

For removing such portion of the Cherokees as may emigrate during the present year from the Cherokee country east of the Mississippi, to their new country west of that river, including subsistence on the route and for one year after their arrival west of the Mississippi, and all other expenses attending their emigration, sixty-eight thousand three hundred and twenty-five dollars.

SEC. 3. *And be it further enacted*, That the sum of one hundred and twelve thousand eight hundred and fifty-three dollars, and seventy-eight cents, paid into the treasury under the provisions of the act of February nineteenth, eighteen hundred and thirty-one, entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes," and now standing to the credit of Indian contingencies, shall be applied to, and be subject to, the payment of the annuities authorized to be paid by the provisions of this act: *Provided*, That the claim of the Seneca Indians against the United States, for the said sum of money, shall continue of the same force and effect as it now is.

SEC. 4. *And be it further enacted*, That the sum of eleven thousand one hundred and sixty dollars be, and the same is hereby, appropriated to be paid out of any money in the treasury not otherwise appropriated, to be distributed to the Creek Indians, friends and followers of General McIntosh, who emigrated under the treaty of January twenty-fourth, eighteen hundred and twenty-six, and who have not received their proportions of the sums stipulated to be paid under the ninth article of the said treaty.

SEC. 5. *And be it further enacted*, That the annuities to the Cherokees, for which appropriations are made in this act, shall be paid to the chiefs of the tribe, or to such person or persons as the tribe shall appoint.

APPROVED, June 26, 1834.

Removing the Cherokees from country east of the Mississippi.

Money in the treasury under act of February 19, 1831, ch. 26, to be subject to payment of Indian annuities.

Proviso.

Creek followers of General McIntosh, who emigrated under treaty of January 24, 1826.

Cherokee annuities to be paid to chiefs, &c.

STATUTE I.

June 26, 1834.

CHAP. LXXV.—*An Act for the relief of the town of Fayetteville, in the territory of Arkansas.*

WHEREAS, the seat of justice of Washington county, in the territory of Arkansas, was located and called Fayetteville prior to the public surveys being made, and when the lands were surveyed, the said town fell on section number sixteen, which, by law, is reserved for the use of schools; and whereas the said town is situated on the south half of the north-east quarter, and the north half of the south-east quarter, of section number sixteen, in township number sixteen, north of range number thirty, west of the fifth principal meridian, therefore,—

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the trustee of the school lands in and for township number sixteen, north of range thirty, west of the fifth principal meridian in the territory of Arkansas, be, and he is hereby, authorized to select and have set apart for the use of schools in said township, one entire section of any of the unimproved lands in said township in lieu of section number sixteen; and when the said trustee shall make his selection, he shall file the same in the office of the register of the Fayetteville land office, and the land so selected shall be reserved from sale, and set apart for the use of schools; and that section number sixteen, in said township, shall be subject to sale and entry as other public lands now are.

SEC. 2. *And be it further enacted*, That the south half of the north-east quarter, and the north half of the south-east quarter, of section number sixteen, in township number sixteen, north of range number thirty, west of the fifth principal meridian, in the territory of Arkansas, be, and is hereby, granted to Lewis Evans, Larkin Newton, Samuel

School lands to be set apart in lieu of section sixteen.

Lands granted in trust for the county.

Appropriation of proceeds to erection of a courthouse and jail.

Vaughan and John Wooddy, commissioners of said county, in trust for the use of said county; and that the Secretary of the Treasury be authorized to issue a patent for the same; and that the said commissioners shall have power to lay off the said land into town lots, and sell and dispose of the same, and make good and sufficient titles to purchasers; and they shall appropriate the proceeds of the sales of the said lots to the erection of a courthouse and jail in the town of Fayetteville, for the use of said county.

APPROVED, June 26, 1834.

STATUTE I.

June 26, 1834.

CHAP. LXXVI.—*An Act to create additional land districts in the states of Illinois and Missouri, and in the territory north of the state of Illinois. (a)*

Four new land districts created.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all that tract of country lying north of the dividing line between township number twelve and thirteen, north of the base line running through the military bounty lands, and that tract of country lying north of the dividing line between townships number thirty and thirty-one, north of the old base line included in the state of Illinois, and all that tract of country lying north of the state of Illinois, west of Lake Michigan, and south and south-east of the Wisconsin and Fox rivers of Green Bay, in the present territory of Michigan, be laid off into four new land districts, to be divided and designated as follows, to wit: That tract lying within the state of Illinois, as above described, shall be divided by a north and south line, drawn between the range of townships number three and four, east of the third principal meridian, and that on the west side of said line shall be called the north-west, and that on the east, the north-east land district of the state of Illinois; and all that tract north of the state of Illinois, west of Lake Michigan, south and south-east of the Wisconsin and Fox rivers, included in the present territory of Michigan, shall be divided by a north and south line, drawn from the northern boundary of Illinois, along the range of township line next west of fort Winnebago, to the Wisconsin river, and be called, the one on the west side, the Wisconsin, and that on the east side, the Green Bay land districts of the territory of Michigan; which two districts shall embrace the country north of said rivers, when the Indian title shall become extinguished, and the Green Bay district may be divided so as to form two districts, when the President shall deem it proper.

President to designate place for office.

SEC 2. *And be it further enacted,* That there shall be established in each of the said land districts, one land office, at such time and place as

(a) The act of Congress, entitled "An act to create additional land districts in the states of Illinois and Missouri," approved June 26, 1834, ch. 76, does not require the President of the United States to cause to be offered for sale the public lands containing lead mines, situated in the land districts created by that act. *The United States v. Gear*, 3 Howard, 120.

The act does not require the President to cause the land containing lead mines to be sold, as the fifth section of the act of March 3, 1807, entitled "An act making provision for the disposal of the public lands, situated between the United States' tract and the Connecticut reserve, and for other purposes," is in full force. *Ibid.*

The lands containing lead mines, in the Indiana territory, or that part of it made into the new land districts, by the act of June 26th, 1834, are not subject to a pre-emption by settlers upon the public lands, under any of the pre-emption laws which have been passed by Congress. *Ibid.*

The fourth section of the act of 1834 does in no way repeal any part of the fifth section of the act of March 3, 1807, ch. 49, by which the lands containing lead mines were reserved for the future disposal of the United States, in which section it is declared that grants for lead mine tracts, discovered to be such before they may be bought from the United States, are declared to be fraudulent and null; and which authorized the President to lease any lead mine which had been, or might be discovered in the Indiana territory, for a term not exceeding five years. *Ibid.*

The land containing lead mines, in the districts made by the act of 1834, are not subject to pre-emption and sale under any of the existing acts of Congress. *Ibid.*

Digging lead ore from the lead mines upon the public land of the United States, is such a waste as entitles the United States to a writ of injunction to restrain it. *Ibid.*