

CHAP. CLIV.—*An Act concerning pre-emption rights in the territory of Arkansas. (a)*

May 26, 1824.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That every person, and the legal representative of every person, who was entitled to the right of pre-emption, in the territory of Arkansas, under the provisions of the act of Congress of the 12th of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the state of Louisiana and territory of Missouri," in that tract of country north of the river Arkansas, ceded by the United States to the Cherokee nation of Indians, on the eighth day of July, one thousand eight hundred and seventeen, be, and they are hereby, authorized, in lieu thereof, and in full compensation for such right of pre-emption, to enter with the register of the land office in the district of Lawrence, in said territory, any tract within said district, on which they may have made improvements previously to the passing of this act, or any unimproved tract within said district, the sale of which is authorized by law: *Provided*, That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sec-

Any person or his legal representative, who was entitled to the right of pre-emption in the territory of Arkansas, under the act of April 12, 1814, authorized to enter with the register of the land office in Lawrence district, any tract therein.

1814, ch. 52.

Proviso.

(a) Acts which have been passed relating to public lands in Arkansas:

An act for the final adjustment of land titles in the state of Louisiana, and territory of Missouri, April 12, 1814, ch. 52.

An act to authorize the President of the United States to appoint a receiver of the public money and register of the land office for the district of Lawrence county in the Arkansas territory, March 17, 1820, ch. 24.

An act concerning pre-emption rights in the territory of Arkansas, May 26, 1824, ch. 154.

An act enabling the claimants to land within the limits of the state of Missouri and territory of Arkansas to institute proceedings to try the validity of their titles, May 26, 1824, ch. 173.

An act to continue in force for a limited time, and to amend an act entitled "An act to enable claimants to land within the limits of the state of Missouri and territory of Arkansas to institute proceedings to try the validity of their titles, May 24, 1828, ch. 90.

An act restricting the location of certain land claims in the territory of Arkansas, and for other purposes, Jan. 6, 1829, ch. 2.

An act to preserve from injury and waste the school lands in the territory of Arkansas, Jan. 6, 1829, ch. 3.

An act to extend the time for locating certain donations in Arkansas, expired Jan. 13, 1830, ch. 3.

An act further to extend the powers of the judges of the superior court of the territory of Arkansas, under the act of the 26 May, 1824, and for other purposes, May 8, 1830, ch. 90.

An act to authorize the selection of certain school lands in the territory of Arkansas, May 29, 1830, ch. 180.

An act to provide for surveying certain lands in the territory of Arkansas, May 29, 1830, ch. 182.

An act to extend the time for entering certain donation claims to land in the territory of Arkansas, Jan. 27, 1831, ch. 11.

An act further to extend the time for entering certain donation claims to land in the territory of Arkansas, Feb. 20, 1833, ch. 43.

An act providing for the postponement of the trial of certain cases now pending in the superior court of Arkansas territory, and for withholding from sale or entry, certain lands in said territory, April 20, 1832, ch. 72.

An act to confirm certain claims to land in the territory of Arkansas, June, 25, 1832, ch. 148.

An act to settle the titles to certain tracts of land in the state of Arkansas, Aug. 4, 1842, ch. 128.

An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen, March 1, 1843, ch. 50.

Decisions of the Supreme Court, on land titles in Arkansas.

Under the provision of the act of Congress, passed on the 26th of May, 1824, proceedings were instituted in the superior court of the territory of Arkansas, by which a confirmation was claimed of a grant of land alleged to have been made to the petitioner, Sampeyreac, by the Spanish government, prior to the cession of Louisiana to the United States by the treaty of April 3d, 1803. This claim was opposed by the district attorney of the United States; and the court after hearing evidence, decreed that the petitioner recover the land from the United States. Afterwards, the district attorney of the United States, proceeding on the authority of the act of May 8th, 1830, filed a bill of review, founded on the allegation, that the original decree was obtained by fraud and surprise, that the documents produced in support of the claim of Sampeyreac were forged, and that the witnesses who had been examined to sustain the same were perjured. At a subsequent term Stewart was allowed to become a defendant to the bill of review, and filed an answer, in which the fraud and forgery are denied, and in which he asserts, that if the same were committed, he is ignorant thereof; and asserts that he is bona fide purchaser of the land for a valuable consideration, from one John J. Bowie, who conveyed to him the claim of Sampeyreac by deed, dated about the 22d October, 1828. On a final hearing, the court, being satisfied of the forgery, perjury, and fraud, reversed the original decree. Held, that these proceedings were legal, and were authorized by the act of the 8th of May, 1830. *Sampeyreac v. The United States*, 7 Peters, 222.

tional and divisional lines run, or to be run, under the direction of the surveyor of the United States' lands for the states of Missouri and Illinois, and territory of Arkansas.

Every person claiming a preference in becoming a purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the register of the land office for said district.

The register to file such notice.

SEC. 2. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the register of the land office for said district, stating therein that he was entitled to a pre-emption right, under the aforesaid act of Congress, in that part of the territory of Arkansas ceded as aforesaid, and also particularly designating therein the quarter section he is desirous to enter, which notice the register shall file in his office; and, in every case where it shall be proved, to the satisfaction of the register and receiver of public moneys of the land office aforesaid, that any person who has delivered such notice was entitled to a pre-emption right under said act of Congress, in that part of the territory of Arkansas ceded as aforesaid, shall have a right to enter with the register of said land office, at the minimum price for which United States' lands are sold, the tract of land designated in said notice, on producing his receipt from the receiver of public moneys for the purchase money of said tract, as in case of other public lands sold at private sale; and, as a compensation for their services, the register and receiver shall, each, be entitled to one dollar in every such case, to be paid by the claimant of such pre-emption right: *Provided*, That every such entry and payment shall be made at least two weeks previous to the time of offering the adjacent lands at public sale, unless the same be entered in such part of said district as shall have been offered at public sale at the time of the passage of this act; in which case, such entry shall be made within two years from the passage thereof.

Proviso.

APPROVED, May 26, 1824.

STATUTE I.

May 26, 1824.

CHAP. CLV.—*An Act to fix the western boundary line of the territory of Arkansas, and for other purposes. (a)*

Course of the western boundary line of the territory of Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the western boundary line of the territory of Arkansas shall begin at a point forty miles west of the south-west corner of the state of Missouri, and run south to the right bank of the Red River, and thence, down the river, and with the Mexican boundary, to the line of the state of Louisiana, any law heretofore made, to the contrary notwithstanding.

2,000 dollars appropriated.

SEC. 2. *And be it further enacted*, That the sum of two thousand dollars, to defray the expense of running and marking said boundary line, to be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

The unexpended appropriation of 65,000 dollars, of March 3, 1821, ch. 35, to be expended agreeably to said act.

SEC. 3. *And be it further enacted*, That so much of the appropriation of sixty-five thousand dollars, made by the act of the 3d of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth of October, eighteen hundred and twenty, with the Chactaw [Choctaw] Indians, as remains unexpended, shall, under the direction of the President of the United States, be employed for the purposes mentioned in the said act of 3d of March, eighteen hundred and twenty-one, any law to the contrary notwithstanding.

10,000 dollars appropriated.

SEC. 4. *And be it further enacted*, That the sum of ten thousand dollars to be paid out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated, to defray the expenses of treat-

(a) See notes to act of March 2, 1819, ch. 49.