

Bounty on exportation of dried or pickled fish, and salted provisions.

Duties or drawback on a specific quantity of goods, to apply in proportion as to other quantities.

Duties accruing within a certain time remitted.

Act of July 4, 1789, ch. 2.

Continuance of the duty by this act imposed.

paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said states, which, after the said last day of December next, shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates—namely: Dried fish, per quintal, ten cents; pickled fish and other salted provisions, per barrel, ten cents.

SEC. 5. *And be it further enacted*, That where duties by this act are imposed, or drawbacks allowed on any specific quantity of goods, wares and merchandise, the same shall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

SEC. 6. *And be it further enacted*, That all the duties which, by virtue of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby remitted and discharged, and that in any case in which they may have been paid to the United States, restitution thereof shall be made.

SEC. 7. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to any or all of the said duties and imposts.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

Act of June 9, 1794, ch. 62.

[Repealed.]

CHAP. XL.—*An Act to enable the Officers and Soldiers of the Virginia Line on continental Establishment, to obtain Titles to certain Lands lying northwest of the River Ohio, between the Little Miami and Sciota.*(a)

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on continental establishment upon lands between the Little Miami and Sciota rivers, northwest of the Ohio, be, and the same is hereby repealed.(b)

(a) The acts relative to Virginia land warrants, and the regulations and locations thereof, have been: Act of August 10, 1790, chap. 40; act of June 9, 1794, chap. 62; act of May 13, 1800, chap. 59; act of April 26, 1802, chap. 30; act of March 2, 1807, chap. 21; act of March 16, 1810, chap. 23; act of June 26, 1812, chap. 109; act of November 3, 1814, chap. 2; act of February 22, 1815, chap. 48; act of April 11, 1818, chap. 43; act of February 9, 1821, chap. 10; act of May 20, 1826, chap. 138; act of April 23, 1830, chap. 73; act of May 30, 1830, chap. 215; act of July 13, 1832, chap. 205; act of March 2, 1833; act of March 31, 1832, chap. 157; act of July 7, 1838, chap. 116.

(b) Under the reserve contained in the cession act of Virginia, and under the act of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to the military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up the deficiency of good lands set apart for the officers and soldiers of the Virginia line on the continental establishment, on the south-east side of the Ohio. The residue of the lands are ceded to the United States, as a common fund for those States who were, or might become members of the Union, to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters, 635.

Although the military rights constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied as still to keep in view the interests of the Union, which were also a vital object of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants, were to be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid.*

If the right existed in Congress to prescribe a time within which military warrants should be located, the right to connect conditions to its extension, follows as a necessary consequence. *Ibid.*

And whereas the agents for such of the troops of the state of Virginia, who served on the continental establishment in the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency of good land on the south-easterly side of the river Ohio, according to the act of cession from the said state to the United States, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: to the intent therefore that the difference between what has already been located for the said troops, on the south-easterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the north-westerly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said state:

SEC. 2. *Be it further enacted*, That the secretary of the department of war shall make return to the executive of the state of Virginia of the names of such of the officers, non-commissioned officers and privates of the line of the said state, who served in the army of the United States, on the continental establishment, during the late war, and who, in conformity to the laws of the said state, are entitled to bounty lands; and shall also in such return state the aggregate amount in acres due to the said line by the laws aforesaid.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the said agents to locate to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the south-easterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the secretary of the department of war.

SEC. 4. *And be it further enacted*, That the said agents, as soon as may be after the locations, surveys and allotments are made and completed, shall enter in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer or private originally entitled to each; which entries being certified by the said agents or the majority of them, to be true entries, the book containing the same shall be filed in the office of the Secretary of State.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States to cause letters patent to be made out in such words and form as he shall devise and direct, granting to such person so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her or their heirs or assigns, the lands designated in the said entries: *Provided always*, That before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have indorsed thereon that the grantee therein named, was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the same truly inserted; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee shall be entered of record in his office, in a book to be specially provided for the purpose.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall

Recital.

Secretary at war to make return to the executive of Virginia of those entitled to bounty lands.

Agents to locate certain tracts for the use of the troops;

and to enter in a book the bounds of each location and survey.

President to cause letters patent to be made out to those entitled to bounty lands.

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky, and in the Virginia military district in Ohio, by usages adapted to the circumstances of the country, many principles have been established which are unknown to the common law. A long course of adjudication has fixed those principles, and they are to be considered as the settled rules by which those military titles are to be governed. *Galt v. Galloway*, 4 Peters, 334.

Secretary of State to transmit the same to the executive of Virginia.

Act of June 9, 1794, ch. 62.

Letters patent obtained without fees.

be so completed and entered of record, to transmit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

SEC. 7. *And be it further enacted*, That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

CHAP. XLI.—*An Act authorizing the Secretary of the Treasury to finish the Lighthouse on Portland Head, in the District of Maine.*

\$1500 appropriated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the lighthouse on Portland Head, in the district of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said lighthouse to be finished and completed accordingly.

APPROVED, August 10, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLII.—*An Act to alter the Times for holding the Circuit Courts of the United States in the Districts of South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the city of Philadelphia only.*

[Obsolete.]

1794, ch. 64.

Circuit courts when and where to be held.

South Carolina 1789, ch. 20, sec. 5.

Georgia 1789, ch. 20, sec. 5.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit courts of the United States in the districts of South Carolina and Georgia, shall for the future be held as follows, to wit: In the district of South Carolina on the twenty-fifth day of October next, at Charleston, and in each succeeding year at Columbia, on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any thing in the former law to the contrary notwithstanding.

Part of a former act repealed.

Pennsylvania 1789, ch. 20, sec. 3.

SEC. 2. *And be it further enacted*, That so much of the act, entitled "An act to establish the judicial courts of the United States," as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

APPROVED, August 11, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLIII.—*An Act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.*

1792, ch. 10.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and is hereby declared to the operation of the acts of the