

STATUTE I.

July 4, 1832.

CHAP. CLXV.—*An Act to authorize the surveying and making of a road from La Plaisance bay, in the territory of Michigan, to intersect the Chicago road.*

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 appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from La Plaisance bay, in the territory of Michigan, to intersect, at some suitable point, the road from Detroit to Chicago, established under the provisions of the act of the third of March, one thousand eight hundred and twenty-five; and said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of said surveys, shall cause the plats thereof to be deposited in the office of the Treasury of the United States, and the said road shall be considered as established and accepted: *Provided,* That said commissioners shall be disinterested persons, not residents of the counties of Monroe or Lenewee, in said territory.

Commissioners to be appointed to survey and lay out road.

Plats of surveys to be certified, and transmitted to the President; if approved to be deposited, &c.
Proviso.

SEC. 2. *And be it further enacted,* That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day they shall be necessarily employed in the surveying, exploring, and marking, of said road, and making their returns thereof: *Provided,* That the whole expense thereof shall not exceed the sum of five hundred dollars.

Pay of commissioners and assistants.

Proviso.

SEC. 3. *And be it further enacted,* That, for the purpose of compensating the said commissioners and their assistants, and for opening and making said road, there shall be, and is hereby, appropriated, the sum of fifteen thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the President of the United States, for the purposes aforesaid: *Provided, however,* That the money applied to the making of said road, shall be laid out first in making such parts of it from La Plaisance bay, to the crossing of the river Raisin, at or near Tesecumseh, as have not heretofore been improved; and the residue, if any, upon such parts of it as, in the judgment of the superintendent, the public good may most require.

Appropriation.

Proviso.

APPROVED, July 4, 1832.

STATUTE I.

July 4, 1832.

CHAP. CLXVI.—*An Act for the final adjustment of the claims to lands in the south-eastern land district of the state of Louisiana. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person or persons, claiming lands within the limits of the south-eastern land district of the

(a) Decisions of the Supreme Court on land titles in Louisiana, in addition to the cases stated in notes to vol. ii, 288, 713.

The treaty by which Louisiana was ceded to the United States, recognised complete grants, issued anterior to the cession, and a decision of a state court against the validity of a title set up under such a grant, would be subject to reversal by the Supreme Court, under the twenty-fifth section of the Judiciary act. *M'Donough v. Millaudon*, 3 Howard, 693.

But, if the state court only applies the local laws of the state to the construction of the grant, it is not a decision against its validity, and the Supreme Court has no jurisdiction. *Ibid.*

Congress, in acting upon complete grants, recognised them as they stood; and the act of 11th of May, 1820, confirming such as were recommended for confirmation by the register and receiver, had no reference to any particular surveys. *Ibid.*

A decision of a state court, therefore, which may be in opposition to one of these surveys, is not against the validity of a title existing under an act of Congress; and this court has no jurisdiction in such a case. *Ibid.*

The certificate of survey alleged to have been given by Trudeau, on the 14th of June, 1797, and brought forward to sustain a grant to the Marquis de Maison Rouge, declared ante-dated and fraudulent. *United States v. King et al.*, 3 Howard, 773.

The circumstance that a copy of this paper was delivered by the Spanish authorities in 1803, is not sufficient to prevent its authenticity from being impeached. *Ibid.*

Claims to lands in Louisiana to be presented to register and receiver at New Orleans, prior to 1st July, 1833.

Notice of claim to be recorded.

Fees.

Claims to be reported to the Secretary of the Treasury, and to be laid before Congress.

Proviso.

Sales of land suspended until after 1st July, 1833.

Persons who held lands by claims unconfirmed, &c., may avail themselves of the benefits of this act.

Separate report of cases of this class to be made to the Secretary of the Treasury, &c.

Purchasers to be reimbursed.

Additional compensation.

state of Louisiana, agreeably to the provisions of the laws heretofore enacted for the adjustment of land claims in that part of the territory of Orleans or state of Louisiana, but whose titles have not been heretofore confirmed, may, at any time prior to the first day of July, one thousand eight hundred and thirty-three, present their claims, together with the written evidence and other testimony in support of the same, to the register and receiver of the land office at New Orleans; and it shall be the duty of the said register and receiver to record, in a book to be kept for that purpose, the notice of every claim so preferred, together with the evidence; for which service they shall receive a compensation from the claimants, at the rate of twenty-five cents for every hundred words.

SEC. 2. *And be it further enacted*, That the said register and receiver shall, at or before the beginning of the next session of Congress thereafter, make to the Secretary of the Treasury a report of the claims which may have been preferred before them, together with the testimony, their opinion of the validity of the claims, and such other information respecting them as may be in their possession; which report shall, by the Secretary of the Treasury, be laid before Congress as soon as practicable, with his opinion touching the validity of the respective claims: *Provided*, That no claim shall be therein recommended for confirmation, for more than the quantity contained in a league square.

SEC. 3. *And be it further enacted*, That the sales of land in the said south-eastern district, by public auction or private entry, shall be suspended until after the first day of July, one thousand eight hundred and thirty-three.

SEC. 4. *And be it further enacted*, That all persons who, before the first Monday of November, one thousand eight hundred and thirty, held lands in the said south-eastern district, by claims unconfirmed, but which were embraced in the principles of the previous laws for the adjustment of claims in that part of the territory of Orleans or state of Louisiana, which lands may have been sold at the public sale which took place at New Orleans on the first Monday of November, one thousand eight hundred and thirty, under the President's proclamation of the fifth June, one thousand eight hundred and thirty, may avail themselves of this act as though their lands had not been sold; and the said register and receiver shall make a separate report of the cases of this class: and if it shall appear to the Secretary of the Treasury that all or any of the claims contained therein, although unconfirmed, are embraced in the intent and meaning of the previous laws for the adjustment of land claims as aforesaid, he is hereby authorized to repay to the persons, or the legal representative of the persons who purchased, such sum or sums as they may have paid for lands of this description, bought by them at the said public sale.

SEC. 5. *And be it further enacted*, That, in addition to the compensation hereinbefore provided, the said register and receiver shall receive, for the services required of them by this act, the sum of five hundred dollars each, to be paid by the Secretary of the Treasury out of any moneys in the treasury not otherwise appropriated.

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Leaving this certificate out of the case, the instruments executed by the Baron de Carondelet, in 1795 and 1797, have not the aid of any authentic survey to ascertain and fix the limits of the land, and to determine its location. *Ibid.*

The Supreme Court has repeatedly decided, and in cases, too, where the instrument contained clear words of grant, that if the descriptions were vague and indefinite, and there was no official survey to give it a certain location, it could create no right of private property, in any particular parcel of land, which could be maintained in a court of justice. *Ibid.*

An equitable title is no defence in a suit brought by the United States. An imperfect title derived from Spain, before the cession, cannot be supported against a party claiming under a grant from the United States. *Ibid.*

The act of Congress of the 29th April, 1816, confirming the grant to the extent of a league square, restricted it to that quantity, and cannot be construed as confirming the residue. *Ibid.*

Query: Whether the acceptance by the claimant of this league square affected his title to the residue. *Ibid.*