

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.*

the President may designate, to be removed whenever he may deem it expedient for the public convenience.

SEC. 3. *And be it further enacted*, That the President, by and with the consent of the Senate, so soon as a sufficient number of townships are surveyed, and returns thereof made to the general land office, to authorize the commencement of the sales in either of said districts, to appoint one register, and one receiver for each land office so established, who shall reside at the place designated for the land office, and give security, and discharge all duties pertaining to such office as prescribed by law.

Registers and receivers to be appointed.

SEC. 4. *And be it further enacted*, That the President shall be authorized, so soon as the survey shall have been completed, to cause to be offered for sale, in the manner prescribed by law, all the lands lying in said land districts, at the land offices in the respective districts in which the land so offered is embraced, reserving only section sixteen in each township, the tract reserved for the village of Galena, such other tracts as have been granted to individuals and the state of Illinois, and such reservations as the President shall deem necessary to retain for military posts, any law of Congress heretofore existing to the contrary notwithstanding.

Land to be reserved for military posts.

SEC. 5. *And be it further enacted*, That so much of the public lands of the United States, in the state of Missouri, as lies west of the range line between ranges ten and eleven west of the fifth principal meridian, and south of the line dividing townships, numbers forty and forty-one north of the base line, shall form a new land district, to be called the south-western land district; and for the sale of the public lands within the district aforesaid, there shall be a land office established at such place within said district as the President of the United States may designate.

Land office.

SEC. 6. *And be it further enacted*, That there shall be a register and receiver appointed to said office, to superintend the sale of public land in said district, who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall in every respect be the same in relation to lands to be disposed of at said office, as are, or may be, by law provided, in relation to the registers and receivers of public money in the several offices established for the sale of the public lands.

Register and receiver.

SEC. 7. *And be it further enacted*, That all such public lands embraced within the district created by this act, which shall have been offered for sale to the highest bidder at the several land offices, at Jackson, Franklin, Fayette, and Lexington, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale, by the proper officers of the office hereby created, in the same manner and subject to the same terms, and upon like conditions, as the sale of said land would have been subject to, in the said several land offices hereinbefore mentioned, had they remained attached to the same: *Provided*, That nothing in this act shall be so construed as to permit the officers appointed in either of the foregoing land districts to receive compensation out of the treasury of the United States.

Lands not disposed of at public sale may be entered and sold at private sale.

Proviso.

APPROVED, June 26, 1834.

STATUTE I.

June 26, 1834.

CHAP. LXXVII.—*An Act to establish an additional land office in Arkansas.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That so much of the public lands of the United States in the territory of Arkansas as lies east of a line commencing on the southern boundary of the territory where it is intersected by the dividing line between ranges five and six, west of the meridian, thence with said range line to the dividing line between townships ten and eleven south; thence east with the said line to the dividing

Land office to be established at Helena.