Statute I.

June 10, 1812.

[Obsolete.]

Time of embargo not to be computed as part of the time during which goods may be exported.

Act of April 4, 1812, ch. 49.

CHAP. XCVII.—*An Act to extend the time for exporting, with privilege of drawback, goods, wares and merchandise entitled thereto by law.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time during which the act entituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time," shall continue in force, shall not be computed as making part of the term of twelve calendar months, during which goods, wares or merchandise imported into the United States, must be re-exported in order to be entitled to a drawback of the duties paid on the importation thereof.

APPROVED, June 10, 1812.

Statute I.

June 10, 1812.

Act of Feb. 3, 1809, ch. 13.

CHAP. XCVIII.—*An Act supplemental to an act entituled "An act for dividing the Indiana territory into two separate governments."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for any person or persons in whose favour there now are or hereafter may be rendered, any final judgment or judgments, decree or decrees, in the general court or court of chancery of the territory aforesaid upon any suit or suits, pleas, process or proceedings which were pending in the said courts on the first day of March one thousand eight hundred and nine, to sue out of the office of the clerk of the general court or court of chancery aforesaid, without delay, any writ or writs of execution, upon the judgments or decrees aforesaid, and to cause the said judgments or decrees to be fully executed by the same officers, and in the same manner as if the Indiana territory had remained undivided.

Execution to issue as usual.

APPROVED, June 10, 1812.

Statute I.

June 13, 1812.

CHAP. XCIX.—*An Act making further provision for settling the claims to land in the territory of Missouri.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rights, titles and

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(a) Land titles in Missouri:—

The state of Missouri was formerly part of the territory, first of France, next of Spain, then of France, who ceded it to the United States by the treaty of 1803, in full propriety, sovereignty and dominion, as she had acquired and held it; by which this government put itself in place of the former sovereigns, and became invested with all their rights, subject to their concomitant obligations to the inhabitants. Both were regulated by the law of nations, according to which the rights of property are protected, even in the case of a conquered country, and held sacred and inviolable when it is ceded by treaty, with or without any stipulation to such effect; and the laws, whether in writing, or evidenced by the usage and customs of the conquered or ceded country, continue in force, until altered by the new sovereign. Strother *v.* Lucas, 12 Peters, 410.

No principle can be better established by the authority of the supreme court, than "that the acts of an officer, to whom a public duty is assigned by his king, within the sphere of that duty, are prima facie taken to be within his power." The principles on which it rests, are believed to be too deeply founded in law and reason, ever to be successfully assailed. He who would controvert a grant executed by the lawful authority, with all the solemnities required by law, takes on himself the burthen of showing that the officer has transcended the powers conferred upon him; or that the transaction is tainted with fraud. *Ibid.*

Where the act of an officer to pass the title to land according to the Spanish law, is done contrary to the written order of the king, produced at the trial, without any explanation, it shall be presumed that the power has not been exceeded: that the act was done on the motive set out therein; and according to some order known to the king and his officers, though not to his subjects: and courts ought to require very full proof, that he had transcended his powers, before they so determine it. *Ibid.*

In favour of long possession and ancient appropriation, every thing which was done shall be presumed to have been rightfully done; and though it does not appear to have been done, the law will presume that whatever was necessary has been done. *Ibid.*

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second and third articles. They extended to all property until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the

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