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THE TERMS OF THE STAR

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LAWS OF THE UNITED STATES.

(BY AUTHORITY.)

AN ACT

Making provision for the disposal of the public lands in the Indiana Territory, and for other purposes.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the powers vested by law in the surveyor general, shall extend over all the public lands of the United States to which the Indian title has been or shall hereafter be extinguished, north of the river Ohio, and East of the river Mississippi; and it shall be the duty of the said surveyor general, to cause the said lands to be surveyed into townships six miles square, and divided in the same manner, and under the same regulations, and to do and perform all such other acts in relation to the said lands, as is provided by law in relation to the lands of the United Staets, situate north west of the river Ohio and above the mouth of Kentucky river:—*Provided,* That the whole expense of surveying and marking the lines shall not exceed three dollars for every mile that shall be actually run, surveyed and marked: *And provided also,* That such tracts of land as are lawfully claimed by individuals within the said boundaries, and the title whereto has been or shall be recognized by the United States, shall be laid out and surveyed at the expense of the parties respectively, in conformity with the true boundaries of such tracts. And it shall also be the duty of the said surveyor general to cause to be run, surveyed and marked, such of the Indian boundary lines of the said lands as have not yet been surveyed; and with the approbation of the president of the United States, to ascertain, by astronomical observations, the positions of such places north of the river Ohio, and east of the river Mississippi, as may be deemed necessary for the correctness of the surveys, and to be the most important point of the geography of the country.

Sec. 2. *And be it further enacted,* That for the disposal of the lands of the United States north of the river Ohio, and east of the river Mississippi, in the Indiana territory, three land offices shall be established in the same, one at Detroit for the lands lying north of the state of Ohio, to which the Indian title has been extinguished; one at Vincennes for the lands to which the Indian title has been extinguished, and which are included within the boundaries fixed by the treaty lately held with the Indian tribes of the Wabash; and one at Kaskaskia, for so much of the lands included with the boundaries fixed by the treaty of the 13th of August, one thousand eight hundred and three, with the Kaskaskia tribe of Indians, as is not claimed by any other Indian tribe; 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, in the same sums, and whose compensation, emoluments, and 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 or may be 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. 3. *And be it further enacted,* That every person claiming lands within any of the three tracts of land described in the preceding section, by virtue of any legal grant made by the French government, prior to the treaty of Paris, of the tenth of February, one thousand seven hundred and sixty three, or of any legal grant made by the British government, subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, of the third of September, one thousand seven hundred and eighty three, or of any resolution, or act of congress, subsequent to the said treaty of peace, shall, on or before the first day of January, one thousand eight hundred and five, deliver to the register of the land office, within whose district the land may lie, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and may 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 an half cents, for every hundred words contained in such written evidence of their claims; and if such person shall neglect to deliver such notice, in writing, of his claim, or to cause to be recorded such written evidence of the same, all his right, so far as the same is derived from any resolution or act of congress, shall become void, and forever barred.

Sec. 4. *And be it further enacted,* That the register, and receiver of public monies, of the three above mentioned land offices, shall, for the lands respectively lying within their districts, be commissioners for the purpose of examining the names of persons claiming lands by virtue of the preceding sections. Each of the said commissioners shall, previous to entering on the duties of his appointment, respectively, take and subscribe the following oath or affirmation, before some person qualified to administer the same, "I, do solemnly swear, (or affirm) that I will impartially exercise and discharge the duties imposed upon me, as commissioner for examining the claims to land, by an act of congress, entitled, "an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

It shall be the duty of the said commissioners to meet at the places where the said land offices are by this act established, respectively, on or before the first day of January one thousand eight hundred and five; and each board shall, in their respective districts, have power to hear in a summary all matters respecting such claims; also to compel the attendance of witnesses, to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to decide thereon according to justice and equity, which decision shall be laid before congress in the manner herein after directed, and be subject to their decision thereon. 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, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land offices; and the said clerk shall prepare two transcripts of all the decisions made by the said commissioners in favor of the claimants to land, both of which shall be signed by the said commissioners, and one of which shall be transmitted to the surveyor general, and the other to the secretary of the treasury; and the lands, the claims to which shall have thus affirmed by the commissioners, shall not be otherwise disposed of until the decision of congress thereupon shall have been made. It shall likewise be the duty of the said commissioners to make to the secretary of the treasury a full report of all the claims filed with the register of the proper land office, as above directed, which they have rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper, which reports, together with the transcripts of the decisions of the commissioners in favor of claimants, shall be laid by the secretary of the treasury before congress at their next ensuing session. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of five hundred dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation, to wit: "I do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners for examining the claims to land, as enjoined by an act of congress, intituled "an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

Sec. 5. *And be it further enacted,* That all the lands aforesaid, not excepted by virtue of the preceding section, shall, within 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 in each of the three above described tracts of country or districts, 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 land reserved for the use of the same as herein after directed, be offered for sale to the highest bidder, under the direction of the surveyor general or governor of the Indiana territory, of the register of the land office, and of the receiver of public monies, 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; the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size and on the same terms and conditions, as have been or may be by law provided for the lands sold north of the river Ohio and above the mouth of Kentucky river. 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 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 are or may be provided by law for the sale of the lands of the United States north of the river Ohio and above the mouth of Kentucky river.—And patents shall be obtained for all lands granted or sold in the Indiana territory, in the same manner and on the same terms as is or may be provided by law for lands sold in the state of Ohio, and in the Mississippi territory.

Sec. 6. *And be it further enacted,* That all the navigable rivers, creeks and waters, within the Indiana territory, shall be deemed to be and remain public highways; and the several salt springs in the said territory, together with as many contigious sections to each, as shall be deemed necessary by the president of the United States, shall be reserved for the future disposal of the United States: And any grant which may hereafter be made for a tract of land, containing a salt spring which had been discovered previous to the purchase of such tract from the United States, shall be considered as fraudulent and null.

Sec. 7. *And be it further enacted,* That the several provisions made in favor of persons who have contracted for lands with John Cleves Symmes and his associates, by an act intituled "an act to extend and continue in force the provisions of an act intituled "an act giving a right of pre-emption to certain persons, who have contracted with Jonh Cleves Symmes or his associates, for lands lying between the Miami rivers in the territory north west of the Ohio, and for other purposes," shall be and the same are hereby continued in force until the first day of June next: *Provided,* That the register of the land office and receiver of public monies at Cincinnati shall perform the same duties, exercise the same powers, and enjoy the same emoluments, which, by the last recited act were enjoined on or vested in the commissioners designated by the said act: *And provided also,* That no certificate for a right of pre-emption shall be granted, except in favor of persons who had, before the first day of January, one thousand eight hundred, made contracts in writing with John Cleves Symmes or with any of his associates, and who had made to him or them any payment or payments of money for the purchase of such lands; nor unless at least one twentieth part of the purchase money of the land claimed, shall have previously been paid to the roceiver of public monies, or shall be paid prior to the first day of January next. And every person who shall obtain a certificate of pre-emption, shall be allowed until the first day of January one thousand eight hundred and six, to complete the payment of his first instalment: *Provided also,* That where any person or persons shall in virtue of a contract entered into with John Cleves Symmes, have entered and made improvements on any section prior to the first day of April last (having conformed with all the foregoing provisions in this section) which improvements by the running of the lines subsequently thereto shall have fallen within any section or half section other than the one purchased as aforesaid, and other than section number sixteen, such section or half section shall in that case be granted to the person or persons who shall have so entered, improved and cultivated the same, on payment of the purchase money agreeably to the provisions made by law for lands sold at private sale; but nothing herein contained shall be construed to give any such person or persons a greater number of acres than he or they had contracted for with John Cleves Symmes, as aforesaid.

Sec. 8. *And be it further enacted,* That every person who may have heretofore obtained from the commissioners, a certificate of a right of pre-emption for lands lying between the two Miami rivers, on account of contracts with or purchase from John Cleves Symmes or his associates, and who has paid his first instalment; and every person who may obtain a similar certificate by virtue of the preceding section, and shall, on or before the first day of January one thousand eight hundred and six, pay his first instalments be permitted to pay the residue of the purchase money in six annual equal payments.

Sec. 9. *And be it further enacted,* That fractional sections of the public lands of the United States, either north of the river Ohio, or south of the State of Tennessee, shall, under the direction of the secretary of the treasury, be either sold singly, or by uniting two or more together, any act to the contrary nothwithstanding: *Provided,* That no fractional sections shall be sold in that manner until after they shall have been offered for sale to the highest bidder in the manner herein after directed.

Sec. 10. *And be it further enacted,* That all the public lands of the United States, the sale of which is authorised by law, may, after they shall have been offered for sale to the highest bidder in quarter sections, as herein after directed, be purchased at the option of the purchaser, either in entire sections, in half sections, or in quarter sections; in which two last last cases the sections shall be divided into half sections by lines running due north and south, and the half sections shall be divided into quarter sections by lines running due east and west. And in every instance in which a more true [illegible] of the lands of the United States, as surveyed in conformity with law, shall be necessary to ascertain the boundaries or true contents of the tract purchased, the same shall be done at the expence of the purchaser.

Sec. 11. *And be it further enacted,* That no interest shall be charged on any instalment which may hereafter becomes due, in payment of any of the public lands of the United States, wherever situated, and which have been sold in pursuance of 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 north west of the Ohio, and above the mouth of Kentucky river," or which may hereafter be sold by virtue of that, or of any other act of congress: *Provided,* That such instalments shall be paid on the day on which the same shall become due; but the interest shall be charged and demanded in conformity with the provisions heretofore in force, from the date of the purchase, on each instalment which shall not be paid on the day on which the same shall become due; *Provided however,* That on the instalments which are or may become due before the first day of October next interest shall not be charged thereon in conformity with the provisions heretofore in force from the date of the purchase.

Sec. 12. *And be it further enacted,* That the sections which have been heretofore reserved, and are by this act directed to be sold, also the fractional sections, classed as is by the ninth section of this act directed, and all the other lands of the United States, north of the Ohio, and above the mouth of Kentucky river, shall be offered for sale in quarter sections, to the highest bidder, under the directions of the register of the land office, and of the receiver of public monies, at the places respectively where the land offices are kept, that is to say: the lands in the districts of Chillicothe; on the first Monday of May; the lands in the district of Marietta, on the second Monday of May; the lands in the district of Zanesville, on the third Monday of May; the lands in the district of Steubenville, on the second Monday of June; and the lands in the district of Cincinnati, on the first Monday of September. The sales shall remain open at each place no longer than three weeks; the lands which may be thus sold, 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 is provided for the sale of lands sold at private sale. And all the other public lands of the United States, either north of the Ohio, or south of the state of Tennessee which are directed to be sold at public sale, shall be offered for sale to the highest bidder, in quarter sections: *Provided however,* That section number twenty-six, of the third township of the second fractional range, within the grant made by the United States to John Cleves Symmes, on which is erected a mill dam, is hereby granted to Joseph Vanborne the proprietor of the said dam; and also that section number twenty nine of the second township of the fourth entire range be granted to James Sutton, and also that section number twenty one of the ninth townwip of the twenty first range be granted to Christian Van Gundy on their payment of the purchase money, agreeably to the provisions made by law for lands sold at private sale.

Sec. 13. *And be it further enacted,* That whenever any of the public lands shall have been surveyed in the manner directed by law, they shall be divided by the secretary of the treasury, into convenient surveying districts, and a deputy surveyor shall, with the approbation of the said secretary, be appointed by the surveyor general for each district, who shall take an oath or affirmation truly and faithfully to perform the duties of his office; and whose duty it shall be to run and mark such lines as may be necessary for subdividing the lands surveyed as aforesaid, into sections, half sections, or quarter sections, as the case may be, to ascertain the true contents of such subdivisions; and to record, in a book to be kept for that purpose, the surveys thus made. The surveyor general shall furnish each deputy surveyor with a copy of the plat of the townships, and fractional parts of townships contained in his district, describing the subdivision thereof, and the marks of the corners. Each deputy surveyor shall be entitled to receive from the purchaser of any tract of land, of which a line or lines shall have been run and marked by him, at the rate of three dollars for every mile thus surveyed and marked, before he shall deliver to him a copy of the plat of such tract stating its contents. The fees payable by virtue of former laws for surveying expenses shall, after the first day of July next, be no longer demandable from, and paid by the purchasers. And no final certificate shall thereafter be given by the register of any land office, to the purchaser of any tract of land, all the lines of which shall not have been run, and the contents ascertained by the surveyor general or his assistants, unless such purchaser shall lodge with the said register a plat of such tract, certified by the district surveyor.

Sec. 14 *And be it further enacted,* That from and after the first day of April next each of the registers and receivers of public monies of the several land offices established by law, either north of the river Ohio, or south of the state of Tennessee, shall, in addition to the commission heretofore allowed, receive one half per cent. on all the monies paid for public lands sold in their respective offices, and an annual salary of five hundred dollars, the register and receiver of the land office at Marietta excepted, the annual salary of whom shall be two hundred dollars. And from and after the same day the fees payable by virtue of former laws, to the registers of the several land offices, for the entry of lands and for certificates of monies paid, shall no longer be demandable from, nor paid by the purchasers of public lands. And it shall be the duty of the secretary of the treasury to cause, at least once every year, the books of the officers of the land offices to be examined, and the balance of public monies in the hands of the several receivers of public monies of the offices to be ascertained.

Sec. 15. *And be it further enacted,* That from and after the first day of April next, the fees heretofore payable for patents for lands, shall no longer be paid by the purchasers. And it shall be the duty of every register of a land office, on application of the party, to transmit, by mail, to the register of the treasury, the final certificate granted by such register to the purchaser of any tract of land sold at his office; and it shall be the duty of the register of the treasury, on receiving any such certificate, to obtain and transmit, by mail, to the register of the proper land office, the patent to which such purchaser is entitled; but, in every such instance, the party shall previously pay to the proper deputy post master, the postage accruing on the transmission of such certificate and patent.

Sec. 16. *And be it further enacted,* That the president of the United States shal