20th CONGRESS,
2d SESSION.

S. 23.

IN SENATE OF THE UNITED STATES.

DECEMBER 16, 1828.

Agreeably to notice, Mr. JOHNSTON, of Louisiana, asked and obtained leave to bring in the following bill; which was read, and passed to a second reading.

1828, DECEMBER 17.—Read the second time, and referred to the Committee on the Judiciary.

1829, JANUARY 2.—Reported without amendment.

A BILL

To authorize the legal representatives of the Marquis De Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes.

1 *Be it enacted, by the Senate and House of Representatives*
2 *of the United States of America, in Congress assembled,* That
3 it shall be lawful for the legal representatives of the Marquis
4 De Maison Rouge, or persons lawfully claiming title under
5 him, or the legal representatives of such persons, and they
6 are hereby permitted and authorized, at any time within one
7 year from the passing of this act, to institute a suit, by petition,
8 (stating the nature and cause of action, with the necessary re-
9 ferences to dates and places,) against the United States, in the
10 District Court of the United States, held in and for the West-

11 ern District of Louisiana, for the purpose of trying the titles
12 under the Marquis De Maison Rouge, to several tracts of land,
13 said to contain two hundred and eighty thousand three hun-
14 dred and forty-four superficial arpents, or more, situated in
15 Ouachita and Catahoula Parishes, in the said State of Louisi-
16 ana, and which said land is claimed under an order of the Ba-
17 ron De Carondelet, dated upon the twentieth day of June, se-
18 venteen hundred and ninety-seven, and which is also claimed
19 by the United States, as belonging to the said United States.

1 SEC. 2. *And be it further enacted*, That a copy of said
2 petition shall be served upon the Attorney of the United
3 States for the said Western District of Louisiana, and it shall
4 be his duty, together with such assistant counsel as may be
5 employed on the part of the United States, by the President
6 of the United States, to prepare and put in the proper pleas
7 and answers, and make all proper defence thereto, in behalf of
8 the United States; and the Secretary of the Treasury is here-
9 by authorized to pay said assistant counsel the sum he or
10 they may be allowed by the President of the United States,
11 out of any money in the Treasury, not otherwise appropriated.

1 SEC. 3. *And be it further enacted*, That the said suit
2 shall be conducted in said Court according to the rule of law
3 and equity in force in the State of Louisiana; and the said
4 Court shall have full power and authority to hear and deter-
5 mine all questions arising in said cause, relative to the title of

6 the claimants, the extent, locality, and boundaries, of the said
7 claim, or other matters connected therewith, fit and proper
8 to be heard and determined, and, by a final decree, to settle
9 and determine the question of title, and all other questions
10 properly arising between the claimants and the United States.

1 SEC. 4. *And be it further enacted*, That said court may
2 order disputed facts to be found by a jury, according to the re-
3 gulations and practice in such case made and provided in the
4 State Courts of Louisiana; and, if the final judgment or decree
5 of said United States' Court shall be rendered against the
6 complainant or complainants, he, she, or they, may prosecute
7 an appeal to the Supreme Court of the United States: *Pro-*
8 *vided*, said appeal be taken and prosecuted, as in other cases,
9 from said District Court, within six months from the rendi-
10 tion of said decree or final judgment of said District Court:
11 and, if said decree or final judgment of said District Court
12 shall be rendered in favor of said complainant or complain-
13 ants, it shall, and hereby is declared to be the duty of the said
14 Attorney of the United States, to prosecute an appeal to the
15 said Supreme Court, the decision of which last mentioned
16 court shall be final and conclusive between the parties: and
17 should no appeal be taken, by either party, from the judg-
18 ment or decree of the said District Court, if rendered against
19 the complainants within six months as aforesaid, such judg-
20 ment or decree of the said District Court shall, in like man-
21 ner, be final and conclusive between the parties.

1 SEC. 5. *And be it further enacted*, That the said suit shall
2 not abate by the death of any of the parties thereto; but, on
3 the suggestion of the death of any party upon the record, his,
4 her, or their, legal representative or representatives shall be
5 admitted to prosecute or defend the suit.

1 SEC. 6. *And be it further enacted*, That the said District
2 Court shall have the same powers to compel the attendance of
3 witnesses, to take testimony by commission, to issue citations,
4 and every other writ and order, in this case, to obtain a full
5 and just trial of the same, that said District Court possesses
6 and exercises in all other cases before it.

1 SEC. 7. *And be it further enacted*, That no deposition
2 shall be read in evidence, on any trial or trials, under this act,
3 which shall not have been taken upon due notice, regularly
4 served upon the United States' Attorney for said District,
5 whose duty it shall be to attend to the taking of all and every
6 deposition so notified, if it may be in his power to give personal
7 attendance, if not, by such competent person as he shall autho-
8 rize for said purpose; and if such testimony be taken by any
9 person duly authorized by said United States' Attorney, he
10 shall be entitled to such compensation for his services as the
11 Secretary of the Treasury may deem reasonable, who is hereby
12 authorized to pay the same, on application, out of any moneys
13 in the Treasury, not otherwise appropriated.

1 SEC. 8. *And be it further enacted*, That, should the

2 heirs or legal representatives of the said Marquis De Maison
3 Rouge, or any person or persons claiming title under him, fail
4 or neglect to institute his, her, or their suit or suits, within the
5 one year aforesaid, after the passing of this act, or neglect to
6 take his, her, or their appeal, as aforesaid, within the time
7 prescribed for the same, he, she, or they, shall be for ever
8 thereafter barred and precluded from instituting any suit
9 whatsoever against the United States, or any person or per-
10 sons claiming under them.

1 SEC. 9. *And be it further enacted*, That, should the said
2 final judgment or decree be in favor of the United States, or
3 should the said legal representatives of the Marquis De Mai-
4 son Rouge, or those who claim under him, fail to institute his,
5 her, or their suit or suits, or to appeal, within the time pre-
6 scribed, as aforesaid, the President of the United States is
7 hereby authorized and empowered to have said land surveyed
8 and offered for sale, as other public lands of the United States
9 are surveyed and directed to be offered for sale, in the Land
10 District north of Red River, in Louisiana: *Provided*, That
11 nothing herein contained shall be so construed as to interfere
12 with any claims which have heretofore been entered and con-
13 firmed by the Land Commissioners of the United States, for
14 the said District, or by any act of Congress, except so far as
15 said claims have been obtained by fraud.