

The Train

SOUTHERN BANNER.

Vol II

HOLLY SPRINGS, Miss. FRIDAY, NOVEMBER 12, 1841

No. 30.

THE SOUTHERN BANNER

is published in the town of Holly Springs, Mississippi, every week, at Four Dollars if not paid in advance. No subscription taken for less than six Months.

Advertisements will be inserted at One Dollar per square (ten lines or less) for the first time, and Fifty Cents for each continuance.

All Advertisements not marked with the number of insertions on them, will be continued until ordered out and charged at the above rates.

Announcing candidates for office will be—For State Officers, \$10—For County, \$5; to be paid down or assumed by a responsible name in town.

Letters addressed to the publisher of the Southern Banner, on business with the office, must be post paid, to secure attention.

Yearly advertisements, inserted at the usual rates.

Persons who Altercations will be charged double price and pay required in advance.

CASH must be paid for all JOB WORK done at this office as soon as delivered.

LAW OF THE UNITED STATES.

[Public—No. 10]

AN ACT to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compact entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sale of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

Sec. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds—which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's office; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States—of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the last census, to be applied by the legislature of the said States to such purposes as the said Legislature may direct: *Provided*, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: *And provided*, also, That nothing herein contained shall be construed to the prejudice of future applications for a transfer of the lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

Sec. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands shall be paid at the Treasury half yearly, on the first day of January and July in each year, during the operation of this act, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof in case the Legislatures shall have made no such appointments, shall authorize and direct to receive the same.

Sec. 4. *And be it further enacted*, That any sum of money which at any time may become due and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due and payable from the said State or District, to the United States: *Provided*, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "An act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

Sec. 5. *And be it further enacted*, That this act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided*, nevertheless,

That if, prior to the expiration of this act, a new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled to, by virtue of compacts to be made on their admission into the Union.

Sec. 6. *And be it further enacted*, That there shall be annually appropriated for completing the surveys of said lands a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other material improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be increased by law, except as aforesaid, at any time during the operation of this act, then so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, any thing in this act to the contrary notwithstanding: *Provided*, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second, one thousand eight hundred and thirty-three, entitled "An act to modify the act of the fourteenth July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to wit, twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended, and shall so continue until this cause of its suspension shall be removed; and when removed, it not prevented by other provisions, of this act, such distribution shall be resumed.

Sec. 7. *And be it further enacted*, That the Secretary of the treasury may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land sold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

Sec. 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided*, That to each of the said States which has already received grants for said purposes there is hereby granted no more than a quantity of land, which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selections in all of the said States to be made within their limits respectively in such manner as the legislatures thereof shall direct; and located in parcels, conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively shall have been surveyed, according to existing laws. And there shall be and hereby is granted, to each new State that shall hereafter be admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a territorial government, for purposes of internal improvement as aforesaid shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Sec. 9. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of the said lands shall be faithfully applied to objects of internal improvement within the States aforesaid respectively, namely: roads, railways, bridges, canals, and improvement of water courses, and drainage of swamps; and such roads, railways, canals, bridges and water courses, when made or approved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Sec. 10. *And be it further enacted*, That from and after the passage of this act, every person, being the head of a family, or widow or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws, who, since the first

day of June, A. D. eighteen hundred and forty, has made, or shall hereafter make, a settlement in person on the public lands to which the Indian title had been, at the time of such settlement, extinguished, and which has been, or shall have been surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions. No person shall be entitled to more than one pre-emptive right by virtue of this act: no person who is the proprietor of three hundred and twenty acres of land in any State or territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or territory, shall acquire any right of pre-emption under this act: no lands included in any reservation, by any treaty, law or proclamation of the President of the United States, or reserved for schools, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians, in the State of Indiana, or which may be acquired by the tribe of Wyandot Indians in the State of Ohio, or other Indian reservation, to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and agriculture; and no lands on which are situated any known mines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the provision of the act of twenty-second of June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing Rabbit creek be, and the same is hereby, repealed: That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

Sec. 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such person shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

Sec. 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement therein required shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services to be rendered as aforesaid; and all assignments and transfers of the right hereby secured prior to the issuing of the patent shall be null and void.

Sec. 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated (who are hereby authorized to administer the same) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath,

to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Sec. 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required before the day appointed for the commencement of the sales as aforesaid.

Sec. 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the same, and in the last within thirty days next after the date of such settlement, file with the register of the proper district a written statement describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement make the proof, affidavit, and payment therein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof and payment within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Sec. 16. *And be it further enacted*, That the two per cent. of the net proceeds of the lands sold, or that may hereafter be sold by the United States in the State of Mississippi, since the first day of December, one thousand eight hundred and seventeen, and by the act entitled "An act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto, reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal instalments; the first to be paid on the first of May, one thousand eight hundred and forty-two, and the other on the first of May, one thousand eight hundred and forty-three, so far as the same may then have accrued, and quarterly as the same may accrue, after said period: *Provided*, That the legislature of said State shall pass an act, declaring their acceptance of said relinquishment in full of said land, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied to the construction of a rail road leading from Brandon in the State of Mississippi, to the eastern boundary of said State, in the direction, as near as may be, of the towns of Selma, Canaba and Montgomery, in the State of Alabama.

Sec. 17. *And be it further enacted*, That the two per cent. of the proceeds of the lands sold to the United States in the state of Alabama since the first day of September, one thousand eight hundred and nineteen, and reserved by the act entitled "An act to enable the People of the Alabama Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," for the making of a road or roads leading to the said state, be, and the same is hereby relinquished to the said state of Alabama, payable in two equal instalments: the first to be paid on the first day of May, one thousand eight hundred and forty-two, and the other on the first day of May, one thousand eight hundred and forty-three, so far as the same has accrued, and quarterly, as the same may hereafter accrue: *Provided*, That the legislature of said state shall pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the directions of the legislature of Alabama, to the connection, by some means of internal improvement of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river, opposite West Point in Georgia, across the state of Alabama, in a direction to Jackson, in the state of Mississippi.

Approved, September 1, 1841.

[Public—No. 11.]

An act making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, namely:

For repairs of west head battery, governor's island, Boston harbour, five thousand dollars.

For repairs of Fort Independence and sea-

wall of castle-island, Boston harbour, sixty-five thousand dollars.

For Fort Warren, Boston harbour, one hundred and five thousand dollars.

For repairs of old fort at New Bedford harbour five thousand dollars.

For Fort Adams, Newport harbour, fifty-five thousand dollars.

For fortifications in New London harbour, rebuilding of Fort Trumbull, Connecticut, thirty-five thousand dollars.

For repairs of old Fort Griswold, New London harbour, Connecticut, ten thousand dollars.

For completing repairs of Fort Niagara, and erecting and repairing necessary buildings therein, New York, twenty thousand dollars.

For completing repairs of Fort Ontario, Oswego, New York, and erecting necessary buildings therein, fifteen thousand dollars.

For Fort Schuyler, New York harbour, seventy thousand dollars.

For repairs of Fort Wood and sea-wall, Bedlow's island, New York harbour, fifty thousand dollars.

Nor permanent walls for Fort Columbus, castle William and south battery, governor's island, New York harbour, twelve thousand dollars.

For repairs of sea-wall of castle William and other parts of Governor's island, seven thousand dollars.

For Fort Delaware, Delaware river, provided the title to the Pea Patch island shall be decided to be in the United States, including twenty-two thousand seven hundred and seventy dollars carried to the surplus fund, January one, eighteen hundred and forty-one, fifty thousand dollars.

For repairing forts at Annapolis harbour, Maryland, five thousand dollars.

For repairs at Fort Washington, Potomac river, thirty-five thousand dollars.

For Fort Monroe, Old Point Comfort, Virginia, one hundred and fifteen thousand dollars.

For repairs of Forts Caswell and Johnson, and preservation of the site of the former, at the mouth of Cape Fear river, North Carolina, five thousand dollars.

For Fort Sumpter, Charleston harbour, South Carolina, fifteen thousand dollars.

For commencing dyke to Drunken Dick shoal, for preservation of Sullivan's island, and site of Fort Moultrie, Charleston harbour, South Carolina, thirty thousand dollars.

For Fort Pulaski, Savannah river, Georgia, thirty-five thousand dollars.

For repairs of Fort Marion, St. Augustine, Florida, twenty thousand dollars.

For continuing sea-wall at St. Augustine, Florida, five thousand dollars.

For Fort Pickens, Pensacola harbour, twenty thousand dollars.

For Fort Barrancas, Pensacola, Florida, forty five thousand dollars.

For Fort Morgan, Mobile Point, Alabama, forty thousand dollars.

For Fort Livingston, Barrataria bay, Louisiana, thirty thousand dollars.

For repairs of other forts of the approaches to New Orleans, Louisiana, fifty thousand dollars.

For defensive works, and barracks, and purchase of site at or near Detroit, Michigan, fifty thousand dollars.

For purchase of site, and for barracks and defensive works at or near Buffalo, New York, fifty thousand dollars.

For fortifications at the outlet of Lake Champlain, and purchase of site, seventy-five thousand dollars.

For defensive works, barracks and other necessary buildings, and purchase of site for a depot at or near the junction of the Matawakeag and Penobscot rivers, Maine, twenty-five thousand dollars.

For contingencies of fortifications, fifteen thousand dollars.

For incidental expenses attending repairs of fortifications, fifty-five thousand five hundred dollars.

Sec. 2. *And be it further enacted*, That the following sums be, and are hereby, appropriated in like manner:

For current expense of ordnance service, twenty-five thousand dollars.

For purchase of ordnance and ordnance stores, seventy-five thousand dollars.

For armament of fortifications, one hundred thousand dollars.

For purchase of saltpetre and brimstone, twenty thousand dollars.

Sec. 3. *And be it further enacted*, That the following sums be in like manner appropriated:

For preventing and suppressing Indian hostilities, viz:

For balance required, in addition to the sum applicable to the amount appropriated at the last session of congress, for arrears of pay due Florida militia called into service by the Governor of the territory in eighteen hundred and forty, nineteen thousand three hundred and eighty-eight dollars and two cents.

For arrears of pay due Florida militia, commanded by Brigadier General Keas, for six months in the service of the United States, commencing November, eighteen hundred and forty, and terminating April, eighteen hundred and forty-one, two hundred and ninety-seven thousand two hundred and thirteen dollars and ninety-two cents.

For arrears of pay due to a battalion of Georgia militia for services on the frontiers of Georgia and Florida, in eighteen hundred and forty, and eighteen hundred and forty-one, seventy-eight thousand four hundred and ninety-five dollars and ninety-two cents.

For the Quartermaster's Department, the sum of four hundred and forty thousand and forty dollars, that being the amount required in addition to the amount appropriated at the last session of Congress; which last sums of money for preventing and suppressing Indian hostilities are to be expended under the directions of the Secretary of War, conformably to the acts of congress of the nineteenth March, one thousand eight hundred and thirty-six, and the acts there- in referred to.