

Bill
Du 26 May 1824
et Du
17 Jun 1844

N^o 4

Act

enabling the claimants of lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims.

Section 1. — Be it enacted &c. That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the Tenth day March, One Thousand Eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the Tenth day of March, One Thousand Eight Hundred and four, and which was protected or secured by the treaty between the United States of America and the French republic, of the Thirtieth day of April One Thousand Eight Hundred and Three, and which might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every such case, it shall and may be lawful for such person or persons, or their legal representatives, to present a petition to the district Court of the State of Missouri, setting forth, fully, plainly, and substantially, the nature of his, her or their claim to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey, under which they claim, the name or names of any person or persons claiming the same, or any part thereof

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by a different title from that of the petitioner; or holding possession of any part thereof, otherwise than by the lease or permission of the petitioner; and, also, if the United States be interested on account of the lands within the limits of such claim, not claimed by any other person than the petitioner; also, the quantity claimed, and the boundaries thereof, when the same may have been designated by boundaries, by whom issued, and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjudgment of land titles in the present limits of the state of Missouri, and by them reported on unfavorably, or recommended for confirmation; praying, in said Petition, that the validity of such title, or claim, may be inquired into and decided by the said Court; and the said Court is hereby authorized and required to hold and exercise jurisdiction of every petition, presented in conformity with the provisions of this act, and to hear and determine the same, on the petition, in case no answer or answers be filed after due notice; or on the petition, and the answer or answers of any person or persons interested in preventing any claim from being established; and the answer of the district attorney of the United States, where he may have filed an answer, according to the evidence which shall be adduced by the petitioner, by any person interested in preventing the decree of the Court in favor of the title of the petitioner or petitioners, and by the United States, in conformity with the principles of justice, and according to the laws and ordinances of the government under which the claim originated, and the Copy of such petition, with a citation to any adverse possessor, or claimant, shall be served on such possessor or claimant in the

ordinary legal manner of serving such process in the State of Missouri, at least fifteen days before the term of the District Court of the United States of which the same is made returnable, and, in like manner, on the district attorney of the United States, where the government is interested in the defence; and it shall be the duty of the United States Attorney for the District in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of this act, in the said district, and to make defense, on all just and proper occasions, in behalf of the public interest.

Section 2. — That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a Court of equity, except that the answer of the District Attorney of the United States shall not be required to be verified by his oath, and tried, without any continuance, unless for Cause Shown; and the said Court shall have full power and authority to hear and determine all questions arising in said Cause, relative to the title of the Claimants, the extent, locality and boundaries of the said Claims, or other matters connected therewith, fit and proper to be heard and determined; and by a final decree to settle and determine the question of the validity of the title, according to the law of Nations; the stipulations of any treaty and proceedings under the same; the several Acts of Congress in relation thereto; and the Laws and Ordinances of the Government from which it is alleged to have been derived; and all other questions properly arising between the Claimants and the United States; which decree shall in all cases, refer to the Treaty, Law or Ordinance, under which it is confirmed and decreed against, and the Court may, at its discretion,

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order disputed facts to be found by a Jury, according to the Regulations and practice of the said Court; when directing issues in Chancery before the said Court, and in all cases, the Party against whom the Judgement or Decree of the said District Court may be finally given, shall be entitled to an Appeal, within one Year from the time of it's rendition, to the Supreme Court of the United States, the decision of which Court shall be final and Conclusive between the Parties; and should no Appeal be taken, the Judgement or Decree of the said District Court, shall in like manner, be final and Conclusive.

Section 3. That the evidence which has been received by the different Tribunals which have been constituted and appointed by Law to receive such evidence and to report the same to the Secretary of the Treasury, or to the Commissioner of the General Land Office, upon all claims presented to them respectively, shall be received and admitted in evidence for or against the United States, in all trials under this Act; when the person testifying is dead, or beyond the reach of the Courts Process; together with such other testimony as it may be in the power of the Petitioner, the person or persons interested in the defense made against establishing any Claim, or the United States Attorney, to produce, and which shall be admissible, according to the Rules of evidence and the principles of Law.

Section 4. That, in all cases in which evidence shall be offered by the Petitioner, which has not been received by either of the Tribunals constituted by Law for that purpose, it shall be the duty of the Attorney of the United States for the District in which the suit shall be instituted, or any person interested in the defense may examine, or cause to be examined, the witnesses not examined in Court, or by Commission under the authority thereof. and it shall be the duty of the Commissioner of the General Land Office of the United States

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or the keeper of any public records, who may have possession of the records and evidence of the different tribunals, which have been constituted by law for the adjustment of land titles in Missouri, as held by France, upon the application of any person or persons, whose claim to lands has been rejected to such tribunals, or either of them, or on the application of any person interested, or by the Attorney of the United States for the District of Missouri, to furnish copies of such evidence, certified under the official signature, with the seal of office thereto annexed, if there be a seal of office.

Section 5. — That any claim of lands, tenements, hereditaments, within the purview of this act, which shall not be brought by petition before the said Courts, within two years from the passing of this act, or which, after being brought before the said Courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be forever barred, both at law and [in] equity, and no other action, at common law, or proceeding in equity, shall ever thereafter be sustained in any Court whatever, in relation to said claims.

Section 6. — That upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall and may be lawful for such claimant to demand and receive from the Clerk of the Court in which such final decision is had, a copy of the decree, in his, her, or their favor, under the official signature of the clerk, and the seal of the Court, if any seal belong to it, and deliver the same to the Surveyor of public lands for the State of Missouri, who shall, thereupon, cause the land specified in said decree to be surveyed, at the expense of the party; and duplicate plats, and certificates of the survey, so made, to be returned into his office, one of which shall remain in said office, and the other, authenticated by the attestation and official signature of the Surveyor of public lands

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shall be delivered, on demand, to the party interested therein, and the same being presented to the commissioner of the general land office, in Washington City, shall entitle the party interested to a patent from the President of the United States.

Section 7. That in each and every case in which any claim, tried under the provisions of this act, shall be finally decided against the claimant, and in each and every case in which any claim cognizable, under the terms of this act, shall be barred by virtue of any of the provisions contained therein, the land specified in such claim shall, forthwith, be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public land in the same district.

Section 8. That the Clerk of said Court shall, and he is hereby directed, when any petition of claim is filed, under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all cost and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, attending witnesses, and jurors, shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the district court of the State of Missouri, to be paid by the party calling for such service or attendance, except where the petitioner or petitioners fail to prosecute his, her, or their suit, or claim, to a final decree, or to obtain a final decree in his, her, or their favor, or where any such title or claim may have been presented to the commissioner or the register and receiver, acting as commissioners, for the examination of titles and claims to land in said district, and by them has been reported unfavorably on, in all of which cases, all cost, charges, and expenses of such prosecutions, shall be paid by the petitioner or

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petitioners; that the clerk of the Court, in which the final decree shall be had, shall be allowed one dollar and Fifty cents for the official copy of such final decree; that the Surveyor of public lands shall be allowed one dollar for each of the official certificates required of him, and the Keeper of the Records and evidence, taken under former acts of congress, for the adjustment of land titles, shall be allowed at the rate of Ten cents for every hundred words contained in any such written evidence of their claim, to be paid by the party applying therefor. _____

Section 9. _____ That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, and the claim exceeds one thousand acres, to make out and transmit, to the attorney general of the United States, a statement containing the facts of the case and the points of law on which the same was decided, and if the attorney general shall be of opinion that the decision of the of the district court is erroneous, it shall be his duty to direct an appeal to be made to the Supreme Court of the United States, and to appear for, and prosecute, the said appeal in that Court; and it shall be the further duty of the district attorney to observe the instructions given to him by the attorney general in that respect. _____

Section 10. _____ That it shall be the duty of the Marshal of the State of Missouri, by himself or deputy, to attend the said Court while in session, and to execute all process to him directed by the Court, under this act. _____

Section 11. _____ That if, in any case, it should so happen that the lands, tenements, or hereditaments, decreed to any claimant under the provisions of this act, shall have been sold by the United States, or otherwise disposed of, or if the same shall not have

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been heretofore located, in each and every such case,
it shall and may be lawful for the party interested
to enter, after the same shall have been offered at
public sale, the like quantity of land, in parcels,
conformable to the sectional divisions and subdivisions,
in any land office in the State of Missouri; and,
if it should so happen, that in making such
entries, there should remain in the hands of the
enterer a fractional excess of acres, of less number
than the smallest sectional divisions authorized
by Law to be sold, it shall and may be lawful
for the party interested to enter, in virtue of such
fractional excess, the quantity of one half quarter
section, upon paying one dollar and Twenty Five
cents for each acre contained in such half quarter
section, over and above the fractional excess to
which he may be entitled by such confirmation.

approved May 26, 1824
1824

An Act

To provide for the adjustment of Land claims, within the states of Missouri, Arkansas & Louisiana, and in those parts of the States of Mississippi & Alabama, South of the Thirty-first Degree of north Latitude & between the Mississippi & Perdido Rivers.

Be it enacted by the Senate & House of Representatives of the United States of America, in Congress assembled, That so much of the expired Act of the 26th May 1824, entitled: "An Act to enable claimants to land within the State of Missouri, & Territory of Arkansas, to institute proceedings to try the validity of their claims" as related to the State of Missouri (excluding all such portions of said Act as referred to the Territory of Arkansas) be, & is hereby, revived & re-enacted, & continued in force for the term of Five Years, & no longer; and the provisions of that part of the aforesaid Act hereby revived & re-enacted, shall be, & hereby are, extended to the States of Louisiana & Arkansas, and to so much of the States of Mississippi & Alabama as is included in the District of Country South of the thirty first Degree of North Latitude, and between the Mississippi & Perdido rivers, in the same way & with the same rights, powers & jurisdictions, to every extent they can be rendered applicable, & if these states had been enumerated in the Original Act hereby revived, & the enactments expressly applied to them as to the State of Missouri; and the District Courts & the Judges thereof, in each of these States, shall have & exercise the like jurisdiction over the land claims in their respective States & Districts, originating with either the Spanish, French or British authorities, as by said Act was given to the Court, & Judge thereof, in the State of Missouri.

Approved June 17th 1844.

1840

accepte

Antoine Romero, Raphael Romero, Silvestre Romero, Balthazar Romero
Thomas Le Ann

Refusé

Hubert Charriot avec un Livre tiré au Bureau Lorrain