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THE TERMS OF THE STAR

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LAWS OF THE UNITED STATES.

(By Authority.)

SEVENTH CONGRESS, OF THE UNITED STATES;

AT THE SECOND SESSION,

Begun and held at the City of Washington, in the territory of Columbia, on Monday, the sixth of December, one thousand eight hundred and two.

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.

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 were resident in the Mississippi territory on the twenty-seventh day of October, in the year one thousand seven hundred and ninety-five, and who had prior to that day obtained either from the British government of West Florida, or from the Spanish government, any warrant or order of survey for lands lying within the said territory, 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 compleated: *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.

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 of twenty-one years of age, did on that day of the year seventeen hundred and ninety-seven, when the Mississippi territory was finally evacuated by the Spanish troops, actually inhabit and cultivate a tract of land in the said territory, not claimed by virtue either of the preceding section, or of any British grant, or of the articles of agreement and cession between the United States and the state of Georgia, the said 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 six hundred and forty acres: *and provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territory by virtue of any Britrish or Spanish grant, or order of survey.

Sec. 3. *And be it further enacted*, That every person, and the legal representatives of every person, who being the head of a family, or above the age of twenty-one years, doth at the time of passing this act, inhabit and cultivate a tract of land in the said territory, not claimed by virtue of the preceding sections of this act, or of any British grant, or of the articles of agreement and cession above mentioned, shall be entitled to a preference in becoming the purchaser from the United States, of such tract of land, at the price at which the other lands of the United States in the said territory, are by this act directed to be sold; and payment may be made therefor in the same manner, and under the same conditions as directed by this act for such other lands: *provided however*, that no interest shall be charged upon any of the instalments until they respectively become payable.

Sec. 4. *And be it further enacted*, That for the disposal of the lands of the United States within the Mississippi territory, two land offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the president of the United States, for the land lying west of "Pearle river," sometimes called "half way river;" and one at such place in the county of Washington, as shall be designated by the president of the United States, for the lands lying east of Pearle river; and for each of the said offices, a register and a receiver of public monies shall be appointed, who shall give security in the same manner, and in the same sums, and whose duties and authority shall in every respect be the same in relation to the lands which shall be disposed of at their offices, as are by law provided in relation to the registers and 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.

Sec. 5. *And be it further enacted*, That every person claiming lands by virtue of any British grant, or of the three first sections of this act, or of the articles of agreement and cession between the United States and the state of Georgia, shall before the last day of March, in the year one thousand eight hundred and four, deliver to the register of the land office, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and shall also on or before that day, deliver to the said register, 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 said register, 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; and if such person shall neglect to deliver such notice in writing, of his claim, together with a plot 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 above mentioned articles of agreement, or from the the three first sections of this act, shall become void, and forever thereafter be barred; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court in the United States, against any grant derived from the United States.

Sec. 6. *And be it further enacted*, That the register of the land office in Adams county, and two other persons who shall be appointed by the president of the United States alone shall, for the lands lying west of Pearle river, and the register of the land office of Washington county, together with two other persons who shall be appointed by the president of the United States alone shall, for the lands lying east of Pearle river, respectively be commissioners, for the purpose of ascertaining the rights of persons, claiming the benefit of the articles of agreement and cession between the United States and the state of Georgia, or of the three first sections of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the sam: "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 regulating the grants of land and providing for the disposal of the lands of the United States south of the state of Tennessee, to the best of my skill and judgment." And it shall be the duty of the said commissioners to meet in the county of Adams, and in Washington county aforesaid, respectively, on or before the first day of December next, and they shall not adjourn to any other place, or for a longer time than three days, until the first day of April, one thousand eight hundred and four, and until they shall have completed the business of their appointment.—And each board, or a majority of each board, shall, in their respective districts, has power to hear and decide in a summary manner, all matters respecting such claims, 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, so far as relates to any rights derived from the articles of agreement above mentioned, or from the three first sections of this act, shall be final; and for the safe keeping of the papers and evidence produced and recording their proceedings, 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, perfect and correct minutes of the proceedings, decisions, meetings and adjournments of the boards, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards shall be transmitted to, and lodged in the office of the secretary of state; and on or before such clerk entering on the duties of his office, he shall take and subscribe the following oath or affirmation, to wit: "I do solemnly swear (or affirm) as the case may be, that I will truly and faithfully enter and record all minutes, proceedings and decions of the board of commissioners for the county of appointed under and by virtue of an act of the United States, entitled, "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," and well and faithfully perform all other acts and things in said act, pointed out as the duty of clerk of the said board," which oath shall be entered on the minutes of the board; and when it shall appear to them that the claimant is entitled to a tract of land under the articles of agreement and cession with Georgia aforesaid in virtue of a British or Spanish grant legally and fully executed, they shall give a certificate thereof, describing the tract of land and grant, and stating that the claimant is confirmed in his title thereto by virtue of the said articles; which certificate, being recorded by the register of the land office, whose duty it shall be to record the same in a book to be kept by him for that purpose, shall amount to a relinquishment forever on the part of the United States to any claim whatever to such tract of land; and when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of a settlement under the Bourbon act of Georgia, recognized in the said articles of agreement and cession, or of either of the two first sections of this act they shall give a certificate thereof, stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this act; which certificate being duly entered with the register of the land office, on or before the first day of January, eighteen hundred and five, shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by this act for the other lands of the United States, without the party paying any thing therefor, except the surveying expences and the fees of office. And when it shall appear to the said commissioners that the claimant is entitled to a right of pre-emption by virtue of the third section of this act, they shall give a certificate thereof, directed to the register of the land office, which certificate being duly entered with the register of the land office, on or before the first day of January, eighteen hundred and five, shall entitle the party to become a purchaser for such tract of land: *provided*, that he shall prior to the first day of January, eighteen hundred and six also produce a receipt from the treasurer of the United States, or from the receiver of public monies for at least one fourth part of the purchase money, and also for the payment of the surveying expences; and the party shall upon payment in full of the purchase money, in which, if any of the three last payments shall be made in advance, he shall be allowed the same discount allowed in similar cases by this act, be entitled to receive a patent, which shall issue in like manner, and on payment of the same fees as are provided by this act for the other lands of the United States: but if such person shall neglect to enter his certificate, on or before the first day of January, eighteen hundred and five or to make such first payment as above provided, his right and pre-emption shall cease and become void. *provided also, and it is further enacted*, that whenever a tract of land to which any person might be entitled by virtue of the three first sections of this act, shall also be claimed by the holder of a British patent, legally and fully executed, and duly recorded in conformity to the provisions of this act, who is not confirmed in his claim by the articles of agreement above mentioned, the commissioners shall in the certificate granted to the person claiming the land by virtue of this act, state the existence of the adverse claims, in which case the party shall not be entitled to a patent, unless he shall have obtained in his favor a judicial decision in a court having jurisdiction therein, and for every certificate so granted by the boards respectively the clerk of the board granting the same, shall be entitled to demand and receive of the party to whom the same is granted, the sum of two dollars.

Sec. 7. *And be it further enacted*, That the commissioners aforesaid, shall, on or before the first day of December, one thousand eight hundred and four, make to the secretary of the treasury a full report of all the British grants legally and fully executed, which have been duly recorded in conformity to the provisions of this act, the title of which is not confirmed to the holders thereof, by the articles of agreement above mentioned, stating the present situation of the lands the date of such grants, the conditions annexed thereto, and how far the same have been fulfilled, together with such other remarks thereon as they may think proper; which report shall be laid before congress at their next session, and the lands contained in such grants shall not be otherwise disposed of, until the end of one year after that time.

Sec. 8. *And be it further enacted*, That so much of the five millions of acres reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced by the two first sections of this act, or which may be derived from British grants for lands which have not been regranted by the Spanish government, be, and the same is hereby appropriated for that purpose; and so much of the residue of the said five millions of acres or of the nett proceeds thereof as may be necessary for that purpose, shall be, and is hereby appropriated, for the purpose of satisfying, quieting and compensating, for such other claims to the lands of the United States south of the state of Tennessee, not recognized in the above mentioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia, which congress may hereafter think fit to provide for, provided however that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have on or before the first day of January next, been exhibited by the claimants to the secretary of state, and recorded in books to be kept in his office for that purpose, at the expence of the party exhibiting the same, who shall pay to the person employed by the secretary of state for recording the same, at the rate of twelve and an half cents for every hundred words contained in each document thus recorded, nor shall any grant, deed, conveyance, or other written evidence of any claim to the said lands, derived, or pretended to be derived from the state of Georgia, and not recognized by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited, and recorded, in the manner and within the time above mentioned; and provided also, that nothing herein contained, shall be construed to recognize or affect the claims, of any person or persons, to any of the lands above mentioned, and provided also, that no certificate shall be granted for lands lying east of the Tombigby river, nor for lands situated without the boundary lines established by treaty between the United States and the Choctaws, made the 17th day of October, in the year eighteen hundred and two.

Sec. 9. *And be it further enacted*, That the secretary of state, the secretary of the treasury and the attorney general for the time being, be and are hereby authorised and empowered to receive such propositions of compromise and settlement, as may be offered by the several companies, or persons claiming public lands in the territory of the United States, lying south of the state of Tennessee, and west of the state of Georgia, and report their opinion thereon to congress at their next session.

Sec. 10. *And be it further enacted*, That a surveyor of the lands of the United States, south of the state of Tennessee, shall be appointed, whose duty it shall be to engage a sufficient number of skillful surveyors as his deputies, and to cause the lands above mentioned, to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner hereafter directed, and to do and perform all such other acts in relation to the said lands, as the surveyor general is authorised and directed to do in relation to the lands lying north west of the river Ohio, and above the mouth of the river Kentucky.

Sec. 11. *And be it further enacted*, That the lands for which certificates of any description whatever, shall have been granted by the commissioners in pursuance of the provisions of this act, shall as soon as may be, be surveyed under the direction of the surveyor of the lands of the United States above mentioned, in conformity to the true tenor and intent of such certificates, and the said surveyor shall also cause all the other lands of the United States, in the Mississippi territory, to which the Indian title has been extinguished, to be surveyed as far as practicable, into townships, and subdivided into half sections, in the manner provided for the surveying of the lands of the United States situate north west of the river Ohio, and above the mouth of Kentucky river, and shall transmit to the registers of the land offices respectively, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the secretary of the treasury; and he shall also, with the approbation of the said secretary fix the compensation of the deputy surveyors, chain carriers, and axe men: *provided*, that the whole expence of surveying and marking the lines shall not exceed four dollars for every mile that shall be actually run, surveyed and marked; *and provided*, that the expence of surveying those tracts of land, to which the title of the claimants is confirmed by the articles of agreement, or by the two first sections of this act, and those tracts claimed under British grants, a return of which is to be made to congress, shall not be advanced by the United States, but shall be paid to the deputy surveyor by the parties claiming the same; and that in relation to all the lands sold by the United States, the purchaser shall make the same payment for surveying expences, which is directed by law to be made for lands sold north of the river Ohio.

Sec 12. *And be it further enacted*, That all the lands aforesaid, not otherwise disposed of or excepted by virtue of the preceding sections of this act, 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 thirty-six sections to be located in one body by the secretary of the treasury for the use of Jefferson college, and also with the exception of such town lots not exceeding two in the town of Natchez, and of such an outlet adjoining the same not exceeding thirty acres as may be the property of the United States to be located by the governor of the Mississippi territory for the use of the said college, be offered for sale to the highest bidder, under the direction of the governor of the Mississippi territory, of the surveyor of the lands of the United States, above mentioned, and of the register of the land office at the places respectively, where the land offices are kept, 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 at each place for three weeks and no longer; and all lands, other than the section number sixteen, remaining unsold at the closing of the public sales, may be disposed of at private sale by the registers of the respective land offices in the same manner, under the same regulations for the same price, and on the same terms and conditions as is provided by law, for the sale of the lands of the United States, north of the river Ohio, by an act, entitled, "an act to amend the act entitled, an act providing for the sale of the lands of the United States, in the territory north west of the Ohio, and above the mouth of Kentucky river," *provided always*, that the lands which may be sold at public sale by virtue of this act, shall not be sold for less than two dollars per acre, and shall in every other respect be sold on the same terms and conditions as was provided for the lands sold at public sale, by the last recited act. And patents shall be obtained for all lands granted or sold in the Mississippi territory in the same manner and on payment of the same fees as is provided for lands sold north of the river Ohio, by the said last recited act: *provided however*, that evidences of the public debt of the United States shall not be received in payment for the purchase of the said lands.

Sec. 13. *And be it further enacted*, That the registers of the land offices, and the receivers of public monies, appointed in pursuance of this act, shall receive the same fees and compensation as the registers and receivers of the land offices, north of the river Ohio, and the registers shall also be entitled to receive twenty-five cents for entering each certificate granted by the commissioners above mentioned. The surveyor of the lands of the United States, appointed in pursuance of this act, shall receive an annual compensation of fifteen hundred dollars, and shall be allowed not exceeding two clerks, whose compensation shall not exceed one thousand dollars per annum. The commissioners appointed to ascertain the