

than twelve, nor less than nine, of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants, above the age of twenty-one years, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

APPROVED, February 27, 1809.

STATUTE II.

Feb. 28, 1809. CHAP. XX.—*An Act freeing from postage all letters and packets to Thomas Jefferson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to Thomas Jefferson, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

APPROVED, February 28, 1809.

STATUTE II.

Feb. 28, 1809. CHAP. XXII.—*An act for the disposal of certain tracts of land in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated, and to confirm the claims of Abraham Ellis and Daniel Harregal.*

Act of March 3, 1803, ch. 27.
Act of March 27, 1804, ch. 61.
Act of March 2, 1805, ch. 24.
Act of Jan. 19, 1808, ch. 10.
Act of April 27, 1816, ch. 123.
Spanish grants, how to be established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several tracts of land, in the Mississippi territory, the titles to which have been derived under Spanish claims and which have been disallowed by the boards of commissioners east and west of Pearl river, on suspicion of the grants, warrants or orders of survey, on which the claims are grounded, being antedated or otherwise fraudulent, and which are embraced in the report of the said boards of commissioners, laid before Congress, agreeable to the third section of an act, intitled, "An act supplementary to the act intitled 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," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions, as have been, or may be by law provided for the sale of the other public lands in the said territory; and any person or persons claiming under a Spanish grant, warrant or order of survey as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: *Provided,* such claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the United States, or in case the same is now inhabited and cultivated, in virtue of a pre-emption right, within one year from and after the passing of this act; and if any person or persons, claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner and within the time prescribed by this section, or shall be non-suit or discontinue the same, his or their right to commence such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

Proviso.

Grants to be valid, must have been surveyed before the 27th October, 1795.

SEC. 2. *And be it further enacted,* That if the person or persons claiming under such grant, warrant or order of survey, shall make it appear to the satisfaction of the court, before whom such suit or action shall be pending, that the tract of land therein specified, was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then, and in that case, the same shall be deemed and held to be good and valid, to all intents and purposes, any thing in this act to the contrary notwithstanding: But in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to

have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

SEC. 3. *And be it further enacted*, That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or any other court, for the recovery of the same land or any part thereof.

SEC. 4. *And be it further enacted*, That Abraham Ellis be, and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor-general of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

SEC. 5. *And be it further enacted*, That Daniel Harregal be and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land-office, west of Pearl river, in the Mississippi territory.

APPROVED, February 28, 1809.

Parole evidence lawful for supporting or invalidating grants.

Abraham Ellis confirmed in his title to a tract of land.

Daniel Harregal also confirmed in his title.

STATUTE II.

Feb. 28, 1809.

CHAP. XXIII.—*An Act for the relief of certain Alabama and Wyandott Indians.*

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 to cause to be surveyed and designated by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the territory of Orleans, and west of the river Mississippi, and by lease vest the said tract of land in a certain tribe of Alabama Indians and their descendants, for the term of fifty years: *Provided nevertheless*, that it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer, or assignment, shall be null and void: *And provided also*, that if the said tribe of Indians shall remove from the said tract of land, their interest in, and to, the same shall thenceforth cease and determine.

SEC. 2. *And be it further enacted*, That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brown's town, and the other the village called Maguaga in the possession of the Wyandott tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandotts, and their descendants, and be secured to them in the same manner, and on the same terms and conditions as is provided in relation to the Alabama Indians, by the first section of this act.

APPROVED, February 28, 1809.

President to cause a tract of land in the Orleans territory to be laid off for the Alabama Indians.

Proviso.

Proviso.

Secretary of the Treasury to cause two tracts of land in Michigan to be laid off for the Wyandotts.