of the United States, who shall thereupon have power to mitigate or remit such fine, penalty or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.(a) *Provided*, That nothing herein contained shall be construed to affect the right or claim of any person, to that part of any fine, penalty or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district, in a summary manner.

by whom granted;

Not to affect cases of previous information.

Sec. 2. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

Continuance of the act.

Approved, May 26, 1790.

Statute II.

May 26, 1790.

Chap. XIII.—*An Act to continue in force an act passed at the last session of Congress, entituled "An act to regulate processes in the Courts of the United States."*

[Expired.]

Act of Sept. 29, 1789, ch. 21.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entituled "An act to regulate processes in the courts of the United States," passed on the twenty-ninth day of September last, shall be, and the same is hereby continued in force until the end of the next session of Congress, and no longer.

Approved, May 26, 1790.

Statute II.

May 26, 1790.

Chap. XIV.—*An Act for the Government of the Territory of the United States, south of the river Ohio.*(b)

Act of June 1, 1796, ch. 46.
Act of April 7, 1798, ch. 26.
Territory south of the Ohio, to be one district; its privileges and government:
Act of August 7, 1789, ch. 8.
Exceptions.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina, to a certain district of western territory."

Act of April 2, 1790, ch. 6.
Salaries of the officers therein.

Sec. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those, by law established, of similar officers in the government northwest of the river Ohio. And the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of the governor.

Approved, May 26, 1790.

(a) The decisions of the courts of the United States upon this act, and on subsequent acts, in pari materia, have been: M'Lean *v.* The United States, 6 Peters, 404. United States *v.* Morris, 10 Wheat. 246; 6 Cond. Rep. 90. Cross *v.* The United States, 1 Gallis' C. C. R. 26. The Margaretta, 2 Gallis' C. C. R. 515. The United States *v.* The Hunter, Peters' C. C. R. 10. The United States *v.* Lancaster, 4 Wash. C. C. R. 64.

(b) Ordinance for the government of the territory of the United States, northwest of the river Ohio, in note to page 51.

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