

SEC. 2. *And be it further enacted*, That upon the senators and representatives from the state of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the general assembly of the state of Tennessee, intituled "An act to appoint agents to settle the dispute between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same," and by a resolution of the senate and house of representatives of the said state of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for, and in behalf of the state of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the state of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the state of Tennessee, shall thereafter for ever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the state of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the state of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the state of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the state of North Carolina, intituled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said state of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before described line, within the limits of the said state, as Congress now have, or the state of Tennessee might have, by virtue of an act of the state of North Carolina, intituled "An act to authorize the state of Tennessee to perfect titles to lands reserved to this state by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions: that is to say,

FIRST. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the state of North Carolina, and which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the state of Tennessee.

SECONDLY. That the state of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the state of North Carolina, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said state to be established by the legislature thereof; which said several tracts

shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the state of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever: *Provided*, that nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also*, that the lowest price of all lands granted or sold within the ceded territory, shall be the same, as shall be established by Congress for the lands of the United States: *And provided nevertheless*, that the people residing in said state, south of French Broad and Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided further*, that nothing herein contained shall be construed to enable any person or persons, until authorized by the legislature of the state of Tennessee, to locate any warrant issued under the authority of the state of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said state, intitled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

Nothing in this act to affect the Indian title.

Prices of the land.

Proviso.

Proviso, that this act shall not affect titles under the laws of North Carolina and Tennessee.

If the territory hereby ceded to the state of Tennessee falls short, the deficiency to be made up elsewhere.

SEC. 3. *And be it further enacted*, That if the territory herein before ceded to the state of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the state of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

APPROVED, April 18, 1806.

STATUTE I.

April 18, 1806.

[Expired.]

President authorized to call upon the executives of the several states to have their proportions of militia ready for immediate service.

Apportionment how to be made.

1808, ch. 39. President may authorize the acceptance of volunteer corps.

CHAP. XXXII.—*An Act authorizing a detachment from the Militia of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized, at such time as he shall deem necessary, to require of the executives of the several states, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included; to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorize the executives of the several states, to accept, as part of the said detachment, any corps of volunteers, who shall