

the same as heretofore established, shall be returned and continued to the said first Monday in June and July next, in the same counties, respectively, in the same manner, as if the said causes, recognizances, pleas and proceedings, had been regularly returned or continued to the said respective times appointed by this act, for holding the said courts.

SEC. 2. *And be it further enacted*, That the provisions of the act, intituled "An act for the relief of insolvent debtors within the district of Columbia," shall extend to any debtor who may have been, or hereafter shall be arrested and holden to bail in the said district, and who at the time of his arrest shall have been a resident in the said district one year, next preceding his arrest.

APPROVED, April 21, 1806.

Provisions of a former act extended to insolvent debtors.
1803, ch. 31.

STATUTE I.

April 21, 1806.

CHAP. XXXVIII.—*An Act continuing in force for a further time, the first section of the act intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth (sixth) day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

Act of March 26, 1804, ch. 46.
1807, ch. 30.
1808, ch. 11.
1809, ch. 7.
1809, ch. 5.
1811, ch. 3.
1812, ch. 18.
1813, ch. 40.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XXXIX.—*An Act supplementary to an act intituled "An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana."(a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming a tract of land, by virtue of the second section of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person or persons to produce sufficient evidence of such permission.

Act of March 2, 1805, ch. 26.

What shall be considered an actual settlement according to the second section of the act to which this is a supplement.

SEC. 2. *And be it further enacted*, That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act, to which this act is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated, were not at the time when the same originated, above the age of twenty-one years: *Provided*, that the tract of land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

Claimants to land not exceeding 640 acres under persons who were not of the age of 21 years confirmed in their titles, if their claims are in other respects regular.

Provido that the claimants shall have been in possession of the lands for 10 years.

SEC. 3. *And be it further enacted*, That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land-office notices in writing, and the written evidences of claims to land in the territory of Orleans, be, and the same is hereby extended,

(a) See notes to act of March 2, 1805, chap. 26.

Times for delivering notices in writing to claims of land in the territory of Orleans extended.

Persons neglecting, to be barred.

Registers of the land-offices to appoint deputies.

Their duty.

Evidences of claims to land, how, to whom and when delivered.

Commissioners, their duties under this act.

Transcripts of decisions to be filed and transmitted.

Lands not to be disposed of until the decision of Congress.

Compensations of the commissioners and registers.

till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior to the first day of March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

SEC. 4. *And be it further enacted,* That the registers of the land-offices in the territory of Orleans, respectively, be, and they are hereby authorized to appoint so many deputies, not exceeding one for each county, in their respective districts, as they may think necessary; whose duty it shall be to receive, enter, and file notices, and to receive and record written evidences of claims to lands lying in the county, or counties, to them respectively assigned, in the same manner as the register might do; and also, to transmit to the register the said notices and evidences, or such transcripts of abstracts of the same, as the said register, or the commissioners, may direct; and generally to do and perform all such acts, in relation to such claims, as the said register may direct. Persons having claims to land, may deliver the notices and evidences of the same, at their option, either to the register of the proper land-office, or to his deputy, for the county in which such land lies; and each of the said deputies shall be entitled to receive the recording fees, allowed to the register, by the act to which this act is a supplement, and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the monies appropriated for carrying into effect the act to which this act is a supplement.

SEC. 5. *And be it further enacted,* That the commissioners, appointed for the purpose of ascertaining the rights of persons, claiming lands in the territory of Orleans shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall likewise be the duty of the said commissioners, to inquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession on the back of grants or concessions heretofore made, or from grants or concessions heretofore made to minors, and not embraced by the provisions of this act, or from grants or concessions made by the Spanish government, subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the twentieth day of December, one thousand eight hundred and three; and to make a special report thereon to the Secretary of the Treasury; which report shall be, by him, laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

SEC. 6. *And be it further enacted,* That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars for the services to be performed, under this act, prior to the first day of January next; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day for every day's

actual attendance on the duties of his office, subsequent to the first day of January next: *Provided*, that the whole amount of compensation thus allowed, shall not for any commissioner exceed two thousand dollars: *And provided also*, that the President of the United States may, if he shall think proper, reduce, after the first day of January next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act, to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year; the translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved. *Provided*, that no more than one year's compensation be thus allowed to each of the said clerks, translators, and agents: *And provided also*, that the Secretary of the Treasury may discontinue either one or both of said agents, whenever he shall think it proper.

Compensation not to exceed 2000 dollars. President may reduce the number of commissioners.

Salaries of officers.

Proviso.

SEC. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons, claiming lands in the territories of Orleans and Louisiana, be, and they are hereby authorized, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places, within their respective districts, as they may think necessary: And each of the commissioners going for that purpose, to such other place or places, shall, in addition to his compensation, receive at the rate of six dollars for every twenty miles, going to and returning from such place or places: *Provided*, that no commissioner shall receive in the whole, on that account, more than for the distance, from the usual place of the sittings of the board to the extreme settlements within his respective district.

Commissioners may change the places of their sessions.

Compensation for travel.

Proviso.

SEC. 8. *And be it further enacted*, That each of the boards aforesaid, shall prepare and cause to be prepared, the reports and transcripts, which by law they are directed to make to the Secretary of the Treasury, in conformity with such forms as he may prescribe; and they shall also, in their several proceedings and decisions, conform to such instructions, as the said secretary may, with the approbation of the President of the United States, transmit to them in relation thereto.

Boards to prepare and make reports, &c. &c. to the Secretary of the Treasury, according to forms prescribed by him.

SEC. 9. *And be it further enacted*, That the surveyor of the public lands, south of Tennessee, be, and he is hereby directed to appoint a principal deputy for each of the two land districts of the territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute, or cause to be executed by the other deputies, such surveys as have been or may be authorized by law, or as the commissioners aforesaid may direct; to file and record all such surveys, to form as far as practicable, connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the public lands south of the state of Tennessee, the duties imposed by law on said surveyor. And each of the said principal deputies shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents.

Surveyor of public lands south of Tennessee to appoint deputies, &c.

Their duties.

Compensations.

Receiver of public monies for the western district of Orleans may be appointed by the President, &c.

His compensation.

President may authorize a sale of public lands in the western district of Orleans, &c. &c.

Lands to be offered for sale. Days of sale to be designated by the President's proclamation.

How long to remain open. Prices, &c. &c.

Compensation to superintendents of sales.

Lands remaining unsold may be disposed of at private sale.

In what manner, and on what terms.

Patents how to be obtained.

Locations made for General La Fayette, may be received though containing less than 1000 acres.

Proviso.

Survey of the coast of the territory of Orleans to be made.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, whenever he shall think it proper, to appoint a receiver of public monies for the western district of the territory of Orleans, 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 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 Kentucky river. And the said receiver, and the register of the land-office, for the same district shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees, which are by law respectively allowed to the same officers, north of the river Ohio, and above the mouth of Kentucky river.

SEC. 11. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think it proper, to direct so much of the public lands lying in the western district of the territory of Orleans, as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such land 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 an entire township to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs, and lands contiguous thereto, which by direction of the President of the United States, may be reserved for the future [disposal] of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, of the receiver of public monies, and of the principal deputy surveyor; 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 for three weeks and no longer; the lands shall be sold for a price not less than that which has been, or may be fixed by law, for the public lands in the Mississippi territory, and shall in every other respect be sold in tracts of the same size, on the same terms and conditions as have been, or may be by law provided for the lands sold in the Mississippi territory. The superintendents of the said public sales shall receive six dollars, each, for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are, or may be provided by law, for the sale of the lands of the United States in the Mississippi territory. And patents shall be obtained for all lands granted or sold in the territory of Orleans, in the same manner and on the same terms, as is, or may be provided by law for lands sold in the Mississippi territory.

SEC. 12. *And be it further enacted*, That the location or locations of land, which may be made in the territory of Orleans, by Major General La Fayette, by virtue of the ninth section of the act to which [this] act is a supplement, shall and may be received, though containing less than one thousand acres: *Provided*, that no such location or survey shall contain less than five hundred acres.

SEC. 13. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause a survey to be made of the sea-coast of the territory of Orleans, from the mouth of the Mississippi to Vermilion bay inclusively, and as much farther westwardly as the President of the United States shall direct, and also of the bays, inlets, and navigable

waters connected therewith: *Provided*, that the expense of such survey shall not exceed five thousand dollars.

Limitation of expense.

SEC. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated, for the purpose of carrying this act into effect.

Appropriation.

APPROVED, April 21, 1806.

STATUTE I.

CHAP. XL.—*An Act respecting the claims to land in the Indiana territory and state of Ohio.*(a)

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the registers and receivers of public monies of the districts of Vincennes and Kaskaskias, respectively, be, and they are hereby authorized and empowered, under the direction of the Secretary of the Treasury, to lay out one or more tracts of land, in their respective districts, for the purpose of locating therein, tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress: *Provided*, that the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which, in conformity with former laws, had been laid out for similar purposes by the governors of the northwest or Indiana territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress.

Act of March 26, 1804, ch. 35. Registers and receivers of public monies in Vincennes and Kaskaskias authorized to lay out one or more tracts in their respective districts.

Proviso.

SEC. 2. *And be it further enacted*, That any person or persons entitled to grants of land by virtue of any former resolution or act of Congress, which are not specifically designated in the patents issued by the governors aforesaid, or which have not yet been located, shall have a right to locate the same in the tract or tracts, to be laid out in each district, respectively, by virtue of the preceding section, the priority of such locations shall be determined by lot in presence of the register of the land-office, with whom the location shall be entered: and the surveyor-general shall cause the same to be surveyed at the expense of the parties; *Provided*, that all the lands thus located, shall, in each tract laid out for that purpose, be laid out in a body, without leaving any intervals of vacant land, and shall each be surveyed in the form of a square or of a parallelogram, the length of which shall not exceed three times its breadth.

Resolution warrants not specific, how to be entered.

Proviso.

SEC. 3. *And be it further enacted*, That the registers and receivers aforesaid, shall complete and transmit their reports to the Secretary of the Treasury, before the first day of December next. Each of the said officers shall be allowed an additional compensation of five hundred dollars; and each of the clerks of the respective boards shall be allowed an additional compensation of two hundred and fifty dollars, in full for his services, as such, in relation to such claims.

Registers and receivers of public monies to transmit reports to the Secretary of the Treasury.—By what time.

Additional compensation to them.

SEC. 4. *And be it further enacted*, That the register and receiver of public monies in the district of Cincinnati be, and they are hereby authorized to grant certificates of a right of pre-emption to any person residing on any reserved section (other than section No. 16) for the tract on which he resides, on the applicant's producing satisfactory evidence that his claim was within the provisions of the seventh section of an act, intituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes:" *Provided*, that the person shall exhibit the evidence of his claim, and shall have paid at least one twentieth part of the purchase money, on or before the first day of August next: *And provided also*, that such certificates shall not

Registers and receivers of public monies in Cincinnati to grant certificates of pre-emption to residents.

Proviso.

1804, ch. 35.

(a) See notes to act of March 26, 1804, chap. 35.