

Secretary of State to give instructions for carrying this act into effect, &c.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is authorized and required to transmit to the marshals of the several states and to the secretaries aforesaid, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein of schedule to be returned, and proper interrogatories to be administered by the several persons who shall be employed therein.

APPROVED, February 23, 1800.

STATUTE I.

March 1, 1800.

CHAP. XIII.—*An Act in addition to an act intituled "An act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."*(a)

Points of intersection of the lines actually run are to be considered as the corners of townships.

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Boundaries of quarter townships, where they are stated to contain four thousand acres.

Boundaries of quarter townships, where they are stated to contain more or less than four thousand acres.

Method of running lines.

Locations may be made on the general tract by the holders of warrants for military services.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the respective points of intersection of the lines actually run, as the boundaries of the several townships surveyed by virtue of the act intituled "An act regulating the grants of land appropriated for military services and for the society of the United Brethren for propagating the Gospel among the Heathen," accordingly as the said lines have been marked and ascertained at the time when the same were run, notwithstanding the same are not in conformity to the act aforesaid, or shall not appear to correspond with the plat of the survey which has been returned by the Surveyor General, shall be considered, and they are hereby declared to be the corners of the said townships: That in regard to every such township as by the plat and survey returned by the Surveyor General is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two corners of the same township, which stand on the same boundary line, shall be considered and they are hereby declared to be corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that in regard to every such township as by the said return is stated to contain in any of the quarters thereof more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township to designate the quarters thereof, shall be considered and they are hereby declared to be the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided by running lines through the same from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall, in every proceeding to be had under the above-mentioned or this act, be considered as containing the exact quantity expressed in the plat and survey thereof returned by the Surveyor General.

SEC. 2. *And be it further enacted*, That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be registered at the treasury in pursuance of the act intituled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen," during the time, in the manner, and according to the rights of priority, which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township or fractional part

(a) Act of June 1, 1796, chap. 46; act of March 2, 1799, chap. 29; act of April 26, 1802, chap. 30.

of a quarter township, in the general tract mentioned and described in said act: *Provided always*, that the fractional quarter townships upon the river Sciota, and those upon the river Muskingum adjoining the grant made to Ebenezer Zane, or the towns Salem, Gnadenhutzen or Shoenbrun, or the Indian boundary line, shall in every case be accepted and taken in full satisfaction for four thousand acres.

SEC. 3. *And be it further enacted*, That whenever locations shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the Surveyor General, is stated to contain less than the quantity of four thousand acres, except in the case of fractions provided for in the preceding section, it shall be lawful for the Secretary of the Treasury to issue, or cause to be issued, certificates, expressing the number of acres remaining unsatisfied of any registry of warrants for the quantity of four thousand acres, made in pursuance of the act before recited, which certificates shall have the same validity and effect, and be liable to be barred in like manner as warrants granted for military services, but no certificate shall be granted, nor any claim allowed for less than fifty acres, nor for the navigable water contained within the limits of any quarter township or fractional quarter township.

SEC. 4. *And be it further enacted*, That whenever a location shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the Surveyor General, is stated to exceed the quantity of four thousand acres, no patent shall be issued in pursuance thereof, until the person making such location, shall deposit at the treasury, warrants for military services or certificates issued by virtue of the preceding section, equal to the excess above four thousand acres, contained in such quarter township, or shall pay into the treasury of the United States two dollars per acre, in the certificates of the six per cent. funded debt of the United States, or money, for each acre of the excess above four thousand acres as aforesaid.

SEC. 5. *And be it further enacted*, That after the priority of location shall have been determined, and after the proprietors or holders of warrants for military services shall have designated the tracts by them respectively elected; it shall be the duty of the Secretary of the Treasury to designate by lot, in the presence of the Secretary of War, fifty quarter townships, of the lands remaining unlocated, which quarter townships, together with the fractional parts of townships remaining unlocated, shall be reserved for satisfying warrants granted to individuals for their military services, in the manner hereafter provided.

SEC. 6. *And be it further enacted*, That the land in each of the quarter townships designated as aforesaid, and in such of the fractional parts of quarter townships, as may then remain unlocated, shall be divided by the Secretary of the Treasury, upon the respective plats thereof, as returned by the Surveyor General, into as many lots, of one hundred acres each, as shall be equal, as nearly as may be, to the quantity such quarter township or fraction is stated to contain; each of which lots shall be included, where practicable, between parallel lines, one hundred and sixty perches in length, and one hundred perches in width, and shall be designated by progressive numbers upon the plat, or survey of every such quarter township and fraction respectively.

SEC. 7. *And be it further enacted*, That from and after the sixteenth day of March next, it shall be lawful for the holder of any warrant granted for military services, to locate, at any time before the first day of January, one thousand eight hundred and two, the number of hundred acres expressed in such warrant, on any lot or lots, from time to time, remaining unlocated within the tracts reserved as aforesaid, and upon surrendering such warrant to the treasury, the holder thereof shall be entitled to receive a patent in the manner, and upon the conditions heretofore prescribed by law; which patent shall in every case

Certain fractional quarter townships to be taken for four thousand acres. Vol. i. 491.

When locations are made on quarter townships stated to contain less than four thousand acres, the Secretary of Treasury shall cause certificates to be issued for the deficiency.

What is to be done when they are made on quarter townships stated to contain more than four thousand acres.

Land at two dollars per acre.

Reservations for satisfying warrants granted to individuals for their services.

Reservations to be divided into lots of one hundred acres.

Manner in which they shall be surveyed.

Holders of such warrants may make locations on those lots, and receive patents to their own use only, after 16th March, 1800, and before Jan. 1st, 1802.
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Upon surren-
der of warrant
shall receive
patent.

Where loca-
tions are made
on the same
tract, priority
to be determin-
ed by lot.

Public notice
to be given of
the reservations
by the Secre-
tary of the
Treasury.

The plat re-
turned by the
Surveyor Gen-
eral to be con-
clusive as to
quantity.

express the range, township, quarter township or fraction, and number of the lot located as aforesaid. But no location shall be allowed, nor shall any patent be issued for any lot or lots of one hundred acres, except in the name of the person originally entitled to such warrant, or the heir or heirs of the person so entitled; nor shall any land, so located and patented, to a person originally entitled to such warrant, be considered as in trust for any purchaser, or be subject to any contract made before the date of such patent, and the title to lands acquired, in consequence of patents issued as aforesaid, shall and may be alienated in pursuance of the laws, which have been, or shall be passed in the territory of the United States, northwest of the river Ohio, for regulating the transfer of real property, and not otherwise.

SEC. 8. *And be it further enacted*, That in all cases after the sixteenth of March next, where more than one application is made for the same tract, at the same time, under this act, or under the act to which this is in addition, the Secretary of the Treasury shall determine the priority of location by lot.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to advertise the tracts which may be reserved for location, in lots of one hundred acres, in one newspaper in each of the states, and in the territory aforesaid, for and during the term of three months.

SEC. 10. *And be it further enacted*, That the actual plat and survey, returned by the Surveyor General, of quarter townships and fractional parts of quarter townships, contained in the tract mentioned and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land supposed to be contained in the quarter townships, and fractions, so that no claim shall hereafter be set up against the United States, by any proprietor, or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township or fractional part of a quarter township, which shall have been located by such proprietor or holder, nor shall any claim be hereafter set up by the United States, against such proprietor or holder, on account of any excess in the quantity of land contained therein.

APPROVED, March 1, 1800.

STATUTE I.

March 3, 1800.

CHAP. XIV.—*An Act providing for Salvage in cases of Recapture.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any

(a) Salvage on recapture. Salvage is a compensation for actual services rendered in saving the property charged with it; and it is demandable of right for vessels saved from the enemy, or from pirates. There must be meritorious services, and the taking must be lawful. *Talbot v. Seaman*, 1 Cranch, 1; 1 Cond. Rep. 229.

On the recapture of a vessel by a neutral vessel, no claim for salvage can arise, for the recapture was a hostile act, not justified by the situation of the nation to which the recapturing vessel belongs, in relation to that from the possession of which the recaptured vessel was taken. The degree of service rendered in such a case, is precisely the same as if it had been rendered by a belligerent; yet the rights accruing from the recapture are different, because no right can accrue from an act which was unlawful. *Ibid.*

American property recaptured was restored on payment of salvage; the libel having prayed the condemnation as prize, and no salvage having been claimed. The question of salvage is incident to the question of prize. *The Adeline*, 9 Cranch, 244; 3 Cond. Rep. 397.

In order to entitle to salvage, as upon a recapture or rescue, the property must have been in possession of the enemy, either actual or constructive. *The Ann Green*, 1 Gallis. C. C. R. 274.

Salvage is not due for "rescuing a vessel of a neutral out of the hands of a belligerent, who has taken possession for a supposed violation of a treaty or the law of nations." *The Antelope*, Bee's D. C. R. 233.

An American vessel was captured by an enemy, and after condemnation and sale to an enemy, was recaptured by an American privateer. The original owner claimed the vessel, offering to allow salvage. Held: that it was not a case for salvage, under the act of March 3, 1800, or the act of June 26, 1812. The property had become completely divested by the capture and condemnation. *The Star*, 3 Wheat. 78; 4 Cond. Rep. 198.