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THE

Public Statutes at Large

OF THE

UNITED STATES OF AMERICA,

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

The Declaration of Independence, the Articles of Confederation, and the Constitution of the United States;

AND ALSO,

TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY, IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY

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VOL. II.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1845.

Entered according to Act of Congress, in the year 1845, by
CHARLES C. LITTLE & JAMES BROWN,
in the Clerk's Office of the District Court of the District of Massachusetts.

PHILADELPHIA:
STEREOTYPED BY L. JOHNSON.

577792

LIST

OF THE

PUBLIC ACTS OF CONGRESS,

CONTAINED IN VOLUME SECOND.

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Insurance of Buildings, &c., in the County of Alexandria. An act concerning the insurance of buildings, goods, and furniture, in the county of Alexandria, in the territory of Columbia. March 3, 1803 227

Appropriations for the Military Establishment. An act making appropriations for the military establishment of the United States, in the year one thousand eight hundred and three. March 3, 1803 227

Light-house at the Entrance of Penobscot Bay. An act for erecting a light-house at the entrance of Penobscot Bay, or any other place in its vicinity that may be deemed preferable by the Secretary of the Treasury. March 3, 1803 228

Ports of Beaufort and Passamaquoddy, Easton and Tiverton, &c. An act to make Beaufort and Passamaquoddy ports of entry and delivery; to make Easton and Tiverton ports of delivery; and to authorize the establishment of a new collection district on Lake Ontario. March 3, 1803 228

Lands of the United States south of the State of Tennessee. An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee. March 3, 1803 229

Salt Springs on the Waters of the Wabash River. An act concerning the salt springs on the waters of the Wabash river. March 3, 1803 235

City of Washington. An act concerning the city of Washington. March 3, 1803 235

Lands appropriated for Military Service and for the Society of the United Brethren. An act to revive and continue in force an act in addition to an act entitled "An act in addition to 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," and for other purposes. March 3, 1803 236

Insolvent Debtors. An act for the relief of insolvent debtors within the District of Columbia. March 3, 1803 237

Militia. Arsenals. An act directing a detachment from the militia of the United States, and for erecting certain arsenals. (Repealed.) March 3, 1803 241

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Lands appropriated for the Refugees from Canada and Nova Scotia. An act in addition to the act entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia." March 3, 1803 242

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The Mint continued at Philadelphia. An act to prolong the continuance of the mint at Philadelphia. (Obsolete.) March 3, 1803 242

Pensions. An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war. March 3, 1803 242

Transfer of the Duties of Supervisor. An act authorizing the transfer of the duties of supervisor to any other officer. (Obsolete.) March 3, 1803 243

Judicial System of the United States. An act in addition to an act entitled "An act to amend the judicial system of the United States." March 3, 1803 244

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Stock to be created to carry into Effect the Treaty with the French Republic. An act authorizing the creation of a stock, to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic, and making provision for the payment of the same. (Obsolete.) Nov. 10, 1803 245

Provision for Claims of Citizens of the United States on the Government of France. An act making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three, between the United States and the French republic. (Obsolete.) Nov. 10, 1803. 247

Appropriation to carry into Effect the Treaty with Great Britain. An act making an appropriation for carrying into effect the 7th article of the treaty of amity, commerce, and navigation, between the United States and his Britannic majesty. (Obsolete.) Nov. 16, 1803. 248

Drawback of Duties on Goods exported to New Orleans. An act to repeal the act entitled "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act entitled 'An act to regulate the collection of duties on imports and tonnage.'" (Obsolete.) Nov. 25, 1803 248

Repeal of the Act to establish a uniform System of Bankruptcy. An act to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States." Dec. 19, 1803 248

Appropriations for the Navy. An act making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and four. Jan. 31, 1804 249

Appropriations for the Military Establishment. An act making appropriations for the support of the military establishment of the United States, in the year one thousand eight hundred and four. Feb. 10, 1804 249

Salaries of certain Officers of Government. An act continuing for a limited time the salaries of the officers of government therein mentioned. (Expired.) Feb. 20, 1804 250

Laying and Collecting Duties on Imports and Tonnage within the Territory ceded to the United States by the Treaty with the French Republic. An act for laying and collecting duties on imports and tonnage within the territories ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French republic, and for other purposes. Feb. 24, 1804 251

City of Washington. An act supplementary to an act entitled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia." Feb. 24, 1804. 254

Charter of Alexandria. An act to amend the charter of Alexandria. Feb. 25, 1804 255

Registering and Enrolling Ships or Vessels in the District of Orleans. An act relating to the recording, registering, and enrolling of ships or vessels in the district of Orleans. Feb. 25, 1804 259

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Military Pensioners in the State of South Carolina. An act for the relief of certain military pensioners in the State of South Carolina. (Obsolete.) March 3, 1804..... 260

Drawbacks of Duties on Goods exported by land. An act to allow drawbacks of duties on goods, wares, and merchandise transported by land, in the cases therein mentioned. March 3, 1804..... 261

Collection of Direct Tax. An act further to amend the act entitled "An act to lay and collect a direct tax within the United States." (Obsolete.) March 3, 1804..... 262

Appropriations for the Support of Government. An act making appropriations for the support of government for the year one thousand eight hundred and four. (Obsolete.) March 14, 1804..... 264

Consent of Congress to an Act of Virginia. An act declaring the assent of Congress to an act of the General Assembly of Virginia, therein mentioned. March 16, 1804..... 269

Refugees from Canada and Nova Scotia. An act to revive and continue in force an act entitled "An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia." March 16, 1804..... 270

Appropriation for carrying into Effect the Treaty with Spain. An act making an appropriation for carrying into effect the convention concluded between the United States and the King of Spain, on the eleventh day of August, one thousand eight hundred and two. (Obsolete.) March 16, 1804..... 270

Light-houses and Buoys. An act to provide for light-houses and buoys in the cases therein mentioned. March 16, 1804..... 270

Military Land Warrants. An act granting further time for locating military land warrants, and for other purposes. March 19, 1804..... 271

Provision for the Expenses of the Civil Government of Louisiana. An act providing for the expenses of the civil government of Louisiana. (Obsolete.) March 19, 1804..... 272

Relief of the Sufferers by Fire in the Town of Norfolk. An act for the relief of the sufferers by fire in the town of Norfolk. (Obsolete.) March 19, 1804..... 272

Expenses of inquiring into the official Conduct of Samuel Chase and Richard Peters. An act making an appropriation for defraying the expenses incurred in inquiring into the official conduct of Samuel Chase and Richard Peters, and in conducting the impeachment against John Pickering. (Obsolete.) March 19, 1804..... 273

District Courts in Virginia, Rhode Island, and West Tennessee. An act altering the sessions of the District Courts of the United States for the districts of Virginia, Rhode Island, and for the district of West Tennessee. March 23, 1804..... 273

Bank of the United States. An act supplementary to the act entitled "An act to incorporate the subscribers to the Bank of the United States." (Obsolete.) March 23, 1804... 274

Boundary of Land in the Northwestern Territory reserved for the Officers and Soldiers of Virginia, &c. An act to ascertain the boundary of the lands reserved by the State of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands. March 23, 1804..... 274

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Meeting of Congress. An act altering the time for the next meeting of Congress. March 26, 1804..... 283

Louisiana erected into two Territories and Temporary Government established. An act erecting Louisiana into two territories, and providing for the temporary government thereof. (Obsolete.) March 26, 1804..... 283

Military Peace Establishment. An act in addition to "An act for fixing the military peace establishment of the United States." March 26, 1804..... 290

Crimes. An act in addition to the act entitled "An act for the punishment of certain crimes against the United States." March 26, 1804..... 290

Indian Claims. An act to make further appropriations for the purpose of extinguishing the Indian claims. (Obsolete.) March 26, 1804..... 291

Adjournment of District Courts of the United States. An act to authorize the adjournment of District Courts by marshals, in certain cases. March 26, 1804..... 291

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Duties on Goods, Wares and Merchandise. An act further to protect the commerce and seamen of the United States against the Barbary powers. March 26, 1804..... 291

Naturalization. An act in addition to an act entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject." March 26, 1804..... 292

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Registering and Recording of Ships and Vessels. An act to amend the act entitled "An act concerning the registering and recording of ships and vessels." March 27, 1804.. 296

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City of Washington. An act supplementary to the act entitled "An act concerning the city of Washington." March 27, 1804..... 297

Public Buildings in the City of Washington.—An act concerning the public buildings at the city of Washington. March 27, 1804..... 298

Authentication of Public Acts, Records, and Judicial Proceedings. An act supplementary to the act entitled "An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated so as to take effect in every other state." March 27, 1804..... 298

Duties on certain Articles imported, and Light Money. An act for imposing more specific duties on the importation of certain articles; and also, for levying and collecting light money on foreign ships or vessels, and for other purposes. March 27, 1804..... 299

Salaries of Officers and Appointment of a Surveyor of Marblehead. An act relative to the compensations of certain officers of the customs, and to provide for appointing a surveyor in the district therein mentioned. March 27, 1804..... 300

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Distribution of the Laws of the United States. An act to provide for a more extensive distribution of the Laws of the United States. March 27, 1804..... 302

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Appropriations for the Support of Government. An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five. (Obsolete.) Dec. 6, 1804..... 307

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Indiana Territory divided into two Governments. An act to divide the Indiana territory into two separate governments. (Obsolete.) Jan. 11, 1805..... 309

Cambridge a Port of Delivery. An act declaring Cambridge, in the State of Massachusetts, to be a port of delivery. Jan. 11, 1805..... 310

Corporation of Georgetown authorized to make a Causeway. An act authorizing the Corporation of Georgetown to make a dam or causeway from Mason's island to the western shore of the river Potomac. Jan. 19, 1805..... 310

Appropriations for the Support of the Navy. An act making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and five. (Obsolete.) Jan. 25, 1805..... 310

Appropriation for Completing the South Wing of the Capitol, &c. An act making an appropriation for completing the south wing of the capitol, at the city of Washington, and for other purposes. (Obsolete.) Jan. 25, 1805..... 311

Valuation of Lands, &c. in South Carolina for the Direct Tax. An act to provide for the completing the valuation of lands and dwelling-houses, and the enumeration of slaves in South Carolina, and for other purposes. (Obsolete.) Jan. 30, 1805..... 311

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Postmaster-General to make a certain Contract. An act authorizing the Postmaster-general to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina. (Obsolete.) Feb. 14, 1805..... 315

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Appropriations for the Support of Government. An act making appropriations for the support of government, for the year one thousand eight hundred and five. (Obsolete.) March 1, 1805..... 316

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Military Land Warrants. An act to authorize the Secretary of War to issue military land warrants, and for other purposes. March 2, 1805..... 329

Government and Regulation of Seamen in the Merchants' Service. An act to amend the act entitled "An act for the government and regulation of seamen in the merchants' service." March 2, 1805..... 330

Appropriation for building Gun boats. An act to appropriate a sum of money for the purpose of building gun boats. March 2, 1805..... 330

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Government of the District of Louisiana. An act further providing for the government of the district of Louisiana. (Obsolete.) March 3, 1805..... 331

Charter of Georgetown. An act to amend the charter of Georgetown. March 3, 1805..... 332

Appropriation for carrying into Effect the Treaty with Great Britain. An act supplementary to the act entitled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic majesty. (Obsolete.) March 3, 1805..... 336

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Duties on Merchandise, and Light Money on Foreign Vessels, &c. An act to amend an act entitled "An act for imposing more specific duties on the importation of certain articles, and also for levying and collecting light money on foreign ships or vessels, and for other purposes." (Obsolete.) March 3, 1805..... 339

Preservation of Peace in the Ports and Harbours of the United States. An act for the more effectual preservation of peace in the ports and harbours of the United States, and in the waters under their jurisdiction. March 3, 1805..... 339

Regulation of the Clearance of armed Merchant Vessels. An act to regulate the clearance of armed merchant vessels. (Obsolete.) March 3, 1805..... 342

Sale of Lands in the Indiana Territory. An act supplementary to the act entitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes." March 3, 1805..... 343

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Lands granted to the French Inhabitants of Galliopolis. An act to repeal in part the fourth section of an act entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned." Feb. 21, 1806..... 350

Salaries of the Officers of the Government of the Northwestern Territory. An act for the relief of the governor, secretary, and judges of the late territory of the United States, northwest of the river Ohio. (Obsolete.) Feb. 21, 1806..... 350

Commercial Intercourse with certain Parts of St. Domingo. An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo. (Expired.) Feb. 28, 1806..... 351

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Consent of Congress to an Act of Pennsylvania. An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned. (Obsolete.) Feb. 28, 1806..... 353

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The Town of Jersey made a Port of Delivery, and a Light-house to be erected on Wood Island or Fletcher's Neck. An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery; and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts. March 8, 1806..... 355

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Suspension of the Operation of the Importation Act, and to remit the Penalties incurred under the same. An act to suspend the operation of an act entitled "An act to prohibit the importation of certain goods, wares, and merchandise," and to remit the penalties incurred under the same." (Obsolete.) Dec. 19, 1806..... 411

Appropriations for the Support of the Navy. An act making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and seven. (Obsolete.) Jan. 7, 1807..... 411

Appropriations for the Military Establishment. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and seven. (Obsolete.) Jan. 10, 1807..... 412

Circuit and District Courts in North Carolina. An act to alter the time of holding the Circuit and District Courts in the district of North Carolina. Feb. 4, 1807..... 413

Survey of the Coasts of the United States. An act to provide for surveying the coasts of the United States. Feb. 10, 1807..... 413

Light-houses, &c. in Connecticut, Massachusetts, Virginia, and South Carolina. An act authorizing the erection of certain light-houses, and the fixing of stakes, buoys, and beacons, at certain places therein named. Feb. 10, 1807..... 414

Public Debt. An act supplementary to the act entitled "An act making provision for the redemption of the whole of the public debt of the United States." Feb. 11, 1807..... 415

Power of granting Writs of Injunction extended to the Judges of the District Courts of the United States. An act to extend the power of granting writs of injunctions to the judges of the District Courts of the United States. Feb. 13, 1807..... 418

Certain Shores and Waters annexed to the District of Mississippi, and a Custom-house to be built at New Orleans. An act to annex certain shores and waters to the district of Mississippi; and to authorize the building a custom-house at New Orleans. Feb. 13, 1807..... 418

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The President authorized to accept the Service of Volunteer Corps. An act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men. (Obsolete.) Feb. 24, 1807..... 419

Circuit and District Courts in Kentucky, Tennessee, and Ohio. An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts in the districts of Kentucky, Tennessee, and Ohio. (Obsolete.) Feb. 24, 1807..... 420

Continuation of the Suspension of the Non-intercourse Act. An act to continue in force for a further time, an act entitled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo." (Expired.) Feb. 24, 1807..... 421

District of Columbia. An act further supplementary to the act entitled "An act concerning the District of Columbia." Feb. 24, 1807..... 422

Certificates of reasonable Cause of Seizure to be given in certain Cases. An act respecting seizures made under the authority of the United States, and for other purposes. Feb. 24, 1807..... 422

Frauds on the Bank of the United States. An act to punish frauds committed on the Bank of the United States. (Obsolete.) Feb. 24, 1807..... 422

Virginia Military Land Warrants. Lands for the Use of Schools. An act to extend the time for locating Virginia military land warrants, for returning surveys thereon to the office of the Secretary of the Department of War; and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated. March 2, 1807..... 424

Importation of Slaves prohibited after January 1, 1808. An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight. March 2, 1807..... 426

Administration of Justice in the District of Columbia. An act to reduce the expenses attending the administration of justice in the District of Columbia. March 3, 1807..... 430

Additional Compensation to the Judges of Mississippi, Indiana, Michigan, and Louisiana Territories. An act allowing an additional compensation to the judges of the Mississippi, Indiana, Michigan, and Louisiana territories. (Obsolete.) March 3, 1807..... 431

Appropriations for the South Wing of the Capitol. An act making appropriations for finishing the south wing of the capitol, and for other purposes. (Obsolete.) March 3, 1807. 432

Appropriations for the Support of Government. An act making appropriations for the support of government during the year one thousand eight hundred and seven. (Obsolete.) March 3, 1807..... 432

Repeal of Duties on Salt, Duties on Merchandise, &c. An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Expired.) March 3, 1807..... 436

Virginia Military Land Warrants. An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants. March 3, 1807..... 437

Lands in the Territory of Michigan. An act regulating the grants of land in the territory of Michigan. March 3, 1807..... 437

Appropriations for carrying into Effect a Treaty with the Chickasaws. Establishment of a Land Office in the Mississippi Territory. An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land office in the Mississippi territory. (Obsolete.) March 3, 1807.. 440

Lands in the Territories of Orleans and Louisiana. An act respecting claims to land in the territories of Orleans and Louisiana. March 3, 1807..... 440

Appropriations for fortifying the Ports and Harbours of the United States. An act making further appropriations for fortifying the ports and harbours of the United States. (Obsolete.) March 3, 1807..... 443

Employment of the Land and Naval Forces in Cases of Insurrections. An act authorizing the employment of the land and naval forces of the United States, in cases of insurrections. March 3, 1807..... 443

Naval Peace Establishment. An act in addition to an act entitled "An act in addition to an act entitled 'An act supplementary to the act providing for a naval peace establishment, and for other purposes.'" March 3, 1807..... 443

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Appropriations for carrying certain Indian Treaties into Effect. An act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians. (Obsolete.) March 3, 1807 443

Post-roads. An act to establish certain post-roads, and for other purposes. (Repealed.) March 3, 1807 444

Disapproval of the Bank of Detroit. An act disapproving of an act passed by the governor and judges of the territory of Michigan, entitled "An act concerning the Bank of Detroit." March 3, 1807 444

Compensation for extra Services of the Officers of the Government of the Indiana Territory. An act making compensation for extra services to the governor, judges, and secretary of the Indiana territory. (Obsolete.) March 3, 1807 444

Prevention of Settlements on the Lands of the United States. An act to prevent settlements being made on lands ceded to the United States, until authorized by law. March 3, 1807 445

Land Claims in the District of Vincennes, &c. An act confirming claims to land in the district of Vincennes, and for other purposes. March 3, 1807 446

Public Lands. An act making provision for the disposal of the public lands, situated between the United States military tract and the Connecticut reserve, and for other purposes. (Obsolete.) March 3, 1807 448

RESOLUTION.

To Publish the report and chart of the survey of the coast of North Carolina. March 2, 1806 449

Acts of the Tenth Congress of the United States.

STATUTE I.—1807, 1808.

Appropriations for the Support of the Navy. An act making further appropriations for the support of the navy of the United States during the year one thousand eight hundred and seven. (Obsolete.) Nov. 24, 1807 450

Additional Compensation to the Secretaries of the Mississippi, Indiana, Louisiana, and Michigan Territories. An act allowing an additional compensation to the secretaries of the Mississippi, Indiana, Louisiana, and Michigan territories. Dec. 5, 1807 450

Districts of Biddeford and Pepperelborough. An act to change the name of the district of Biddeford and Pepperelborough, in Massachusetts, to that of Saco. Dec. 15, 1807 451

Appropriation for an additional Number of Gun Boats. An act to appropriate money for the providing of an additional number of gun boats. (Obsolete.) Dec. 18, 1807 451

An Embargo laid on Ships and Vessels in the Ports and Harbours of the United States. An act laying an embargo on all ships and vessels in the ports and harbours of the United States. (Repealed.) Dec. 22, 1807 451

Fortification of the Ports and Harbours of the United States. An act supplementary to an act entitled "An act for fortifying the ports and harbours of the United States, and for building gun boats." (Obsolete.) Jan. 8, 1808 453

Supplement to the Act laying an Embargo. An act supplementary to the act entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States." (Repealed.) Jan. 9, 1808 453

Right of Suffrage extended in the Mississippi Territory. An act extending the right of suffrage in the Mississippi territory, and for other purposes. (Obsolete.) Jan. 9, 1808 455

Grants of Land South of the State of Tennessee. An act supplemental to an act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the State of Tennessee." Jan. 19, 1808 455

Duties on Merchandise. An act to revive and continue in force for a further time the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Obsolete.) Jan. 19, 1808 456

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Expenses of the Impeachment of Samuel Chase. An act to provide for the payment of certain expenses incurred in the impeachment of Samuel Chase. (Obsolete.) Jan. 21, 1808. 456

Salaries of the officers of Government. An act to continue in force for a limited time an act entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned." (Obsolete.) Jan. 27, 1808..... 456

Bridge over the River Potomac. An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia. Feb. 5, 1808..... 457

Light-house on Point Judith. An act to erect a light-house on Point Judith, in the State of Rhode Island. Feb. 10, 1808..... 462

Appropriations for the Support of Government. An act making appropriations for the support of government during the year one thousand eight hundred and eight. (Obsolete.) Feb. 10, 1808..... 462

Appropriations for the Support of the Navy. An act making appropriations for the support of the navy of the United States during the year one thousand eight hundred and eight. (Obsolete.) Feb. 10, 1808..... 466

District of Columbia. An act to revive and continue certain causes and proceedings in the District Court of the District of Columbia. (Obsolete.) Feb. 10, 1808..... 467

Appropriations for carrying into Effect certain Indian Treaties. An act making appropriations for carrying into effect certain Indian treaties. (Obsolete.) Feb. 19, 1808..... 467

Expenses of the Inquiry into the Conduct of John Smith, a Senator from the State of Ohio. An act to provide for the payment of certain expenses incurred in the inquiry into the conduct of John Smith, a Senator from the State of Ohio. (Obsolete.) Feb. 19, 1808. 468

Additional Compensation to the Marshals of North Carolina and New Jersey. An act making additional compensation to the marshals for the districts of North Carolina and New Jersey. Feb. 25, 1808..... 468

Extension of the Right of Suffrage in the Indiana Territory. An act extending the right of suffrage in the Indiana territory. (Obsolete.) Feb. 26, 1808..... 469

Supplement to the New Importation Act. An act supplementary to the act entitled "An act to prohibit the importation of certain goods, wares, and merchandise." (Obsolete.) Feb. 27, 1808..... 469

Public Lands. An act making further provisions for the disposal of the sections of land heretofore reserved for the future disposition of Congress. Feb. 29, 1808..... 470

Appropriations for the Military Establishment. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and eight. (Obsolete.) March 3, 1808..... 470

Importation of Copper, Saltpetre, and Sulphur free of Duty. An act to allow the importation of old copper, saltpetre, and sulphur free of duty. March 4, 1808..... 471

Judicial System of the United States. An act in further addition to an act entitled "An act to amend the judicial system of the United States." March 9, 1808..... 471

Terms of Credit on Revenue Bonds extended. An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes. (Obsolete.) March 10, 1808. 471

Purchase of Arms, Saltpetre, and Sulphur. An act for procuring an additional number of arms, and for the purchase of saltpetre and sulphur. (Obsolete.) March 11, 1808..... 473

Embargo. An act in addition to the act entitled "An act supplementary to the act entitled 'An act laying an embargo on all ships and vessels in the ports and harbours of the United States.'" (Repealed.) March 12, 1808..... 473

Duties remitted on a Monument in Memory of the Officers of the Navy who fell during the Attack on Tripoli. An act remitting the duties payable on the importation of a monument to be erected in memory of the officers of the United States navy, who fell during the attack made on the city of Tripoli, in the year one thousand eight hundred and four. (Obsolete.) March 13, 1808..... 476

Light-house on Sapelo, Beacons, and Buoys near Darien, Ipswich, Plymouth, Tuckanuck, and Great Egg Harbour. An act for erecting a light-house on the south point of the island of Sapelo, and for placing buoys and beacons in the shoals of the inlet leading to the town of Darien, and near the entrance of Ipswich harbour, near Plymouth harbour, before the harbour of Nantucket, and on the island of Tuckanuck, at or near the entrance of Connecticut river, and near the entrance of Great Egg Harbour river. March 17, 1808..... 476

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Military Land Warrants. An act extending the time for issuing and locating military land warrants. (Obsolete.) March 21, 1808..... 477

Circuit and District Courts in Kentucky, Tennessee, and Ohio. An act to amend the act entitled "An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio." March 22, 1808. 477

Militia of the United States. An act authorizing a detachment from the militia of the United States. (Expired.) March 30, 1808..... 478

Lands of the United States. An act concerning the sale of the lands of the United States, and for other purposes. March 31, 1808..... 479

Mint. An act further to prolong the continuance of the mint at Philadelphia. (Expired.) April 1, 1808..... 481

Sale of Public Arms. An act authorizing the sale of public arms. April 2, 1808..... 481

Additional Military Force. An act to raise for a limited time an additional military force. (Obsolete.) April 12, 1808..... 481

Transmission of certain Documents free of Postage. An act to authorize the transportation of certain documents, by mail, free of postage. (Obsolete.) April 13, 1808..... 483

Preservation of Peace in the Ports and Harbours of the United States, &c. An act to continue in force, for a further time, an act entitled "An act for the more effectual preservation of peace in the ports and harbours of the United States, and in the waters under their jurisdiction." (Expired.) April 19, 1808..... 484

Assent of Congress to Acts of Maryland and Georgia. An act to revive and continue in force "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia." (Expired.) April 20, 1808..... 484

Public Contracts. An act concerning public contracts. April 21, 1808..... 484

Turnpike Company in the County of Alexandria. An act for the establishment of a turnpike company, in the county of Alexandria, in the District of Columbia. April 21, 1808. 485

Jurisdiction to State Judges in certain Cases, &c. An act to continue in force an act entitled "An act to extend jurisdiction in certain cases to state judges and state courts, and for other purposes." April 21, 1808..... 489

Authority to the President to suspend the Embargo. An act to authorize the President of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto. (Repealed.) April 22, 1808..... 490

Meeting of Congress. An act to alter the time for the next meeting of Congress. (Obsolete.) April 22, 1808..... 490

Arming and Equipping the Militia. An act making provision for arming and equipping the whole body of the militia of the United States. April 23, 1808..... 490

Post-roads in Georgia and Ohio. An act to establish certain post-roads in the States of Georgia and Ohio. (Obsolete.) April 23, 1808..... 491

Appropriation for the Expenses of the Valuation of Houses, Lands, and the Enumeration of Slaves within the United States. An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making an appropriation for defraying the expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States. (Obsolete.) April 23, 1808..... 491

Pensions. An act concerning invalid pensioners. April 25, 1808..... 491

Authority to the President to exchange certain Lands, for other Lands more suitable for Fortification. An act to authorize and empower the President of the United States to exchange certain lands, for other lands more suitable for fortification. April 25, 1808..... 496

Appropriations for an additional Military Force. An act making appropriations for the support of an additional military force, for the year one thousand eight hundred and eight. (Obsolete.) April 25, 1808..... 497

Ports of Plymouth, in North Carolina, St. Mary's, and Augusta. An act to make Plymouth, in North Carolina, a port of entry; to change the name of the district of Nanjemoy to that of St. Mary's, and to make Augusta, in the district of Maine, a port of delivery. April 25, 1808..... 497

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Bills drawn by John Armstrong, Minister to France. An act authorizing the Secretary of the Treasury to pay to the comptroller of the treasury, in trust, the amount of certain bills drawn by John Armstrong, Minister from the United States to the Court of France, on [the] treasury of the United States. (Obsolete.) April 25, 1808..... 498

Appropriations for completing the Public Buildings. An act to make good a deficit in the appropriation of eighteen hundred and seven, for completing the public buildings, and for other purposes. April 25, 1808..... 499

Embargo. An act in addition to the act entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States," and the several acts supplementary thereto, and for other purposes. (Repealed.) April 25, 1808..... 499

Lands in the Territory of Michigan. An act supplemental to "An act regulating the grants of land in the territory of Michigan." April 25, 1808..... 502

RESOLUTION.

To authorize the disposition of certain charts of the coast of North Carolina. March 4, 1808..... 504

STATUTE II.—1808, 1809.

Message of the President of the United States to be transmitted free of Postage. An act to authorize the transportation of a certain message of the President of the United States, and documents accompanying the same. (Obsolete.) Nov. 18, 1808..... 505

Revenue Cutters. An act authorizing the President of the United States to employ an additional number of revenue cutters. Jan. 6, 1809..... 505

Payment of certain Pensions at the Seat of Government. An act authorizing the payment of certain pensions by the Secretary of War at the seat of government. (Obsolete.) Jan. 7, 1809..... 505

Embargo. An act to enforce and make more effectual an act entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States," and the several acts supplementary thereto. (Repealed.) Jan. 9, 1809..... 506

Duties on Merchandise. An act to revive and continue in force, for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Obsolete.) Jan. 10, 1809..... 511

City of Washington. An act authorizing the proprietors of squares and lots in the city of Washington to have the same subdivided and admitted to record. Jan. 12, 1809... 511

Credit on Revenue Bonds. An act supplemental to an act entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes." (Obsolete.) Jan. 12, 1809..... 513

Meeting of Congress. An act to alter the time for the next meeting of Congress. (Obsolete.) Jan. 30, 1809..... 514

Additional Naval Force. An act authorizing the employment of an additional naval force. (Obsolete.) Jan. 31, 1809..... 514

The Indiana Territory divided into two Governments. An act for dividing the Indiana territory into two separate governments. (Obsolete.) Feb. 3, 1809..... 514

Circuit and District Courts of Kentucky, Tennessee, and Ohio. An act supplementary to the act entitled "An act to amend the act entitled 'An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio.'" (Obsolete.) Feb. 4, 1809..... 516

Fortifications on the Sea-coast. Extending the Canal of Carondelet. An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbours of the United States, and to defray the expenses of deepening and extending to the river Mississippi, the canal of Carondelet. (Obsolete.) Feb. 10, 1809..... 516

Commissioners of Kaskaskia. An act to revive and continue, for a further time, the authority of the commissioners of Kaskaskia. (Expired.) Feb. 15, 1809..... 517

Canal in the City of Washington. An act to incorporate a company for opening the canal in the City of Washington. Feb. 16, 1809..... 517

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Appropriations for the Support of Government. An act making appropriations for the support of government during the year one thousand eight hundred and nine. (Obsolete.) Feb. 17, 1809 520

Right of Suffrage in the Indiana Territory, &c. An act extending the right of suffrage in the Indiana territory, and for other purposes. (Obsolete.) Feb. 27, 1809 525

Franking Privilege to Thomas Jefferson. An act freeing from postage all letters and packets to Thomas Jefferson. (Obsolete.) Feb. 28, 1809 526

Lands in the Mississippi Territory claimed under Spanish Grants. An act for the disposal of certain tracts of land in the Mississippi territory claimed under Spanish grants, reported by the land commissioners as ante-dated, and to confirm the claims of Abraham Ellis and Daniel Harregal. Feb. 28, 1809 526

Alabama and Wyandott Indians. An act for the relief of certain Alibama and Wyandott Indians. Feb. 28, 1809 527

Commercial Intercourse with Great Britain and France interdicted. An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes. (Expired.) March 1, 1809 528

Accommodation of the Household of the President of the United States. An act making provision for the further accommodation of the household of the President of the United States. (Obsolete.) March 2, 1809 533

Time for Payment for Public Lands extended. An act to extend the time for making payment for the public lands of the United States. (Obsolete.) March 2, 1809 533

Judicial System of the United States. An act further to amend the judicial system of the United States. March 2, 1809 534

Establishment and Regulation of the Treasury, War, and Navy Departments. An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments. March 3, 1809 535

Appropriations for completing the Capitol. An act making a further appropriation towards completing the two wings of the capitol at the city of Washington, and for other purposes. (Obsolete.) March 3, 1809 537

Charter of Georgetown. An act supplementary to the act entitled "An act to amend the charter of Georgetown." March 3, 1809 537

Turnpike Road from Mason's Causeway to Alexandria authorized. An act to authorize the making of a turnpike road from Mason's Causeway to Alexandria. March 3, 1809 539

Augmentation of the Marine Corps. An act authorizing an augmentation of the marine corps. March 3, 1809 544

Trading Houses with the Indians. An act supplemental to the act entitled "An act for establishing trading houses with the Indian tribes." (Obsolete.) March 3, 1809 544

Appropriations for the Military Establishment. An act making appropriations for the support of the military establishment, and of the navy of the United States, for the year one thousand eight hundred and nine. (Obsolete.) March 3, 1809 545

Acts of the Eleventh Congress of the United States.

STATUTE I.—1809.

Foreign Vessels allowed to take on Board Cargoes of Domestic or Foreign Produce during the Non-intercourse with Great Britain and France. An act respecting the ships or vessels owned by citizens or subjects of foreign nations with which commercial intercourse is permitted. (Obsolete.) May 30, 1809 547

Fortifications of the Ports and Harbours of the United States. An act making further appropriations to complete the fortifications commenced for the security of the ports and harbours of the United States, and to erect such fortifications as may be necessary for the protection of the northern and western frontiers of the United States. (Obsolete.) June 14, 1809 547

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Agent for the Land-office at Kaskaskia, and Compensation of the Commissioners and Clerk. An act authorizing the appointment of an agent for the land-office at Kaskaskia, and allowing compensation to the commissioners and clerk. (Obsolete.) June 15, 1809. 548

Appropriations for carrying into Effect the Treaty with the Chickasaw Indians, and to establish a Land-office in the Mississippi Territory. An act supplementary to an act entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi territory." (Obsolete.) June 15, 1809..... 548

Assent of Congress to an Act of South Carolina. An act to continue in force "An act declaring the assent of Congress to a certain act of the State of South Carolina," passed the twenty-first of December, one thousand eight hundred and four. (Expired.) June 15, 1809..... 549

Fixing the next Meeting of Congress. An act to fix the time for the next meeting of Congress. June 24, 1809..... 549

Remission of Penalties and Forfeitures incurred by bringing Slaves from St. Domingo, by Persons forcibly expelled from thence. An act for the remission of certain penalties and forfeitures, and for other purposes. June 28, 1809..... 549

Commercial Intercourse with Great Britain and France. An act to amend and continue in force certain parts of the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes." (Repealed.) June 28, 1809..... 550

Public Debt. An act supplementary to the act entitled "An act making further provision for the support of public credit, and for the redemption of the public debt." June 28, 1809..... 551

Appropriation to finish and furnish the Senate Chamber, &c. An act making an appropriation to finish and furnish the Senate chamber, and for other purposes. (Obsolete.) June 28, 1809..... 552

Recruiting Service suspended. An act to suspend for a limited time the recruiting service. (Obsolete.) June 28, 1809..... 552

Franking Privilege to Thomas Jefferson. An act freeing from postage all letters and packets from Thomas Jefferson. (Obsolete.) June 28, 1809..... 552

Contingent Expenses of the Senate and House of Representatives. An act making appropriations for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress. (Obsolete.) June 28, 1809..... 552

Allowances paid to Owners and Crews of Fishing Vessels. An act authorizing the accounting officers of the Treasury Department to give credit to certain collectors of the customs for allowances paid by them to the owners and crews of fishing vessels. June 28, 1809..... 552

Naval Establishment. An act concerning the naval establishment. (Obsolete.) June 28, 1809..... 553

STATUTE II.—1809, 1810.

Transportation of certain Documents free of Postage. An act to authorize the transportation of certain documents free of postage. (Obsolete.) Dec. 9, 1809..... 554

Extension of the Right of Suffrage in the Indiana Territory. An act supplemental to an act entitled "An act extending the right of suffrage in the Indiana territory, and for other purposes." Dec. 15, 1809..... 554

Military Land Warrants. An act extending the time for issuing and locating military land warrants. (Obsolete.) Dec. 19, 1809..... 555

Duties on Merchandise. An act to revive and continue in force, for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Obsolete.) Jan. 12, 1810..... 555

Cumberland Road. An act in addition to the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio." Feb. 14, 1810..... 555

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Public Lands. An act to prescribe the mode in which application shall be made for the purchase of land at the several land-offices, and for the relief of Joab Garret. (Obsolete.) Feb. 24, 1810 556

Refugees from Canada and Nova Scotia. An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes. Feb. 24, 1810 556

Appropriations for the Support of Government in 1810. An act making appropriations for the support of government during the year one thousand eight hundred and ten. (Obsolete.) Feb. 26, 1810 557

Appropriations for the Support of the Navy in 1810. An act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and ten. (Obsolete.) March 2, 1810 562

Appropriations for the Support of the Military Establishment in 1810. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and ten. (Obsolete.) March 2, 1810 563

Additional Judge in the Mississippi Territory, and Right of Suffrage there. An act for the appointment of an additional judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi territory. (Obsolete.) March 2, 1810 563

Third Census of the Inhabitants of the United States. An act providing for the third Census or enumeration of the Inhabitants of the United States. (Obsolete.) March 26, 1810. 564

District Court in Ohio. An act for altering the time for holding the District Court in Ohio. March 26, 1810 568

Sea Letters. An act to prevent the issuing of sea letters except to certain vessels. March 26, 1810 568

Torpedo or Submarine Explosion. An act making an appropriation for the purpose of trying the practical use of the torpedo or submarine explosion. (Obsolete.) March 30, 1810. 569

Public Road in the District of Columbia. An act to make public a road in Washington county, in the District of Columbia. March 30, 1810 569

Third Census of the Inhabitants of the United States. An act to alter and amend an act entitled "An act providing for the third census or enumeration of the inhabitants of the United States," passed the twenty-sixth day of March, one thousand eight hundred and ten. April 12, 1810 570

Turnpike Roads in the District of Columbia. An act to incorporate a company for making certain turnpike roads in the District of Columbia. April 20, 1810 570

Turnpike Company in the County of Alexandria, District of Columbia. An act to amend an act entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia." April 25, 1810 577

Drawback on Goods from Newport to Boston and Boston to Newport. An act to allow the benefit of drawback on merchandise transported by land conveyance from Newport to Boston, and from Boston to Newport, in like manner as if the same were transported coastwise. April 25, 1810 578

Post Roads. An act to establish post roads. (Repealed.) April 28, 1810 579

Virginia Military Land Warrants. An act to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary of the Department of War. (Obsolete.) March 16, 1810 589

Printing and distributing the Laws relating to the Public Lands. An act providing for the printing and distributing of such laws of the United States as respect the public lands. (Obsolete.) April 27, 1810 589

Accommodation of the General Post-office and the Patent-office. An act providing for the better accommodation of the General Post-office and Patent-office, and for other purposes. April 28, 1810 589

Sale of certain Lands in the Indiana Territory. An act providing for the sale of certain lands in the Indiana territory, and for other purposes. April 30, 1810 590

Extending the Time of making Payment for the Public Lands in certain Cases. An act to extend the time for making payment for the public lands of the United States in certain cases. (Obsolete.) April 30, 1810 591

Post-office. An act regulating the post-office establishment. (Repealed.) April 30, 1810 .. 592

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Third Census of the Inhabitants of the United States. An act further to alter and amend "An act providing for the third census or enumeration of the inhabitants of the United States." (Obsolete.) May 1, 1810 605

Commercial Intercourse with Great Britain and France. An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes. May 1, 1810 605

Confirmation of the Decisions of the Commissioners in Favour of Claimants to Public Lands in Kaskaskia. An act confirming the decisions of the commissioners in favour of the claimants of land in the district of Kaskaskia. (Obsolete.) May 1, 1810 607

Appropriations for completing the Capitol, &c. An act making further appropriations for completing the capitol, and for other purposes. (Obsolete.) May 1, 1810 607

Appropriations for carrying into Effect certain Indian Treaties. An act making appropriations for carrying into effect certain Indian treaties. (Obsolete.) May 1, 1810 607

Compensation to Public Ministers and Consuls on the Coast of Barbary, &c. An act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes. May 1, 1810 608

Authorizing a Loan. An act authorizing a loan of money, for a sum not exceeding the amount of the principal of the public debt, reimbursable during the year one thousand eight hundred and ten. (Obsolete.) May 1, 1810 610

Lighthouse, Beacon, Buoys, &c. An act to erect a lighthouse at the entrance of Scituate harbour, a stone column on a spit of sand at the entrance into Boston harbour, and a beacon on Beach Point, near Plymouth harbour, in the State of Massachusetts; a light at the entrance of Bayou St. John into Lake Ponchartrain, and two lights on Lake Erie, and for beacons and buoys near the entrance of Beverly harbour. May 1, 1810 611

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Duties on Merchandise. An act to continue in force, for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Expired.) Jan. 7, 1811 614

Compensation of the Assistant Postmaster-General. An act to fix the compensation of the additional assistant postmaster-general. Jan. 17, 1811 615

Adjustment of the exterior Line of the Public Land at West Point. An act to authorize the Secretary at War to ascertain and settle, by the appointment of commissioners, the exterior line of the public land at West Point, with the adjoining proprietor. (Obsolete.) Jan. 22, 1811 615

Appropriations for the Military Establishment for 1811. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and eleven. (Obsolete.) Feb. 6, 1811 615

Appropriations for the Support of the Navy for 1811. An act making appropriations for the support of the navy of the United States for the year one thousand eight hundred and eleven. (Obsolete.) Feb. 27, 1811 616

Compensation to the Consul, John Eugene Leitensdorfer, for Services in the War with Tripoli. An act making compensation to John Eugene Leitensdorfer, for services rendered the United States in the war with Tripoli. (Obsolete.) Feb. 13, 1811 617

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Land Claims and Sale of Public Lands in the Territories of Orleans and Louisiana. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana. (Repealed.) Feb. 15, 1811..... 617

Bank of Alexandria. An act concerning the Bank of Alexandria. (Expired.) Feb. 15, 1811. 621

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Farmers' Bank of Alexandria. An act to incorporate the subscribers to the Farmers' Bank of Alexandria. Feb. 16, 1811..... 629

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Distribution of such Laws of the United States as respect the Public Lands. An act making a further distribution of such laws of the United States as respect the public lands. Feb. 18, 1811..... 641

The People of the Territory of Orleans authorized to form a State Government, and admitted into the Union. An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes. Feb. 20, 1811..... 641

Appropriations for the Support of Government for 1811. An act making appropriations for the support of government for the year one thousand eight hundred and eleven. (Obsolete.) Feb. 20, 1811..... 643

Georgetown and Potomac Bridge Company. An act to enable the Georgetown and Potomac Bridge Company to levy money for the object of its incorporation. Feb. 22, 1811. 648

Sale of Land in the State of Tennessee, and in the Indiana Territory. An act providing for the sale of a tract of land lying in the State of Tennessee, and a tract in the Indiana territory. (Obsolete.) Feb. 25, 1811..... 649

Land-offices at Nashville and Canton, and Sale of Public Lands east of Pearl River. An act providing for the removal of the land-office established at Nashville, in the State of Tennessee, and Canton in the State of Ohio; and to authorize the register and receiver of public moneys to superintend the public sales of land in the district east of Pearl river. (Obsolete.) Feb. 25, 1811..... 649

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Trading Houses with the Indian Tribes. An act for establishing trading houses with the Indian tribes. (Repealed.) March 2, 1811..... 652

Collection Districts of Mumphreymagog, Oswegatchie, and White Mountains. An act to establish the districts of Mumphreymagog, of Oswegatchie, and of the White Mountains. March 2, 1811..... 655

Public Loans. An act authorizing a loan of money for a sum not exceeding five millions of dollars. (Obsolete.) March 2, 1811..... 656

Collection Districts of New Jersey, Lewistown, Cape St. Vincent, Miami, and Mississippi. An act to annex a part of the State of New Jersey to the collection district of New York; to remove the office of collector of Niagara to Lewistown; to make Cape St. Vincent, in the district of Sacket's Harbour, a port of delivery; and out of the districts of Miami and Mississippi to make two new districts, to be called the districts of Sandusky and Teche, and for other purposes. March 2, 1811..... 657

Third Census of the Inhabitants of the United States. An act to extend the time for completing the third census or enumeration of the inhabitants of the United States. (Obsolete.) March 2, 1811..... 658

Consent of Congress to an act of the State of Georgia, relative to Fees of Harbour and Health Officers at Savannah and St. Mary's. An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth of December, one thousand eight hundred and four, "establishing the fees of the harbour master and health officer of the ports of Savannah and St. Mary's." March 2, 1811..... 658

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Light-house on Boon Island, Buoys off Cape Fear River, Beacon at New Inlet, Buoys at Edgartown, Column on Cape Elizabeth, Beacons and Buoys at Beverly Harbour. An act to erect a light-house on Boon island in the State of Massachusetts, to place buoys off Cape Fear river, and to erect a beacon at New Inlet, in the State of North Carolina, and to place buoys at the entrance of the harbour of Edgartown, and to erect a column of stone on Cape Elizabeth, and to complete the beacons and buoys at the entrance of Beverly harbour, in the State of Massachusetts. March 2, 1811..... 659

Right of Suffrage extended in the Indiana Territory, &c. An act to extend the right of suffrage in the Indiana territory, and for other purposes. (Obsolete.) March 3, 1811..... 659

Salaries of the Judges of the Circuit Court of the District of Columbia. An act to increase the salaries of the judges of the Circuit Court of the District of Columbia. March 3, 1811..... 660

Appropriations to carry Indian Treaties into Effect. An act making appropriations for carrying into effect a treaty between the United States and the Great and Little Osage Nations of Indians, concluded at Fort Clarke, on the tenth day of November, one thousand eight hundred and eight, and for other purposes. (Obsolete.) March 3, 1811..... 660

Appropriations for Fortifications. An act making further appropriations to complete the fortifications commenced for the security of the ports and harbours of the United States. (Obsolete.) March 3, 1811..... 661

Compensation to Persons who have taken an Account of the Manufacturing Establishments in the United States. An act for allowing a reasonable compensation to the persons who have taken an account of the several manufacturing establishments and manufactures within the United States. March 3, 1811..... 661

Cumberland Road. An act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio. (Obsolete.) March 3, 1811..... 661

Adjustment of Claims to Lands, and Sale of Lands in the Territories of Orleans and Louisiana. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose and approved February sixteenth, one thousand eight hundred and eleven. March 3, 1811..... 662

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District Court in the District of Maine. An act to alter the time of holding one of the terms of the District Court in the district of Maine. Nov. 28, 1811..... 667

Appropriation for the Support of a Library. An act making a further appropriation for the support of a library. (Obsolete.) Dec. 6, 1811..... 667

Land-offices in the Territory of Orleans. An act extending the time for opening the several land-offices established in the territory of Orleans. (Obsolete.) Dec. 12, 1811.... 668

Public Lands held by Right of Pre-emption. An act allowing further time for completing the payments on certain lands held by right of pre-emption, in the Mississippi territory. (Obsolete.) Dec. 12, 1811..... 668

Roads in Ohio. An act to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the territory of Michigan. (Obsolete.) Dec. 12, 1811..... 668

Apportionment of Representatives in Congress under the Third Census. An act for the apportionment of Representatives among the several states, according to the third enumeration. (Obsolete.) Dec. 21, 1811..... 669

Military Establishment. An act for completing the existing military establishment. (Obsolete.) Dec. 24, 1811..... 669

Companies of Rangers to be raised. An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States. (Obsolete.) Jan. 2, 1812..... 670

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Public Road in the State of Ohio. An act to authorize the laying out and opening a public road from the line established by the treaty of Grenville, to the North Bend in the State of Ohio. (Obsolete.) Jan. 8, 1812..... 670

Additional Military Force. An act to raise an additional military force. Jan. 11, 1812..... 671

Public Lands, Sale of Lands which shall revert to the United States for Failure in Payment. An act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold. Jan. 14, 1812..... 674

Ordnance and Ordnance Stores, &c. An act authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores and small arms. (Obsolete.) Jan. 14, 1812..... 674

District Courts for the District of North Carolina. An act to alter the time of holding the District Courts of the United States for the North Carolina district. Jan. 23, 1812. 675

Duties on Merchandise. An act to continue in force, for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Expired.) Jan. 31, 1812..... 675

District Courts in the District of Connecticut. An act to alter the times of holding the District Courts within and for the district of Connecticut. Feb. 6, 1812..... 676

Volunteer Military Corps. An act authorizing the President of the United States to accept and organize certain volunteer military corps. (Obsolete.) Feb. 6, 1812..... 676

Public Lands in the District of Kaskaskia. An act for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia. (Obsolete.) Feb. 20, 1812..... 677

Mounted Rangers. An act making an appropriation for the expenses incident to the six companies of mounted rangers, during the year one thousand eight hundred and twelve. (Obsolete.) Feb. 20, 1812..... 678

Land reserved for Jefferson College in the Mississippi Territory. An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College in the Mississippi territory. (Obsolete.) Feb. 20, 1812..... 679

Affidavits and Bail in Civil Cases. An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States. Feb. 20, 1812... 679

Appropriations for the Military Establishment. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and twelve. (Obsolete.) Feb. 21, 1812..... 682

Additional Military Force. An act making appropriations for the support of an additional military force. (Obsolete.) Feb. 21, 1812..... 683

Public Lands. Land District in the Illinois Territory. An act to establish a land district in the Illinois territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville. Feb. 21, 1812..... 684

Appropriations for the Support of the Navy. An act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and twelve. (Obsolete.) Feb. 24, 1812..... 684

Additional Military Force. An act supplementary to "An act to raise, for a limited time, an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight. (Obsolete.) Feb. 24, 1812..... 685

Appropriations for the Support of Government for 1812. An act making appropriations for the support of government for the year one thousand eight hundred and twelve. (Obsolete.) Feb. 26, 1812..... 686

Authority to purchase the Patent Right of Winslow Lewis for a method of lighting Light-houses. An act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes. March 2, 1812..... 691

Accommodation of the General Post-office and the Patent-office. An act supplementary to "An act providing for the accommodation of the General Post-office and Patent-office, and for other purposes." (Obsolete.) March 7, 1812..... 691

Relief of the Board of Commissioners west of Pearl River. An act for the relief of the board of commissioners west of Pearl river. (Obsolete.) March 10, 1812..... 692

Defence of the Maritime Frontier. An act making a further appropriation for the defence of our maritime frontier. (Obsolete.) March 10, 1812..... 692

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Registering of Claims to Land in the Western District of the Territory of Orleans. An act giving further time for registering claims to land in the western district of the territory of Orleans. March 10, 1812 692

Circuit Courts at Knoxville in Tennessee. An act to alter the time of holding the Circuit Courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee. March 10, 1812 693

Enrolling and Licensing of Steamboats. An act respecting the enrolling and licensing of steamboats. March 12, 1812 694

Loan of Eleven Millions of Dollars. An act authorizing a loan for a sum not exceeding eleven millions of dollars. (Obsolete.) March 14, 1812 694

Additional Military Force. An act supplementary to "An act to raise an additional military force." March 17, 1812 695

Repeal of the Tenth Section of the Act to incorporate the Bank of the United States, relating to Loans to the United States. An act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States. (Obsolete.) March 19, 1812 695

Circuit Courts in the First District. An act to alter the times of holding the Circuit Courts of the first district. March 26, 1812 696

A Quartermaster's Department established, &c. An act to establish a quartermaster's department, and for other purposes. March 28, 1812 696

Naval Establishment. An act concerning the naval establishment. March 30, 1812 699

Grant of the Use of a Lot in New Orleans to the Corporation of the City. An act granting to the corporation of the city of New Orleans the use and possession of a lot in the said city. April 3, 1812 700

An Embargo laid on all Ships and Vessels in the Ports and Harbours of the United States. An act laying an embargo on all ships and vessels in the ports and harbours of the United States for a limited time. (Expired.) April 4, 1812 700

Admission of Louisiana into the Union. An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state. April 8, 1812 701

Additional Military Force. An act in addition to the act entitled "An act to raise an additional military force," passed January the eleventh, one thousand eight hundred and twelve. April 8, 1812 704

Pensions. An act for the relief of the officers and soldiers who served in the late campaign on the Wabash. April 10, 1812 704

A Detachment of the Militia authorized. An act to authorize a detachment from the militia of the United States. April 10, 1812 705

Export of Specie, Goods, Wares, and Merchandise prohibited. An act to prohibit the exportation of specie, goods, wares, and merchandise for a limited time. April 14, 1812 .. 707

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Registering of Land Claims in the Eastern District of the Territory of Orleans. An act giving further time for registering claims to land in the eastern district of the territory of Orleans. April 14, 1812 709

Corps of Artificers. An act for the organization of a corps of artificers. (Obsolete.) April 23, 1812 710

Public Lands in the District of Detroit, &c. An act to authorize the granting of patents for land according to the surveys that have been made; and to grant Donation Rights to certain claimants of land in the district of Detroit, and for other purposes. April 23, 1812 710

Claims to Land by the Refugees from the British Provinces of Canada and Nova Scotia. An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia. April 23, 1812 712

Purchasers of Public Lands northwest of the River Ohio allowed further Time to complete their Payments. An act giving further time to the purchasers of public lands, northwest of the river Ohio, to complete their payments. April 23, 1812 712

Salaries of the Officers of Government. An act to continue in force, for a limited time, an act entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned." April 24, 1812 713

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Public Lands in Louisiana east of the Mississippi and Island of New Orleans. An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans. (Obsolete.) April 25, 1812.. 713

Establishment of a General Land-office. An act for the establishment of a general land-office in the Department of the Treasury. April 25, 1812..... 716

Pensions. An act to revive and continue in force "An act to provide for persons who were disabled by known wounds received in the revolutionary war," and for other purposes. April 25, 1812..... 718

Authorizing the Departure of Ships and Vessels from the Ports and Harbours of the United States, in certain Cases. An act authorizing the departure of ships and vessels from the ports and harbours of the United States, in certain cases. (Obsolete.) April 27, 1812. 719

An additional Judge to be appointed in the District of New York. An act authorizing the appointment of an additional judge of the District Court, for the district of New York. April 29, 1812..... 719

Corps of Engineers. An act making further provision for the corps of engineers. April 29, 1812..... 720

Amendment of the Charter of the City of Washington. An act further to amend the charter of the city of Washington. May 4, 1812..... 721

An Act of the Legislature of Maryland, relative to two Lotteries, to be carried into effect. An act to carry into effect an act of the Legislature of the State of Maryland. (Obsolete.) May 6, 1812..... 728

Military Bounty Land. An act to provide for designating, surveying, and granting the military bounty lands. May 6, 1812..... 728

The Cumberland Road. An act in addition to the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio." (Obsolete.) May 6, 1812..... 730

Relief of the Citizens of Venezuela. An act for the relief of the citizens of Venezuela. (Obsolete.) May 8, 1812..... 730

Post-roads. An act to alter and establish certain post-roads. May 11, 1812..... 730

Regulation of the Ordnance. An act for the better regulation of the ordnance. May 14, 1812..... 732

Enlarging the Boundaries of the Mississippi Territory. An act to enlarge the boundaries of the Mississippi territory. May 14, 1812..... 734

Appropriations for the Support of the Government in 1812. An act making additional appropriations for the support of government for the year one thousand eight hundred and twelve. (Obsolete.) May 16, 1812..... 734

Army of the United States. An act making further provision for the army of the United States. (Obsolete.) May 16, 1812..... 735

Incorporation of the Bank of Alexandria. An act to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria. (Expired.) May 16, 1812..... 735

The President of the United States to ascertain and designate the Boundaries of the State of Ohio, which divide the State from the Territories of Indiana and Michigan. An act to authorize the President of the United States to ascertain and designate certain boundaries. May 20, 1812..... 741

Right of Suffrage extended in the Illinois Territory. An act to extend the right of suffrage in the Illinois territory, and for other purposes. (Obsolete) May 20, 1812..... 741

Quartermaster's Department. An act to amend an act entitled "An act to establish a quartermaster's department, and for other purposes." May 22, 1812..... 742

A Supplement to the Act for the Admission of Louisiana into the Union. An act supplementary to an act entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State." May 22, 1812..... 743

Government of the Territory of Missouri. An act providing for the government of the territory of Missouri. (Obsolete.) June 4, 1812..... 743

Drawbacks on Goods, Wares, and Merchandise. An act to extend the time for exporting, with privilege of drawback, goods, wares, and merchandise, entitled thereto by law. (Obsolete.) June 10, 1812..... 748

Division of the Indiana Territory into two separate Governments. An act supplemental to an act entitled "An act for dividing the Indiana territory into two separate governments." (Obsolete.) June 10, 1812..... 748

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Claims to Land in the Territory of Missouri. An act making further provision for settling the claims to land in the territory of Missouri. June 13, 1812..... 748

Remission of forfeited Recognisances in the District of Columbia. An act authorizing the remission of forfeited recognisances within the District of Columbia. June 17, 1812. 752

Canal from the Potomac around the Dam or Causeway from Mason's Island. An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes. June 17, 1812.... 752

Declaration of War between the United States and Great Britain. An act declaring war between the united kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories. (Obsolete.) June 18, 1812 755

Amendment of the Law in the District of Columbia relative to Promissory Notes, Insolvent Debtors, Real Estates subjected to Debts, Process, &c. An act to amend the laws within the District of Columbia. June 24, 1812..... 755

Authorizing the Issuing of Letters of Marque, Prizes, and Prize Goods. An act concerning letters of marque, prizes, and prize goods. (Obsolete.) June 26, 1812..... 759

Army of the United States. An act for the more perfect organization of the army of the United States. (Obsolete.) June 26, 1812..... 764

Western Boundary of the Tract reserved for Military Bounty Land to the Officers and Soldiers of the Virginia Line. An act to ascertain the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment. June 26, 1812..... 764

Confirming Claims to Lands in the Mississippi Territory founded on Warrants from the British and Spanish Governments. An act confirming claims to lands in the Mississippi territory, founded on warrants of survey granted by the British or Spanish government. June 30, 1812..... 765

Treasury Notes. An act to authorize the issuing of treasury notes. (Obsolete.) June 30, 1812..... 766

Additional Duties on all Goods, Wares, and Merchandise imported from foreign Ports. An act for imposing additional duties upon all goods, wares, and merchandise imported from any foreign port or place, and for other purposes. (Obsolete.) July 1, 1812..... 768

Organization of the Militia. An act supplementary to an act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia." July 1, 1812..... 769

Transfer of the Stock created by the Act of November 10, 1803. An act to facilitate the transfer of the stock created under an act passed on the tenth of November, one thousand eight hundred and three. (Obsolete.) July 1, 1812..... 771

Levy Court of the County of Washington in the District of Columbia. An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia. July 1, 1812..... 771

Public Lands in the State of Louisiana. An act giving validity to the sale of certain tracts of public lands sold in the western district of the territory of Orleans, now State of Louisiana. July 1, 1812..... 774

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Capitol at Washington. An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the capitol and the President's house; for the compensation of the late surveyor of the public buildings, and for furniture for the different apartments of the capitol, and for other purposes. July 5, 1812..... 775

Grants of Land in the Territory of Mississippi. An act confirming grants to lands in the Mississippi territory derived from the British government of West Florida, not subsequently regranted by the government of Spain or of the United States. July 5, 1812..... 776

Vessels of the United States to be admitted to entry from India in certain Cases. An act to admit the entry of Vessels of the United States on certain conditions. (Obsolete.) July 5, 1812..... 776

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Defence of the Maritime Frontier. An act making a further appropriation for the defence of the maritime frontier and for the support of the Navy of the United States. July 5, 1812 776

Payment of Bills drawn by John Armstrong on the Treasury of the United States, suspended. An act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late minister of the United States at the Court of France, upon the Treasury of the United States. July 6, 1812 777

Compensation to the President pro tempore of the Senate. An act to compensate for his services the President pro tempore of the Senate, acting as such when the office of Vice-President of the United States shall be vacant. July 6, 1812 777

Safe Keeping and Accommodation of Prisoners of War. An act for the safe keeping and accommodation of prisoners of war. July 6, 1812 777

American Vessels prohibited trading with the Enemies of the United States. An act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes. July 6, 1812 778

Alien Enemies. An act supplementary to the act entitled "An act respecting alien enemies." July 6, 1812 781

Appropriation for the Military Establishment and for the Indian Department in the Year 1812. An act making additional appropriations for the military establishment and for the Indian department for the year one thousand eight hundred and twelve. July 6, 1812. 781

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Pay of the Army of the United States. An act respecting the pay of the army of the United States. July 6, 1812 782

Public Lands in Ohio. An act supplementary to the act entitled "An act giving further time to purchasers of public lands northwest of the river Ohio, to complete their payments." July 6, 1812 782

Public Debt. An act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same. July 6, 1812 783

Loan not exceeding Eleven Millions of Dollars. An act supplementary to the act entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars." July 6, 1812 784

Army of the United States. An act making further provision for the army of the United States, and for other purposes. July 6, 1812 784

Army of the United States. An act supplementary to the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps." July 6, 1812 785

RESOLUTIONS.

1. Granting permission to the Judges of the Supreme Court of the United States to use the books in the library of Congress. March 2, 1812 786

2. On the subject of arts and manufactures. March 19, 1812 786

3. Requesting the State of Georgia to assent to the formation of two states of the Mississippi territory. June 17, 1812 786

4. Requesting the President of the United States to recommend a day of public humiliation and prayer 786

STATUTE II.—1812, 1813.

Transmission of certain Documents free of Postage. An act to authorize the transportation of certain documents free of postage. Nov. 12, 1812 787

Continuance of the Mint at Philadelphia. An act further to prolong the continuance of the mint at Philadelphia. Dec. 2, 1812 787

Militia of the United States. An act making an appropriation to defray expenses incurred, or to be incurred, under an act entitled "An act to authorize a detachment from the militia of the United States;" and the act entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five." (Obsolete.) Dec. 12, 1812. 787

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Increase of the Pay of the non-commissioned officers, Musicians, Privates, and others of the Army, &c. An act increasing the pay of the non-commissioned officers, musicians, privates, and others of the army, and for other purposes. Dec. 12, 1812..... 788

District and Territorial Judges of the United States. An act concerning the district and territorial judges of the United States. Dec. 18, 1812..... 788

Increase of the Navy of the United States. An act to increase the navy of the United States. Jan. 2, 1813..... 789

Remission of Fines and Forfeitures in certain Cases of Goods shipped from Great Britain. An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases. Jan. 2, 1813..... 789

West Point. An act approving the report of the commissioners appointed by the Secretary at War, to ascertain and settle the exterior line of the public land at West Point, in the State of New York. Jan. 5, 1813..... 790

Post-routes to be established by the President of the United States in certain Cases. An act authorizing the President of the United States to establish post-routes in certain cases. (Obsolete.) Jan. 14, 1813..... 790

Navy Pensions. An act providing navy pensions in certain cases. (Obsolete.) Jan. 20, 1813..... 790

Partial Appropriations. An act making certain partial appropriations for the year one thousand eight hundred and thirteen. (Obsolete.) Jan. 20, 1813..... 791

Army of the United States. An act supplementary to the act entitled "An act for the more perfect organization of the army of the United States." (Obsolete.) Jan. 20, 1813. 791

Letters of Marque and Reprisal. An act in addition to the act concerning letters of marque, prizes, and prize goods. (Obsolete.) Jan. 27, 1813..... 792

Admission of American Vessels from British Ports. An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope. (Obsolete.) Jan. 27, 1813..... 794

Army of the United States. An act in addition to the act entitled "An act to raise an additional military force," and for other purposes. (Obsolete.) Jan. 29, 1813..... 794

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Public Lands in the Illinois Territory. An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois territory. Feb. 5, 1813..... 797

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Army of the United States. An act making provision for an additional number of general officers. (Obsolete.) Feb. 24, 1813..... 801

Treasury Notes. An act authorizing the issuing of treasury notes for the service of the year one thousand eight hundred and thirteen. (Obsolete.) Feb. 25, 1813..... 801

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Army of the United States; Rangers. An act to raise ten additional companies of rangers. (Obsolete.) Feb. 25, 1813..... 804

Meeting of Congress. An act to alter the time for the next meeting of Congress. (Obsolete.) Feb. 27, 1813..... 804

Remission of Forfeitures on Goods imported from Great Britain. An act directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned. (Obsolete.) Feb. 27, 1813..... 804

The Mail may be carried in Steamboats. An act in addition to an act regulating the post-office establishment. (Obsolete.) Feb. 27, 1813..... 805

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Additional Officers in the Territories of the United States. An act authorizing the appointment of additional officers in the respective territories of the United States. (Obsolete.) Feb. 27, 1813 806

Post-roads in Louisiana. An act to establish certain post-roads in the State of Louisiana. (Obsolete.) Feb. 27, 1813 806

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Turnpike Road to Georgetown in the District of Columbia. An act to authorize and empower the president and managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said district to the line thereof. Feb. 27, 1813 808

Duties. An act to continue in force, for a limited time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers." (Expired.) Feb. 27, 1813 809

Seamen on Board the public and private armed Vessels of the United States. An act for the regulation of seamen on board the public and private vessels of the United States. March 3, 1813 809

Public Lands. Further time given to Purchasers. An act giving further time to purchasers of public lands to complete their payments. (Expired.) March 3, 1813 811

Lands in Missouri. An act allowing further time for delivering the evidence in support of claims to land in the territory of Missouri, and for regulating the donation grants therein. (Expired.) March 3, 1813 812

District Court in New York. An act to alter the times of holding the District Court in the respective districts of New York and Massachusetts. (Obsolete.) March 3, 1813. 815

Destruction of armed Vessels of War of the Enemy. An act to encourage the destruction of the armed vessels of war of the enemy. (Obsolete.) March 3, 1813 816

Supplies of the Army and Accountability of the Persons employed. An act the better to provide for the supplies of the army of the United States, and for the accountability of persons entrusted with the same. March 3, 1813 816

Certificates of Registry. An act to authorize the Secretary of the Treasury to provide new certificates of registry. (Obsolete.) March 3, 1813 818

Rewards to the Officers and Crew of the Constitution, and Wasp. An act rewarding the officers and crew of the frigate Constitution and the officers and crew of the Wasp. (Obsolete.) March 3, 1813 818

Army of the United States. Organization of the General Staff. An act for the better organization of the general staff of the army of the United States. (Obsolete.) March 3, 1813 819

Assent of Congress to Acts of Georgia. An act to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the fees of the harbour master and health officer of the ports of Savannah and St. Mary's." (Expired.) March 3, 1813 820

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Appropriations for the Navy. An act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and thirteen. (Obsolete.) March 3, 1813 821

Appropriation for the Capitol. An act making an appropriation for alterations and repairs in the capitol. (Obsolete.) March 3, 1813 822

Appropriations for the Military Establishment, and for Volunteers. An act making appropriations for the support of the military establishment, and of the volunteer militia in the actual service of the United States, for the year one thousand eight hundred and thirteen. (Obsolete.) March 3, 1813 822

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THE

LAWS OF THE UNITED STATES.

ACTS OF THE SIXTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the second day of December, 1799, *and ended on the fourteenth day of May,* 1800.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; SAMUEL LIVERMORE, President of the Senate pro tempore, on the 24th of December, 1799; URIAH TRACY, President of the Senate pro tempore, on the 14th of May, 1800; THEODORE SEDGWICK, Speaker of the House of Representatives.

CONGRESSIONAL LIBRARY UNITED STATES

STATUTE I.

CHAPTER I.—*An Act for reviving and continuing suits and proceedings in the Circuit Court for the District of Pennsylvania.*

Dec. 24, 1799.

[Obsolete.]

Proceedings which were discontinued by the failure to hold October session 1799, revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all suits, process and proceedings, of what nature or kind soever, which were pending in the Circuit Court of the United States, for the district of Pennsylvania, at the time appointed by law for holding a session thereof in October, one thousand seven hundred and ninety-nine, and which were discontinued by failure to hold the said court, shall be, and they are hereby revived and continued, and the same proceedings may and shall be had in the same court, in all suits and process aforesaid, and in all things relating to the same, as by law might have been had in the same court, had it been regularly holden, at the time aforesaid.

Teste of writs.

SEC 2. *And be it further enacted,* That all writs and other process, which may have been, and which shall be issued, by the clerk of the said court, bearing teste of April session or October session, one thousand seven hundred and ninety-nine, shall be held and deemed of the same validity and effect, as if the same court had been regularly held on the eleventh day of October, one thousand seven hundred and ninety-nine.

Jurors may be summoned for next April term.

SEC. 3. *And be it further enacted,* That it shall be lawful for the judge of the district court of the district of Pennsylvania, to direct the clerk of the said circuit court to issue such process, for the purpose of causing jurors to be summoned to attend at the session of the said circuit court, on the eleventh day of April next, as hath heretofore been issued for the like purposes, returnable to any preceding session thereof; and the persons so summoned shall, in case of non-attendance, be liable to the same penalties as if such process had been issued in the ordinary course of proceeding.

Penalties for non-attendance.

APPROVED, December 24, 1799.

Statute I.

Jan. 2, 1800.

[Obsolete.]

Chap. II.—*An Act extending the privilege of franking to William Henry Harrison, the delegate from the territory of the United States, northwest of the Ohio; and making provision for his compensation.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That William Henry Harrison, the delegate to Congress from the territory of the United States northwest of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to establish the post-office and post roads within the United States."

1799, ch. 43, sec. 17.

1796, ch. 4.

Sec. 2. *And be it further enacted,* That the said William Henry Harrison shall receive for his travelling expenses and attendance in Congress, the same compensation as is or may be allowed by law, to the members of the House of Representatives of the United States, to be certified and paid in like manner.

Approved, January 2, 1800.

Statute I.

Jan. 2, 1800.

[Obsolete.]

Act of July 9, 1798.

Commissioners may vary the valuations in subdivisions of assessment districts.

Chap. III.—*An Act supplementary to the act, intituled "An act to provide for the valuation of Lands and Dwelling-houses, and the enumeration of Slaves, within the United States."* (a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners appointed under the act to which this is a supplement, shall have power, on consideration and examination of the lists, returns, valuations and abstracts rendered by the assessors, to revise, adjust and vary the valuations of lands and dwelling-houses in each and every subdivision of the several assessment districts, by adding thereto, or deducting therefrom, such a rate per centum as shall appear to be just and reasonable: *Provided,* that the relative valuations of the different lots or tracts of land, or dwelling-houses in the same subdivision, shall not be changed or affected.

They may direct the variations to be made out by their clerk, &c.

Sec. 2. *And be it further enacted,* That the said commissioners may direct the additions or deductions as aforesaid, to be made out and completed by the several principal assessors, or if they shall deem it more advisable, by their clerk and such assistants as they shall find necessary, and appoint for that purpose: *Provided,* that the compensation to be made to the said assistants shall not exceed the pay allowed to the assistant assessors, by the act to which this is a supplement.

Approved, January 2, 1800.

Statute I.

Jan. 6, 1800.

Prisoners entitled to the limits of gaols as persons confined under process from state courts.

Chap. IV.—*An Act for the relief of persons imprisoned for Debt.* (b)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That persons imprisoned on process issuing from any court of the United States, as well at the suit of the United States as at the suit of any person or persons in civil actions, shall be entitled to like privileges of the yards or limits of the respective gaols, as persons confined in like cases on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.

(a) Act of July 9, 1798, chap. 70.

(b) Act of May 28, 1796, chap. 38; act of June 6, 1798, chap. 49; act of January 7, 1824, chap. 3.

Sec. 2. *And be it further enacted,* That any person imprisoned on process of execution issuing from any court of the United States in civil actions, except at the suit of the United States, may have the oath or affirmation hereinafter expressed, administered to him by the judge of the district court of the United States, within whose jurisdiction the debtor may be confined; and in case there shall be no district judge residing within twenty miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any two persons who may be commissioned for that purpose by the district judge: The creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the district judge, to appear at the time and place therein mentioned, if he see fit to show cause why the said oath or affirmation should not be so administered: At which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shown, or doth from examination appear to the contrary, he or they may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz. "You solemnly (swear or affirm) that you have no estate, real or personal, in possession, reversion or remainder, to the amount or value of thirty dollars, other than necessary wearing apparel; and that you have not, directly or indirectly, given, sold, leased, or otherwise conveyed to, or intrusted any person or persons with all or any part of the estate, real or personal, whereof you have been the lawful owner or possessor, with any intent to secure the same, or to receive or expect any profit or advantage therefrom, or to defraud your creditors, or have caused or suffered to be done any thing else whatsoever, whereby any of your creditors may be defrauded." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison-keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor. And the judge or commissioners, in addition to the certificate by them made and delivered to the prison-keeper, shall make return of their doings to the district court, with the commission, in cases where a commission hath been issued, to be kept upon the files and record of the same court. And the said judge, or commissioners, may send for books and papers, and have the same authority as a court of record, to compel the appearance of witnesses, and administer to them, as well as to the debtor, the oaths or affirmations necessary for the inquiry into, and discovery of the true state of the debtor's property, transactions and affairs.

Prisoners in execution may have an oath of insolvency administered to them by the District Judge,

or by commissioners.

If no cause is shown to the contrary,

on making oath or affirmation,

they shall be discharged.

Proceedings to be filed in district court.

Powers of the judge and commissioners, to send for books and papers.

Sec. 3. *And be it further enacted,* That when the examination and proceedings aforesaid, in the opinion of the said judge or commissioners, cannot be had with safety or convenience in the prison wherein the debtor is confined, it shall be lawful for him or them, by warrant under his or their hand and seals, to order the marshal or prison-keeper, to remove the debtor to such other place convenient and near to the prison as he or they may see fit; and to remand the debtor to the same prison, if upon examination or cause shown by the creditor, it shall appear that the debtor ought not to be admitted to take the above recited oath or affirmation, or that he is holden for any other cause.

Debtor may be removed to facilitate proceedings, and may be remanded.

Sec. 4. *And be it further enacted,* That if any person shall falsely take any oath or affirmation, authorized by this act, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And in case any false

Penalty on taking a false oath or affirmation.
1790, ch. 9, sec. 18.

1798, ch. 49, sec. 2.

oath or affirmation be so taken by the debtor, the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

Thirty days after judgment, debtor imprisoned may take the benefit of this act, although no execution is sued out.

Sec. 5. *And be it further enacted,* That any person imprisoned upon process issuing from any court of the United States, except at the suit of the United States, in any civil action, against whom judgment has been or shall be recovered, shall be entitled to the privileges and relief provided by this act, after the expiration of thirty days from the time such judgment has been or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith.

Approved, January 6, 1800.

Statute I.

Jan. 17, 1800.

Chap. V.—*An Act for the preservation of peace with the Indian tribes.*(a)

[Expired.]

Penalty on correspondence with the Indians, to produce infraction of treaties, or disturb the peace of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any citizen or other person residing within the United States, or the territory thereof, shall send any talk, speech, message or letter to any Indian nation, tribe, or chief, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit a sum not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Penalty on the bearers of such correspondence.

Sec. 2. *And be it further enacted,* That if any citizen or other person shall carry or deliver any such talk, speech, message or letter, to or from any Indian nation, tribe, or chief, from or to any person or persons whatsoever, residing within the United States; or from or to any subject, citizen or agent of any foreign power or state, knowing the contents thereof, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Penalty on certain correspondence with a foreign power, in relation to the Indians—and on attempting to alienate their confidence.

Sec. 3. *And be it enacted,* That if any citizen or other person, residing or being among the Indians, or elsewhere, within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, or chief, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate the confidence of the Indians from the government of the United States, or from any such person or persons as are, or may be employed and entrusted by the President of the United States, as a commissioner or commissioners, agent or agents, or in any capacity whatever, for facilitating or preserving a friendly intercourse with the Indians, or for managing the concerns of the United States with them, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Certain provisions of a former act applied to this.

Vol. i. 743.

Sec. 4. *And be it further enacted,* That the provisions of the act, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed the third day of March, one thousand seven hundred and ninety-nine, be, and the same are hereby extended to carry into effect this act, and for the trial and punishment of offences against it, in the same manner as if they were herein specially recited.

Limitation.

Sec. 5. *And be it further enacted,* That this act shall continue and

(a) Act of March 3, 1799, chap. 46, sec. 105; act of March 30, 1802, chap. 13; act of April 29, 1816; act of March 3, 1817, chap. 43; act of May 6, 1822, chap. 58.

be in force until the third day of March, in the year one thousand eight hundred and two, and no longer.

Approved, January 17, 1800.

Statute I.

Chap. VI.—*An Act to repeal part of an act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned, and to continue in force the residue of the same."*(a) Feb. 11, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of an act intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven, shall be, and the same is hereby repealed, and the residue of the said act shall be, and the same is hereby continued in full force without limitation of time. Vol. i. 506.

Approved, February 11, 1800.

Statute I.

Chap. VIII.—*An Act giving further time to the holders of Military Warrants, to register, and locate the same.* Feb. 11, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall, for the space of fourteen days after the expiration of the nine months heretofore allowed for that purpose, by 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," register warrants for military services in the form and manner as is prescribed by the said recited act; and the priority of location of said warrants, and the warrants registered under the said recited act shall be determined by lot, immediately after the expiration of the said fourteen days, and a day for the location shall be fixed by the Secretary of the Treasury, in a public notice given in one of the gazettes of the city of Philadelphia. [Obsolete.] 1796, ch. 46.

Approved, February 11, 1800.

Statute I.

Chap. IX.—*An Act to suspend in part, an act, intituled "An act to augment the Army of the United States; and for other purposes."* Feb. 20, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all further enlistments under the second section of an act, intituled "An act to augment the army of the United States, and for other purposes," shall be suspended until the further order of Congress, unless in the recess of Congress, and during the continuance of the existing differences between the United States and the French Republic, war shall break out between the United States and the French Republic, or imminent danger of invasion of their territory by the said Republic, shall, in the opinion of the President of the United States, be discovered to exist. [Obsolete.] Vol. i. 604.

Approved, February 20, 1800.

Statute I.

Chap. X.—*An Act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.*(b) Feb. 27, 1800.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all com- [Expired.]

(a) Act of March 3, 1797, chap. 13.

(b) Act of February 9, 1799, chap. 2.

Intercourse suspended.

mercial intercourse between any person or persons resident within the United States or under their protection, and any person or persons resident within the territories of the French Republic, or any of the dependencies thereof, shall be, and from and after the second day of March next, is hereby prohibited and farther suspended, excepting only in the cases hereinafter provided. And any ship or vessel, owned, hired, or employed wholly or in part by any person or persons resident within the United States, or any citizen or citizens thereof resident elsewhere, and sailing therefrom after that day, which contrary to the intent hereof, shall be voluntarily carried, or shall be destined or permitted to proceed, or shall be sold, bartered, entrusted or transferred, for the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; or shall be engaged in any traffic or commerce, by or for any person resident within the territories of that Republic, or within any of the dependencies thereof; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States, having competent jurisdiction.

On clearing other than certain foreign vessels for a foreign voyage, security to be given.

Sec. 2. *And be it further enacted*, That excepting for foreign ships or vessels owned, hired, and employed by persons permanently residing in Europe, and commanded and wholly navigated by foreigners, no clearance for a foreign voyage shall be granted to any ship or vessel whatever, until the owner or the employer for the voyage, or if not resident within the district where the clearance shall be required, his factor or agent, with the master and one or more sufficient surety or sureties, to the satisfaction of the collector of the district, shall give bond to the United States, such owner, employer, or factor, with the master, in a sum equal to the value of the vessel, and of one third of her cargo; and such surety or sureties in a like sum, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel for which a clearance shall be required, is actually destined, and shall proceed to some port or place without the limits or jurisdiction of the French Republic, or any of the dependencies thereof, and during the intended voyage shall not be voluntarily carried, or permitted to proceed or sold, entrusted or transferred, with the purpose that she may proceed whether directly, or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; and shall not, at any such port or place, voluntarily deliver or unlade any part of such cargo; and if compelled by distress of weather, or taken by force into any such port or place, will not there receive on board of such ship or vessel, any goods, produce, or merchandise, other than necessary sea stores; and generally, that such ship or vessel shall not be employed in any traffic or commerce, with or for any person resident within the territory of the French Republic, or any of the dependencies thereof.

Master of a vessel going to a French port and unlading, by compulsion, may receive payment in money or bullion, &c.

Sec. 3. *Provided, and be it further enacted*, That when any ship or vessel which shall obtain a clearance for a foreign voyage, after a bond shall be given as aforesaid, shall be compelled by distress of weather, or other casualty endangering the safety of such ship or vessel, or of the mariners on board the same, or shall be taken by any armed vessel, or other superior force, into any port or place within the territories of the French Republic, or any of the dependencies thereof, and shall there necessarily unlade and deliver, or shall be deprived of any cargo then on board, then, and in such case, the master or other person having charge of such ship or vessel, may receive compensation or payment in bills of exchange, or in money or bullion, for such cargo, but not otherwise,

and shall not be understood thereby to contravene this law, or to incur a forfeiture of the said bond.

Forfeiture of vessel and cargo coming from a French port, or from an intermediate port, &c.

Sec. 4. *And be it further enacted*, That no ship or vessel coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, whether with or without a cargo, or from any other port or place, with a cargo on board obtained for, or laden on board of such vessel at any port or place within the said territories or dependencies, which shall arrive within the limits of the United States after the said second day of March next, shall be admitted to an entry with the collector of any district; and each and every such ship or vessel which shall arrive as aforesaid, having on board any goods, wares or merchandise, destined to be delivered within the United States, contrary to the intent of this act, or which shall have otherwise contravened the same, together with the cargo which shall be found on board, shall be forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction: *Provided*, that nothing herein contained shall be construed to prohibit the entry of any vessel having a passport granted under the authority of the French Republic, and solely employed for purposes of political or national intercourse with the government of the United States, and not in any commercial intercourse, and which shall be received, and permitted by the President of the United States to remain within the same: *And provided also*, that until the first day of August next, and no longer, any ship or vessel, wholly owned or employed by a foreigner, other than any person resident in France, or in any of the dependencies of the French Republic, and which coming therefrom shall be destined to the United States, and shall arrive within the same, not having otherwise contravened this act, shall be required and permitted to depart therefrom, and in case she shall accordingly depart, without any unreasonable delay, and without delivery, or attempting to deliver, any cargo or lading within the United States, such ship or vessel, or any cargo which may be on board the same, shall not be liable to the forfeiture aforesaid.

Exceptions.

Treatment of vessels coming from a French port or with a cargo therein obtained, and putting in through stress of weather, &c.

Vol. i. 627.

Sec. 5. *And be it further enacted*, That if any ship or vessel, coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, or with any cargo there obtained on board, but not destined to any port or place within the United States, shall be compelled by distress of weather, or other necessity, to put into any port or place within the limits of the United States, such ship or vessel shall be there hospitably received in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage;" and shall be permitted to make such repairs, and to obtain such supplies as shall be necessary to enable her to proceed according to her destination; and such repairs and supplies being obtained, shall be thereafter required and permitted to depart. But if such ship or vessel shall not conform to the regulations prescribed by the act last mentioned, or shall unlade any part of her cargo, or shall take on board any cargo or supplies whatever, without the permit of the collector of the district previously obtained therefor, or shall refuse, or unreasonably delay to depart from and out of the United States, after having received a written notice to depart, which such collector may, and shall give, as soon as such ship or vessel shall be fit for sea; or having departed shall return to the United States, not being compelled thereto by further distress or necessity, in each and every such case, such ship or vessel and her cargo shall be forfeited and may be seized, and condemned in any court of the United States having competent jurisdiction.

The President may remit the prohibition of intercourse and renew it again.

Sec. 6. *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, by his order to remit and discontinue for the time being, whenever he shall deem it expedient, and for the interest of the United States, all or any

of the restraints and prohibitions imposed by this act, in respect to the territories of the French Republic, or to any island, port or place belonging to the said Republic, with which in his opinion a commercial intercourse may be safely renewed; and also it shall be lawful for the President of the United States, whenever he shall afterwards deem it expedient, to revoke such order, and hereby to re-establish such restraints and prohibitions. And the President of the United States shall be, and he is hereby authorized, to make proclamation thereof accordingly.

How Hispaniola shall be considered under this act.

Sec. 7. *And be it further enacted*, That the whole of the island of Hispaniola shall for the purposes of this act be considered as a dependency of the French Republic: *Provided*, that nothing herein contained shall be deemed to repeal or annul in any part, the order or proclamation of the President of the United States, heretofore issued for permitting commercial intercourse with certain ports of that island.

President may instruct the public armed ships to stop vessels contravening this act.

Sec. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the public armed vessels of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to this act, and if upon examination, it shall appear that such ship or vessel is bound or sailing to, or from any port or place, contrary to the true intent and meaning of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest convenient port of the United States, to be there prosecuted in due course of law, and held liable to the penalties and forfeitures provided by this act.

Penalties may be mitigated, &c.

Vol. i. 506.

Distribution of penalties.

Vol. i. 715.

Vol. i. 697.

Sec. 9. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall, and may be examined, mitigated and remitted in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating, or remitting, the forfeitures, penalties and disabilities accruing in certain cases therein mentioned;" and all penalties and forfeitures, which may be recovered in pursuance of this act in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States;" and all other penalties arising under this act, and which may be recovered, shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

President may grant permission to enter and clear in certain cases.

Sec. 10. *And be it further enacted*, That nothing contained in this act shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter and clear; provided such ship or vessel shall be solely employed, pursuant to such permission, for purposes of national intercourse; and shall not be permitted to proceed with, or to bring to the United States any cargo or lading whatever other than necessary sea-stores.

Former act continued in part.

Vol. i. 613.

Sec. 11. *And be it further enacted*, That the act, intituled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall be, and is hereby continued and shall be taken to be in force in respect to all offences, which shall have been committed against the same, before the expiration thereof; and to the intent that all seizures, forfeitures and penalties arising upon such offences, may be had, sued for, prosecuted and recovered, any limitation of the said act to the contrary hereof notwithstanding.

Limitation of this act.

Sec. 12. *And be it further enacted*, That this act shall be and remain in force until the third day of March, one thousand eight hundred and one: *Provided, however*, the expiration thereof shall not prevent or

defeat any seizure, or prosecution for a forfeiture incurred under this act, and during the continuance thereof.

Approved, February 27, 1800.

Statute I.

Chap. XII.—*An Act providing for the second Census or enumeration of the Inhabitants of the United States.*(a)

Feb. 28, 1800.

[Obsolete.]

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States and the secretaries of the territory of the United States northwest of the river Ohio, and of the Mississippi territory, respectively, shall be, and they are hereby authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken; omitting in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others; distinguishing also the sexes and colours of free persons and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: and distinguishing free females under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: for effecting which purpose, the marshals and secretaries aforesaid shall have power to appoint as many assistants within their respective districts and territories, as aforesaid, as to them shall appear necessary; assigning to each assistant a certain division of his district or territory, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water-courses, mountains or public roads. The marshals or secretaries, as the case may be, and their assistants, shall, respectively, take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts or territories, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal or secretary shall be,—"I, A. B., marshal of the district of (or secretary of the territory of as the case may be), do solemnly swear or affirm, that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district or territory, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, intituled 'an act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be,—"I, A. B., do solemnly swear, (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of (or the secretary of the territory of as the case may be), and make due return thereof to the said marshal, or secretary, agreeably to the directions of an act of Congress, intituled 'an act providing for the enumeration of the inhabitants of the United States,' according to the best of my abilities." The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshal or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, parish, town-

Marshals of the districts and secretaries of the territories to cause an enumeration to be taken.

Indians not taxed not to be enumerated.

They may appoint assistants.

Oath to be taken by the marshals, secretaries and their assistants.

1800, ch. 23.

Commencement and close of the enumeration.

Assistants to make returns.

(a) See note to act of March 1, 1790, chap. 22, Vol. i. 101.

Form of returns.

ship, town or city, the several families, by the names of their master, mistress, steward, overseer or other principal person therein, in the manner following; that is to say: the number of persons within my division, consisting of appears in a schedule hereto annexed, subscribed by me this day of . A. B., assistant to the marshal of or to the secretary of

Schedule of the whole number of persons within the division allotted to A. B.

Name of county, parish, township, town, or city where the family resides.	Name of head of family.	Free white males under ten years of age.	Free white males of ten and under sixteen.	Free white males of sixteen and under twenty-six, including heads of families.	Free white males of twenty-six and under forty-five, including heads of families.	Free white males of forty-five and upwards, including heads of families.	Free white females under ten years of age.	Free white females of ten years and under sixteen.	Free white females of sixteen and under twenty-six, including heads of families.	Free white females of twenty-six and under forty-five, including heads of families.	Free white females of forty-five and upwards, including heads of families.	All other free persons, except Indians, not taxed.	Slaves.

Penalty on assistants making no return, or a false one.

Sec. 2. *And be it further enacted*, That every assistant, failing to make a proper return, or making a false return of the enumeration to the marshal or the secretary (as the case may be) within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals and secretaries to file their assistants' returns with the clerks of certain courts, and make aggregate returns to the Secretary of State.

Sec. 3. *And be it further enacted*, That the marshal and secretaries shall file the several returns aforesaid, with the clerks of their respective district or superior courts (as the case may be) who are hereby directed to receive and carefully preserve the same: and the marshals, or secretaries, respectively, shall, on or before the first day of September, one thousand eight hundred and one, transmit to the Secretary of State, the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistants or any of them, with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts in the several districts, and of the supreme courts, in the territories of the United States, as aforesaid, at their next sessions, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the Secretary of State, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

Certain judges to give this act in charge to the grand juries.

Compensation to assistants.

Sec. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar, for every hundred persons by him returned, where such persons reside in the country, and where such persons reside in a city or town, containing more than three thousand persons, such

assistant shall receive at the rate of one dollar for every three hundred persons, but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions, as shall be deemed an adequate compensation: *Provided*, the same does not exceed one dollar for every fifty persons by them returned. The several marshals and secretaries shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars; the marshal of the district of Tennessee, two hundred dollars; the secretary of the territory of the United States northwest of the Ohio, two hundred dollars; the secretary of the Mississippi territory, one hundred dollars.

Compensation to the marshals.

Sec. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family, and the name of every person, who shall be an inhabitant of any district or territory, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families in that division where he or she shall be, on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he or she usually resides in the United States.

How transient persons and absentees are to be returned.

Sec. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district or territory made or established within the United States, shall be, and hereby is obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use and the other half to the use of the United States.

Free persons above sixteen years old to give information to the assistants.

Sec. 7. *And be it further enacted*, That each assistant shall, previous to making his returns to the marshal or secretary (as the case may be) cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned, for each of which copies the said assistant shall be entitled to receive two dollars; provided, proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary (as the case may be) with the return of the number of the persons, and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

Assistants to post up their schedules of the number of inhabitants, &c.

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 28, 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.

Vol. i. 490.

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.

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.

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, Gnadenhutten or Shoenbrun, or the Indian boundary line, shall in every case be accepted and taken in full satisfaction for four thousand acres.

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

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.

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.

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.

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.

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.

Reservations for satisfying warrants granted to individuals for their services.

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.

Reservations to be divided into lots of one hundred acres.

Manner in which they shall be surveyed.

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

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. Post 155.

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Upon surrender of warrant shall receive patent.

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.

Where locations are made on the same tract, priority to be determined by lot.

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.

Public notice to be given of the reservations by the Secretary of the Treasury.

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.

The plat returned by the Surveyor General to be conclusive as to quantity.

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.

vessel other than a vessel of war or privateer, or when any goods which shall hereafter be taken as prize by any vessel, acting under authority from the government of the United States, shall appear to have before belonged to any person or persons, resident within or under the protection of the United States, and to have been taken by an enemy of the United States, or under authority, or pretence of authority, from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, such vessel or goods not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, if retaken by a public vessel of the United States, one eighth part, and if retaken by a private vessel of the United States, one sixth part, of the true value of the vessel or goods so to be restored, allowing and excepting all imposts and public duties to which the same may be liable. And if the vessel so retaken shall appear to have been set forth and armed as a vessel of war, before such capture or afterwards, and before the retaking thereof as aforesaid, the former owner or owners, on the restoration thereof, shall be adjudged to pay for and in lieu of salvage, one moiety of the true value of such vessel of war, or privateer.

Salvage on recaptured property claimed by residents of the U. States, and claimed before condemnation.

One moiety to be paid in lieu of salvage.

Sec. 2. *And be it further enacted*, That when any vessel or goods, which shall hereafter be taken as prize, by any vessel acting under authority from the government of the United States, shall appear to have before belonged to the United States and to have been taken by an enemy of the United States, or under authority, or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, such public vessel not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the United States. And for and in lieu of salvage, there shall be paid from the treasury of the United States, pursuant to the final decree which shall be made in such case by any court of the United States, having competent jurisdiction thereof, to the parties who shall be thereby entitled to receive the same, for the recapture as aforesaid, of an unarmed vessel, or any goods therein, one sixth part of the true value thereof, when made by a private vessel of the United States, and one twelfth part of such value when the recapture shall be made by a public armed vessel of the United States; and for the recapture as aforesaid of a public armed vessel, or any goods therein, one moiety of the true value thereof, when made by a private vessel of the United States, and one fourth part of such value, when such recapture shall be made by a public armed vessel of the United States.

Compensation for recaptured property claimed by the United States.

Sec. 3. *And be it further enacted*, That when any vessel or goods which shall be taken as prize, as aforesaid, shall appear to have before belonged to any person or persons permanently resident within the territory, and under the protection of any foreign prince, government or state, in amity with the United States, and to have been taken by an enemy of the United States, or by authority or pretence of authority from any prince, government or state, against which the United States have authorized, or shall authorize, defence or reprisals, then such vessel or goods shall be adjudged to be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, such proportion of the true value of the vessel or goods so to be restored, as by the law or usage of such prince, government or state, within whose territory such former owner or owners shall be so resident, shall be required on the restoration of any vessel or goods of a citizen of the United States, under like circumstances of recapture, made by the authority of such foreign prince, government or state; and where no such law or usage shall be known, the same salvage shall be allowed as is provided

Salvage on recaptured property claimed by alien friends.

by the first section of this act: *Provided*, that no such vessel or goods shall be adjudged to be restored to such former owner or owners, in any case where the same shall have been, before the recapture thereof, condemned as prize by competent authority, nor in any case where by the law or usage of the prince, government, or state, within whose territory such former owner or owners shall be resident as aforesaid, the vessel or goods of a citizen of the United States, under like circumstances of recapture, would not be restored to such citizen of the United States: *Provided also*, that nothing herein shall be construed to contravene or alter the terms of restoration in cases of recapture, which are or shall be agreed on in any treaty between the United States, and any foreign prince, government or state.

Distribution of salvage.

Act of March 2, 1799, ch. 24, sec. 97. Act of April 23, 1800, ch. 33.

Sec. 4. *And be it further enacted*, That all sums of money which may be paid for salvage, as aforesaid, when accruing to any public armed vessel, shall be divided to and among the commanders, officers and crew thereof, in such proportions as are or may be provided by law, respecting the distribution of prize money: and when accruing to any private armed vessel, shall be distributed to and among the owners and company concerned in such recapture, according to their agreements, if any such there be; and in case there be no such agreement, then to and among such persons, and in such proportions, as the court having jurisdiction thereof shall appoint.

Repeal of former laws.

Sec. 5. *And be it further enacted*, That such parts of any acts of Congress of the United States, as respect the salvage to be allowed in cases of recapture, shall be, and are hereby repealed, except as to cases of recapture made before the passing of this act.

Approved, March 3, 1800.

Statute I.

March 17, 1800.

[Expired.]

Act of April 20, 1808, ch. 47. Act of April 16, 1814, ch. 60. Act of April 20, 1822, ch. 29.

Chap. XV.—*An Act declaring the assent of Congress to certain acts of the States of Maryland and Georgia.*

Section 1. *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 hereby is granted to the operation of an act of the General Assembly of the state of Maryland, passed on the twenty-sixth day of December, one thousand seven hundred and ninety-one, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned," and also to so much of an act of the state of Georgia, passed February the tenth, one thousand seven hundred and eighty-seven, entitled "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandise and negroes imported into this state; and also an impost on the tonnage of shipping, and for other purposes therein mentioned," as authorizes a duty of three pence per ton on all shipping entering the port of Savannah, to be set apart as a fund for clearing the river Savannah.

Sec. 2. *And be it further enacted*, That this act shall be, and continue in force until the third day of March, one thousand eight hundred and eight, and no longer.

Approved, March 17, 1800.

Statute I.

March 19, 1800.

[Obsolete.]

Act of March 3, 1797, ch. 27. Act of Feb. 13, 1801, ch. 4. Act of March 3, 1801, ch. 32.

Chap. XVI.—*An Act to alter the times of holding the District Court in North Carolina.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sessions of the district court for the district of North Carolina, shall hereafter be holden on the first Monday in February, May, August and November annually.

Sec. 2. *And be it further enacted*, That all process which shall

have been issued, and all recognizances returnable, and all suits and other proceeding, which have been continued to the said district court on the first Monday in April next, shall be returned and held continued to the said court on the first Monday of May next.

Approved, March 19, 1800.

Statute I.

Chap. XVIII.—*An Act to extend the privilege of franking letters and packages to Martha Washington.* April 3, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packages to and from Martha Washington, relict of the late General George Washington, shall be received and conveyed by post free of postage, for and during her life.

Approved, April 3, 1800.

Statute I.

Chap. XIX.—*An Act to establish an uniform System of Bankruptcy throughout the United States.*(a) April 4, 1800.

Repealed by Act of Dec. 19, 1803, ch. 6.

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

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(a) *Decisions on the Bankrupt Law of the United States.*—The holder of a promissory note, drawn before, but transferred after a commission of bankruptcy had issued against the drawer, is entitled to prove his debt under the commission, and to receive a dividend. Humphreys *v.* Blight's Assignees, 4 Dall. 370.

In the case of negotiable paper, the assignee takes it, discharged of all the equity as between the original parties, of which he had no notice. But wherever the assignee has notice of such equity, either positively or constructively, he takes the assignment at his peril. A commission of bankruptcy is legal notice that wherever mutual debts subsisted between the bankrupt and his creditors, the right of set-off attaches. When the negotiable paper was assigned after the commission of bankruptcy, the party takes it, subject to any set-off as between the drawer and payee. *Ibid.*

Under the bankrupt law of the United States, a joint debt may be set-off against the separate claim of the assignee of one of the partners; but such set-off could not have been made at law, independent of the bankrupt law. Tucker *v.* Oxley, 5 Cranch, 34; 2 Cond. Rep. 182.

A joint debt may be proved under a separate commission, and a full dividend received; it is equity alone which can restrain the joint creditor from receiving his full dividend until the joint effects are exhausted. *Ibid.*

Wherever the terms in which a power is granted by the constitution to Congress, or wherever the nature of the power itself, requires that it shall be exclusively exercised by Congress, the subject is completely taken away from state legislatures, as if they had been forbidden to act upon it. The power granted to Congress of establishing uniform laws on the subject of bankruptcy, is not of this description. Sturges *v.* Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.

In the distribution of a bankrupt's effects in this country, the United States are entitled to a preference, although the debt was contracted by a foreigner in a foreign country; and although the United States had proved their debt under the commission of bankruptcy, and had voted for an assignee. Harrison *v.* Sterry et al., 5 Cranch, 289; 2 Cond. Rep. 260.

A conveyance on the eve of bankruptcy, to give a preference to a particular class of creditors, is a fraud on the bankrupt law and void. *Ibid.*

Such assignment may be valid to secure money actually advanced on the credit of it, and subsequent to its date. *Ibid.*

Under a separate commission of bankruptcy, against one partner only, his private property, and his interest in the funds of the company passes. *Ibid.*

The right to compensation from Spain, held under an abandonment made to underwriters, and accepted by them, for damages and injuries, which were to be satisfied under the treaty, by the United States; passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. Comegys et al. *v.* Vasse, 1 Peters, 193.

The circuit courts of the United States have jurisdiction of matters arising under the bankrupt law of the United States, as they have of any other subject, where the constitution and laws of the United States give jurisdiction; but the district courts have not the same jurisdiction in cases of bankruptcy, as the chancellor of England has. Lucas et al. *v.* Morris et al., 1 Paine's C. C. R. 396.

The district courts of the United States have not, like the chancellor in England, exclusive jurisdiction over the entire execution of the bankrupt law. They cannot remove assignees, nor compel them to account. *Ibid.*

Upon the death of an assignee under the bankrupt law of the United States, the right of action for a debt due to the bankrupt, vested in the executor of the assignee. Richards et al. Assignees, &c. *v.* Maryland Ins. Co., 8 Cranch, 84; 3 Cond. Rep. 45.

Where the original ground of action is founded on contract, but the immediate cause arises ex delicto, and the claim is for damages, unliquidated by any express agreement, or such as the law will not imply an agreement to pay; the certificate of bankruptcy is no bar; because such claim could not have been proved under the commission. Dusar *v.* Murgatroyd, 1 Wash. C. C. R. 13.

Who may be a bankrupt.

and after the first day of June next, if any merchant, or other person, residing within the United States, actually using the trade of merchandise, by buying and selling in gross, or by retail, or dealing in exchange, or as a banker, broker, factor, underwriter, or marine insurer, shall,

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But if the agreement were to pay a particular sum, on failure to perform the contract; or if the case was such that the plaintiff has his election to bring either trespass or case for money had and received, and waives the former by bringing the latter; the damages become a debt, which the law implies a promise to pay, and the certificate is a bar. *Ibid.*

In an action brought against the owner of a vessel for damages for an injury sustained on board a ship by the neglect of the master, a certificate of bankruptcy cannot be pleaded in bar. *Ibid.*

One guilty of perjury in proceedings under the bankrupt law, cannot be prosecuted for the offence, after the repeal of the law. United States *v.* Passmore, 4 Dall. 372.

A deed executed before the 1st of June, 1800, although acknowledged after, is not within the 1st section of the bankrupt act of April 4th, 1800, chap. 19. Wood *v.* Owings, 1 Cranch, 239; 1 Cond. Rep. 302.

A certificated bankrupt or insolvent, discharged from the particular contract, need not be made a party to the bill on the contract. Van Reimsdyke *v.* Kane's Ex'r, 1 Gall. C. C. R. 371.

The power given to Congress to pass uniform laws, relative to bankruptcy, is exclusive of such power in the state governments; and this, whether the former has thought proper to exercise it or not. Golden *v.* Prince, 3 Wash. C. C. R. 313.

A discharge from a debt under the bankrupt laws of the place of contract, is good in every other place where pleaded, as an extinguishment of the debt. But a like discharge where the contract is not made, has no effect. Le Roy *v.* Crowninshield, 2 Mason's C. C. R. 151.

A debtor concealing himself from, and being denied to his creditors, does not constitute an act of bankruptcy under the laws of the United States; unless the service of process is thereby prevented. Barnes et al. *v.* Billington, 1 Wash. C. C. R. 29.

If the debtor order himself to be denied to creditors and others, and is in consequence thereof denied to an officer, who comes to serve a process, it is an act of bankruptcy; provided the officer comes to serve the process, and not on other business: and the denial has taken place within six months of the issuing of the commission. *Ibid.*

Giving a bond, with warrant to confess judgment to one creditor, upon the eve and in contemplation of bankruptcy, does not constitute a bankruptcy; unless the judgment entered on the bond, and the issuing of the execution was at the instance or by the procurement of the debtor. Such a bond would be a fraud on the general creditors. *Ibid.*

Where two of three assignees of a bankrupt enter into an agreement in the absence of the third, the contract is not binding on the absent assignee; unless he had previously given authority to make it, or substantially recognize and acknowledge it. Aliter, among partners. Blight *v.* Ashley et al., 1 Peters' C. C. R. 16.

The agreement of the assignees of a bankrupt, to give a preference to a particular creditor, is not valid, without the assent of the commissioners, and a certain portion of the creditors. *Ibid.*

Denial to an officer, whereby he is prevented serving process, must be really adversary, and not by concert between the creditor and the debtor, to bring about an act of bankruptcy. *Ibid.*

No debt but such as is due and owing at the time of the bankruptcy, can be proved under the commission; and, consequently, an endorser or acceptor of a bill of exchange, drawn by the bankrupt, who has not paid it before the bankruptcy, cannot prove the debt. Marks et al. Assignees *v.* Barker et al., 1 Wash. C. C. R. 178.

The acceptor or endorser of a bill of exchange, who pays the bill after the bankruptcy of the drawer, may offset the same against the bankrupt's assignees; but he must show the debt to be a subsisting one in him, at the time the action was brought, for this is a case of mutual credit, given before the bankruptcy, although the money was not paid until after. *Ibid.*

The district courts of the United States have not power, in bankrupt cases, to remove assignees, or compel them to account. Lucas *v.* Morris, Paine's C. C. R. 396.

The holder of the negotiable paper, payable "without defalcation," under the laws of Pennsylvania, assigned after a commission of bankruptcy has issued, may come in under the commission; allowing all just offsets existing at the time of the bankruptcy, and which would have been admitted if the assignment had not been made. Humphreys *v.* Blight's Assignees, 1 Wash. C. C. R. 44.

The purchaser of a negotiable note, who becomes so after a commission of bankruptcy has issued, may prove under the commission; and he holds the note, subject to all legal offsets. *Ibid.*

The 65th section of the bankrupt law of the United States, passed the 2d of March, 1799, does not repeal the provisions of the laws of the United States, which give to the surety who pays bonds for duties, a preference over other creditors. Mott *v.* The Assignees of Maris, 2 Wash. C. C. R. 196.

The provisions of the bankrupt law except from its general operation, not only the preference of the United States, but also the right of preference for satisfaction of debts due to the United States. *Ibid.*

P. paid a sum of money to the United States, as surety of S., in a bond for duties. S. became insolvent, and assigned his effects to Baker, who received four thousand dollars under the assignment, mixed the same with his own funds, and afterwards became bankrupt, and the defendants were appointed his assignees; but no effects, known to be part of the estate of S., came into their hands. The plaintiff claimed to have a preference and priority over the general creditors of Baker. By the Court—Although the United States might, under the 65th section of the law to regulate the collection of duties, be entitled to claim of the defendants to the amount which came into the hands of B., as the assignees of S., the provisions of the law do not extend to the surety who has paid the bond, the same rights and privileges. Pollock *v.* Pratt & Harvey, 2 Wash. C. C. R. 490.

A. H. devised an estate to C. S., for life; and after the death of C. S., he directed that the estate should be sold, and divided among the grandchildren of the testator, who should be living at the death of C. S. B. married one of the grandchildren, and, before the death of C. S., B. became bankrupt. B. and wife, after the decease of C. S., sold the property claimed under the will of A. H., and the plaintiff claimed

with intent unlawfully to delay or defraud his or her creditors, depart from the state in which such person usually resides, or remain absent therefrom, or conceal him or herself therein, or keep his or her house, so that he or she cannot be taken, or served with process, or willingly or fraudulently procure him or herself to be arrested, or his or her lands, goods, money or chattels to be attached, sequestered, or taken in execution, or shall secretly convey his or her goods out of his or her house, or conceal them to prevent their being taken in execution, or make, or cause to be made, any fraudulent conveyance of his or her lands, or chattels, or make or admit any false or fraudulent security, or evidence of debt, or being arrested for debt, or having surrendered him or herself in discharge of bail, shall remain in prison two months, or more, or escape therefrom, or whose lands or effects being attached by process issuing out of, or returnable to, any court of common law, shall not, within two months after written notice thereof, enter special bail and dissolve the same, or in districts in which attachments are not dissolved by the entry of special bail, being arrested for debt after his or her lands and effects, or any part thereof, have been attached for a debt or debts amounting to one thousand dollars or upwards, shall not, upon notice of such attachment, give sufficient security for the payment of what may be recovered in the suit in which he or she shall be arrested, at or before the return day of the same, to be approved by the judge of the district, or some judge of the court out of which the process issued upon which he is arrested, or to which the same shall be returnable, every such person shall be deemed and adjudged a bankrupt: *Provided*, that no person shall be liable to a commission of bankruptcy, if the petition be not preferred, in manner herein after directed, within six months after the act of bankruptcy committed.

What shall be an act of bankruptcy.

Sec. 2. *And be it further enacted*, That the judge of the district court of the United States, for the district where the debtor resides, or usually resided at the time of committing the act of bankruptcy, upon petition, in writing, against such person or persons being bankrupt, to him to be exhibited by any one creditor, or by a greater number, being partners, whose single debt shall amount to one thousand dollars, or by two creditors, whose debts shall amount to one thousand five hundred dollars, or by more than two creditors, whose debts shall amount to two thousand dollars, shall have power, by commission under his hand and seal, to appoint such good and substantial persons, being citizens of the United States, and resident in such district, as such judge shall deem proper, not exceeding three, to be commissioners of the said bankrupt, and in case of vacancy or refusal to act, to appoint others from time to time, as occasion may require:(*a*) *Provided always*, that before any

Proceedings to obtain a commission of bankruptcy.

under this conveyance. By the Court—The decisions of the English courts, abundantly prove that a possibility, whether belonging to the husband or the wife, would not pass to the assignees of the husband, on his becoming bankrupt, if it were not for the strong language of the statutes of bankruptcy. Krumbaar *v.* Burt, 2 Wash. C. C. R. 406.

The possibility held by B., under the will of A. H., formed no part of his estate to which he was entitled in law or equity, of which the commissioners could take possession under the 5th section of the bankrupt law of the United States; and, therefore, they could not transfer it to the assignees of the bankrupt, under the provisions of the 6th section. *Ibid.*

The provisions of the English bankrupt laws, and those of the bankrupt law of the United States, differ in relation to the contingent interests of the bankrupt; and it is clear, that by the most liberal construction of the law, the interest of the husband in the estate of his wife, under the will of A. H., did not pass to the assignees. *Ibid.*

The provisions of the 13th section of the bankrupt law of the United States, do not affect this question; they do not require an assignment of contingent interests, but relate to their disclosure by the bankrupt. *Ibid.*

So exclusively have bankrupt laws operated on traders, that it may well be doubted, whether an act of Congress, subjecting to such a law every description of persons within the United States, would comport with the spirit of the powers vested in them in relation thereto. Per Livingston, J. in Adams *v.* Storey, Paine's C. C. R. 79.

(*a*) By the 14th section of the act of April 29, 1802, entitled, "An act to amend the judicial system of the United States," the commissions in bankruptcy issued by the district judge were to be directed to general commissioners appointed by the President of the United States in each district.

commission shall issue, the creditor or creditors petitioning shall make affidavit or solemn affirmation before the said judge, of the truth of his, her, or their debts, and give bond, to be taken by the said judge, in the name, and for the benefit of the said party so charged as a bankrupt, and in such penalty, and with such surety as he shall require, to be conditioned for the proving of his, her, or their debts, as well before the commissioners as upon a trial at law, in case the due issuing forth of the said commission shall be contested, and also for proving the party a bankrupt, and to proceed on such commission, in the manner herein prescribed. And if such debt shall not be really due, or after such commission taken out it cannot be proved that the party was a bankrupt, then the said judge shall, upon the petition of the party aggrieved, in case there be occasion, deliver such bond to the said party, who may sue thereon, and recover such damages, under the penalty of the same, as, upon trial at law, he shall make appear he has sustained, by reason of any breach of the condition thereof.

Commissioners to take an oath, and the mode of declaring the party a bankrupt.

Sec. 3. *And be it further enacted*, That before the commissioners shall be capable of acting, they shall respectively take and subscribe the following oath or affirmation, which shall be administered by the judge issuing the commission, or by any of the judges of the supreme court of the United States, or any judge, justice, or chancellor of any state court, and filed in the office of the clerk of the district court: "I, A. B., do swear, or affirm, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me, as a commissioner in a commission of bankruptcy against and that without favour or affection, prejudice or malice." And the commissioners, who shall be sworn as aforesaid, shall proceed, as soon as may be, to execute the same; and upon due examination, and sufficient cause appearing against the party charged, shall and may declare him or her to be a bankrupt: *Provided*, that before such examination be had, reasonable notice thereof, in writing, shall be delivered to the person charged as a bankrupt; or if he, or she, be not found at his or her usual place of abode, to some person of the family above the age of twelve years, or if no such person appear, shall be fixed at the front or other public door of the house, in which he or she usually resides, and thereupon it shall be in the power of such person, so charged as aforesaid, to demand before, or at the time appointed for such examination, that a jury be empanneled to inquire into the fact or facts, alleged, as the causes for issuing the commission, and on such demand being made, the inquiry shall be had before the judge granting the commission, at such time as he may direct, and in that case, such person shall not be declared bankrupt, unless, by the verdict of the jury, he or she shall be found to be within the description of this act, and shall be convicted of some one of the acts described in the first section of this act: *Provided also*, that any commission which shall be taken out as aforesaid, and which shall not be proceeded in as aforesaid, within thirty days thereafter, may be superseded by the said judge, who shall have granted the same, upon the application of the party thereby charged as a bankrupt, or of any creditor of such person, unless the delay shall have been unavoidable, or upon a just occasion.

Commissioners may cause the bankrupt to be arrested.

Sec. 4. *And be it further enacted*, That the commissioners so to be appointed, shall have power forthwith, after they have declared such person a bankrupt, to cause to be apprehended, by warrant under their hands and seals, the body of such bankrupt, wheresoever to be found, within the United States: *Provided*, they shall think, that there is reason to apprehend that the said bankrupt intends to abscond or conceal him or herself, and in case it be necessary, in order to take the body of the said bankrupt, shall have power to cause the doors of the dwelling-

house of such bankrupt to be broken, or the doors of any other house in which he or she shall be found.

They shall take into their possession the bankrupt's property, books and papers.

Sec. 5. *And be it further enacted*, That it shall be the duty of the commissioners so to be appointed, forthwith, after they have declared such person a bankrupt, and they shall have power to take into their possession, all the estate, real and personal, of every nature and description to which the said bankrupt may be entitled, either in law or equity, in any manner whatsoever, and cause the same to be inventoried and appraised to the best value, (his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding of such bankrupt only excepted) and also to take into their possession, and secure, all deeds and books of account, papers and writings belonging to such bankrupt; and shall cause the same to be safely kept, until assignees shall be chosen or appointed, in manner hereafter provided.

Notice of the bankruptcy, appointment of assignees, proof of debts, and assignment of the bankrupt's estate.

Sec. 6. *And be it further enacted*, That the said commissioners shall forthwith, after they have declared such person a bankrupt, cause due and sufficient public notice thereof to be given, and in such notice shall appoint some convenient time and place for the creditors to meet, in order to choose an assignee or assignees of the said bankrupt's estate and effects;—at which meeting the said commissioners shall admit the creditors of such bankrupt to prove their debts;—and where any creditor shall reside at a distance from the place of such meeting, shall allow the debt of such creditor to be proved by oath or affirmation, made before some competent authority, and duly certified, and shall permit any person duly authorized by letter of attorney from such creditor, due proof of the execution of such letter of attorney being first made, to vote in the choice of an assignee or assignees of such bankrupt's estate and effects, in the place and stead of such creditor: and the said commissioners shall assign, transfer or deliver over, all and singular the said bankrupt's estate and effects, aforesaid, with all muniments and evidences thereof, to such person or persons as the major part, in value, of such creditors, according to the several debts then proved, shall choose as aforesaid: *Provided always*, that in such choice, no vote shall be given by, or in behalf of any creditor whose debt shall not amount to two hundred dollars.

Sec. 7. *Provided always, and be it further enacted*, That it shall be lawful for the said commissioners, as often as they shall see cause, for the better preserving and securing the bankrupt's estate, before assignees shall be chosen as aforesaid, immediately to appoint one or more assignee or assignees of the estate and effects aforesaid, or any part thereof; which assignee or assignees aforesaid, or any of them, may be removed at the meeting of the creditors, so to be appointed as aforesaid, for the choice of assignees, if such creditors, entitled to vote as aforesaid, or the major part, in value, of them, shall think fit; and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come to his or their hands or possession, unto such other assignee or assignees as shall be chosen by the creditors as aforesaid; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them, by the said commissioners; and if such first assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees of their appointment, (*a*) as aforesaid, to deliver over as aforesaid, all the estate and effects as aforesaid, every such assignee or assignees shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

Sec. 8. *And be it further enacted*, That at any time, previous to the

(*a*) *Apportionment* in the original.

Creditors may remove the assignees and choose others.

closing of the accounts of the said assignee or assignees so chosen as aforesaid, it shall be lawful for such creditors of the bankrupt, as are hereby authorized to vote in the choice of assignees, or the major part of them, in value, at a regular meeting of the said creditors, to be called for that purpose, by the said commissioners, or by one fourth, in value, of such creditors, to remove all or any of the assignees chosen as aforesaid, and to choose one or more in his or their place and stead: and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come into his or their hands or possession, unto such new assignee or assignees as shall be chosen by the creditors, at such meeting; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them, by the said commissioners: and if such former assignee or assignees shall refuse or neglect, for the space of ten days next after notice, in writing, from such new assignee or assignees, of their appointment, as aforesaid, to deliver over, as aforesaid, all the estate and effects aforesaid, every such former assignee or assignees, shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

Suits not abated by the removal of assignees.

Sec. 9. *And be it further enacted*, That whenever a new assignee or assignees shall be chosen as aforesaid, no suit at law or in equity shall be thereby abated; but it shall and may be lawful for the court in which any suit may depend, upon the suggestion of a removal of a former assignee or assignees, and of the appointment of a new assignee or assignees, to allow the name of such new assignee or assignees, to be substituted in place of the name or names of the former assignee or assignees, and thereupon the suit shall be prosecuted in the name or names of the new assignee or assignees, in the same manner as if he or they had originally commenced the suit in his or their own names.

General effect of the assignment by the commissioners.

Sec. 10. *And be it further enacted*, That the assignment or assignments of the commissioners of the bankrupt's estate and effects as aforesaid, made as aforesaid, shall be good at law or in equity, against the bankrupt; and all persons claiming by, from, or under such bankrupt, by any act done at the time, or after he shall have committed the act of bankruptcy, upon which the commission issued: *Provided always*, that in case of a *bona fide* purchase made before the issuing of the commission from or under such bankrupt, for a valuable consideration, by any person having no knowledge, information, or notice of any act of bankruptcy committed, such purchase shall not be invalidated or impeached.

It shall bar an estate tail.

Sec. 11. *And be it further enacted*, That the said commissioners shall have power, by deed or deeds, under their hands and seals, to assign and convey to the assignee or assignees, to be appointed or chosen as aforesaid, any lands, tenements, or hereditaments, which such bankrupt shall be seised of, or entitled to, in fee tail, at law, or in equity, in possession, remainder, or reversion, for the benefit of the creditors; and all such deeds, being duly executed and recorded according to the laws of the state within which such lands, tenements, or hereditaments may be situate, shall be good and effectual against all persons whom the said bankrupt, by common recovery, or other means, might or could bar of any estate, right, title, or possibility of or in the said lands, tenements, or hereditaments.

Commissioners may tender performance of the conditions on which the bankrupt's property is pledged.

Sec. 12. *And be it further enacted*, That if any bankrupt shall have conveyed or assured any lands, goods or estate, unto any person, upon condition or power of redemption, by payment of money or otherwise, it shall be lawful for the commissioners, or for any person by them duly authorized for that purpose, by writing, under their hands and seals, to make tender of money or other performance according to the nature of

such condition, as fully as the bankrupt might have done; and the commissioners, after such performance or tender, shall have power to assign such lands, goods and estate, for the benefit of the creditors, as fully and effectually as any other part of the estate of such bankrupt.

Effect of the assignment of debts, and mode of recovery.

Sec. 13. *And be it further enacted*, That the commissioners aforesaid shall have power to assign, for the use aforesaid, all the debts due to such bankrupt, or to any other person for his or her use or benefit; which assignment shall vest the property and right thereof in the assignee or assignees of such bankrupt, as fully as if the bond, judgment, contract, or claim, had originally belonged or been made to the said assignees; and after the said assignment, neither the said bankrupt, nor any person acting as trustee for him or her, shall have power to recover or discharge the same, nor shall the same be attached as the debt of the said bankrupt; but the assignee or assignees aforesaid shall have such remedy to recover the same, in his or their own name or names, as such bankrupt might or could have had, if no commission of bankruptcy had issued. And when any action in the name of such bankrupt shall have been commenced, and shall be pending for the recovery of any debt or effects of such bankrupt, which shall be assigned, or shall, or might become vested in the assignee or assignees of such bankrupt as aforesaid, then such assignee or assignees may claim to be, and shall be thereupon admitted to prosecute such action in his or their name, for the use and benefit of the creditors of such bankrupt; and the same judgment shall be rendered in such action, and all attachments or other security taken therein, shall be in like manner holden and liable, as if the said action had been originally commenced in the name of such assignee or assignees, after the original plaintiff therein had become a bankrupt as aforesaid: *Provided*, that where a debtor shall have, *bona fide*, paid his debt to any bankrupt, without notice that such person was bankrupt, he or she shall not be liable to pay the same to the assignee or assignees.

Mode of discovering concealed property or debts.

Sec. 14. *And be it further enacted*, That if complaint shall be made or information given to the commissioners, or if they shall have good reason to believe or suspect, that any of the property, goods, chattels, or debts, of the bankrupt, are in the possession of any other person, or that any person is indebted to, or for the use of the bankrupt, then the said commissioners shall have power to summon, or to cause to be summoned, by their attorney or other person duly authorized by them, all such persons before them, or the judge of the district where such person shall reside, by such process, or other means, as they shall think convenient, and upon their appearance, to examine them by parole or by interrogatories, in writing, on oath, or affirmation, which oath or affirmation they are hereby empowered to administer, respecting the knowledge of all such property, goods, chattels, and debts; and if such person shall refuse to be sworn or affirmed, and to make answer to such questions or interrogatories as shall be administered, and to subscribe the said answers, or upon examination shall not declare the whole truth, touching the subject matter of such examination, then it shall be lawful for the commissioners, or judge, to commit such person to prison, there to be detained until they shall submit themselves to be examined in manner aforesaid, and they shall, moreover, forfeit double the value of all the property, goods, chattels, and debts, by them concealed.

Mode of compelling the attendance of witnesses.

Sec. 15. *And be it further enacted*, That if any of the aforesaid persons shall, after legal summons to appear before the commissioners or judge, to be examined, refuse to attend, or shall not attend at the time appointed, having no such impediment as shall be allowed of by the commissioners or judge, it shall be lawful for the said commissioners or judge to direct their warrants to such person or persons as by them shall be thought proper, to apprehend such persons as shall refuse to appear, and to bring them before the commissioners or judge, to be examined,

and upon their refusal to come, to commit them to prison, until they shall submit themselves to be examined, according to the directions of this act: *Provided*, that such witnesses as shall be so sent for, shall be allowed such compensation as the commissioners or judge shall think fit, to be rateably borne by the creditors; and if any person, other than the bankrupt, either by subornation of others, or by his or her own act, shall wilfully or corruptly commit perjury on such examination, to be taken before the commissioners as aforesaid, the party so offending, and all persons who shall procure any person to commit such perjury, shall, on conviction thereof, be fined, not exceeding four thousand dollars, and imprisoned, not exceeding two years, and moreover shall, in either case, be rendered incapable of being a witness in any court of record.

Their compensation.

Punishment of perjury and subornation thereof.

Penalty on making a fraudulent claim.

Sec. 16. *And be it further enacted*, That if any person or persons shall fraudulently, or collusively claim any debts, or claim or detain any real or personal estate of the bankrupt, every such person shall forfeit double the value thereof, to and for the use of the creditors.

Commissioners may assign property fraudulently conveyed away.

Sec. 17. *And be it further enacted*, That if any person, prior to his or her becoming a bankrupt, shall convey to any of his or her children, or other persons, any lands or goods, or transfer his or [her] debts or demands into other persons' names, with intent to defraud his or her creditors, the commissioners shall have power to assign the same, in as effectual a manner as if the bankrupt had been actually seised or possessed thereof.

Duty of the bankrupt to surrender himself and be examined, &c.

Sec. 18. *And be it further enacted*, That if any person or persons who shall become bankrupt within the intent and meaning of this act, and against whom a commission of bankruptcy shall be duly issued, upon which commission such person or persons shall be declared bankrupt, shall not, within forty-two days after notice thereof, in writing, to be left at the usual place of abode of such person or persons, or personal notice in case such person or persons be then in prison, and notice given in some gazette, that such commission hath been issued, and of the time and place of meeting of the commissioners, surrender him or herself to the said commissioners, and sign or subscribe such surrender, and submit to be examined, from time to time, upon oath or solemn affirmation, by and before such commissioners, and in all things conform to the provisions of this act, and also upon such his or her examination, fully and truly disclose and discover all his or her effects and estate, real and personal, and how and in what manner, to whom and upon what consideration, and at what time or times he or she hath disposed of, assigned or transferred, any of his or her goods, wares, or merchandise, monies, or other effects and estate, and of all books, papers and writings relating thereunto, of which he or she was possessed, or in or to which he or she was any ways interested or entitled, or which any person or persons shall then have, or shall have had in trust for him or her, or for his or her use, at any time before or after the issuing of the said commission, or whereby such bankrupt, or his or her family then hath, or may have or expect any profit, possibility of profit, benefit or advantage whatsoever, except only such part of his or her estate and effects as shall have been really and *bona fide* before sold and disposed of, in the way of his or her trade and dealings, and except such sums of money as shall have been laid out in the ordinary expenses of his or her family, and also upon such examination, execute in due form of law, such conveyance, assurance, and assignment of his or her estate, whatsoever and wheresoever, as shall be devised and directed by the commissioners, to vest the same in the assignees, their heirs, executors, administrators, and assigns for ever, in trust, for the use of all and every the creditors of such bankrupt, who shall come in and prove their debts under the commission; and deliver up unto the commissioners, all such part of his or her the said bankrupt's goods, wares, merchandises, money, effects and estate, and all books,

papers, and writings relating thereunto, as at the time of such examination shall be in his or her possession, custody or power, his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding, of such bankrupt only excepted, then he or she the said bankrupt, upon the conviction of any wilful default, or omission in any of the matters or things aforesaid, shall be adjudged a fraudulent bankrupt, and shall suffer imprisonment for a term not less than twelve months, nor exceeding ten years, and shall not, at any time after, be entitled to the benefits of this act: *Provided always*, that in case any bankrupt shall be in prison or custody at the time of issuing such commission, and is willing to surrender and submit to be examined, according to the directions of this act, and can be brought before the said commissioners and creditors for that purpose, the expense thereof shall be paid out of the said bankrupt's effects, and in case such bankrupt is in execution, or cannot be brought before the commissioners, that then the said commissioners, or some one of them shall, from time to time, attend the said bankrupt in prison or custody, and take his or her discovery as in other cases, and the assignees, or one of them, or some person appointed by them, shall attend such bankrupt in prison or custody, and produce his or her books, papers and writings, in order to enable him or her to prepare his or her discovery; a copy whereof the said assignees shall apply for, and the said bankrupt shall deliver to them or their order, within a reasonable time after the same shall have been required.

Mode of examination when the bankrupt is in prison.

Sec. 19. *And be it further enacted*, That the said commissioners shall appoint, within the said forty-two days, so limited as aforesaid, for the bankrupt to surrender and conform as aforesaid, not less than three several meetings for the purposes aforesaid, the third of which meetings shall be on the last of the said forty-two days: *Provided always*, that the judge of the district within which such commission issues, shall have power to enlarge the time so limited as aforesaid, for the purposes aforesaid, as he shall think fit, not exceeding fifty days, to be computed from the end of the said forty-two days, so as such order for enlarging the time be made at least six days before the expiration of said term.

Days of meeting to be appointed within the term limited for the surrender, &c.

The term may be enlarged.

Sec. 20. *And be it further enacted*, That it shall be lawful for the commissioners, or any other person or officers, by them to be appointed, by their warrant, under their hands and seals, to break open in the day time the houses, chambers, shops, warehouses, doors, trunks, or chests, of the bankrupt, where any of his or her goods or estate, deeds, books of account or writings, shall be, and to take possession of the goods, money, and other estate, deeds, books of account or writings of such bankrupt.

Houses, doors, &c. of the bankrupt may be broken open.

Sec. 21. *And be it further enacted*, That if the bankrupt shall refuse to be examined, or to answer fully, or to subscribe his or her examination as aforesaid, it shall be lawful for the commissioners to commit the offender to close imprisonment, until he or she shall conform him or herself; and if the said bankrupt shall submit to be examined, and upon his or her examination, it shall appear that he or she hath committed wilful or corrupt perjury, he or she may be indicted therefor, and being thereof convicted, shall suffer imprisonment for a term not less than two years, nor exceeding ten years.

Bankrupt may be committed for refusal to be examined, &c.

Punishment of his perjury.

Sec. 22. *And be it further enacted*, That every bankrupt, having surrendered, shall, at all seasonable times before the expiration of the said forty-two days, as aforesaid, or of such further time as shall be allowed to finish his or her examination, be at liberty to inspect his or her books and writings, in the presence of some person to be appointed by the commissioners, and to bring with him or her, for his or her assistance, such persons as he or she shall think fit, not exceeding two at one time, and to make extracts and copies to enable him or her to make a full discovery of his or her effects; and the said bankrupt shall

To have access to his books and writings.

To be free from arrest in coming to surrender, &c.

be free from arrests, in coming to surrender, and after having surrendered to the said commissioners, for the said forty-two days, or such farther time as shall be allowed for the finishing his or her examination; and in case such bankrupt shall be arrested for debt, or taken on any escape warrant or execution, coming to surrender, or after his surrender within the time before mentioned, then on producing such summons or notice under the hand of the commissioners, and giving the officer a copy thereof, he or she shall be discharged; and in case any officer shall afterwards detain such bankrupt, such officer shall forfeit to such bankrupt for his or her own use, ten dollars for every day he shall detain the bankrupt.

Penalty on concealing a bankrupt.

Sec. 23. *And be it further enacted*, That every person who shall knowingly or wilfully receive or keep concealed any bankrupt, so as aforesaid summoned to appear, or who shall assist such bankrupt in concealing him or herself, or in absconding, shall suffer such imprisonment, not exceeding twelve months, or pay such fine to the United States, not exceeding one thousand dollars, as upon conviction thereof shall be adjudged.

Bankrupt's wife may be examined.

Sec. 24. *And be it further enacted*, That the said commissioners shall have power to examine, upon oath or affirmation, the wife of any person lawfully declared a bankrupt, for the discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person; and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirmed, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases.

Cause of commitment to be expressed in the commissioners' warrant.

Sec. 25. *And be it further enacted*, That in case any person shall be committed by the commissioners for refusing to answer, or for not fully answering any question, or for any other cause, the commissioners shall, in their warrant, specify such question or other cause of commitment.

Bounty for discovering bankrupt's estate.

Penalty on trustees concealing his property.

Sec. 26. *And be it further enacted*, That if after the bankrupt shall have finished his or her final examination, any other person or persons shall voluntarily make discovery of any part of such bankrupt's estate, before unknown to the commissioners, such person or persons shall be entitled to five per cent. out of the effects so discovered, and such further reward as the commissioners shall think proper; and any trustee having notice of the bankruptcy, wilfully concealing the estate of any bankrupt, for the space of ten days after the bankrupt shall have finished his final examination, as aforesaid, shall forfeit double the value of the estate so concealed, for the benefit of the creditors.

Goods of which the bankrupt is the reputed owner, may be assigned.

Sec. 27. *And be it further enacted*, That if any person shall become bankrupt, and at such time, by consent of the owner, have in his or her possession and disposition, any goods whereof he or she shall be reputed owner, and take upon him or herself, the sale, alteration, or disposition thereof, as owner, the commissioners shall have power to assign the same, for the benefit of the creditors, as fully as any other part of the estate of the bankrupt.

Penalty on the person suing out a commission, receiving an undue satisfaction from the bankrupt. Proceedings thereon.

Sec. 28. *And be it further enacted*, That if any bankrupt, after the issuing any commission against him or her, pay to the person who sued out the same, or give or deliver to such person, goods or any other satisfaction or security for his or her debt, whereby such person shall privately have and receive a greater proportion of his or her debt than the other creditors, such preference shall be a new act of bankruptcy, and on good proof thereof, such commission shall and may be superseded, and it shall and may be lawful for either of the judges, having authority to grant the commission as aforesaid, to award any creditor petitioning another commission, and such person, so taking such undue satisfaction as aforesaid, shall forfeit and lose, as well his or her whole debts, as the

whole he or she shall have taken and received, and shall pay back, or deliver up the same, or the full value thereof, to the assignee or assignees who shall be appointed or chosen under such commission, in manner aforesaid, in trust for, and to be divided among the other creditors of the said bankrupt, in proportion to their respective debts.

Notice of a dividend.

Sec. 29. *And be it further enacted*, That every person who shall be chosen assignee of the estate and effects of a bankrupt, shall, at some time after the expiration of four months, and within twelve months from the time of issuing the commission, cause at least thirty days public notice to be given, of the time and place the commissioners and assignees intend to meet, to make a dividend or distribution of the bankrupt's estate and effects; at which time the creditors who have not before proved their debts, shall be at liberty to prove the same; and upon every such meeting, the assignee or assignees shall produce to the commissioners and creditors then present, fair and just accounts of all his or their receipts and payments, touching the bankrupt's estate and effects, and of what shall remain outstanding, and the particulars thereof, and shall, if the creditors then present, or a major part of them, require the same, be examined upon oath or solemn affirmation, before the same commissioners, touching the truth of such accounts; and in such accounts, the said assignee or assignees shall be allowed and retain all such sum and sums of money, as they shall have paid or expended in suing out and prosecuting the commission, and all other just allowances on account of, or by reason or means of their being assignee or assignees; and the said commissioners shall order such part of the nett produce of the said bankrupt's estate, as by such accounts or otherwise shall appear to be in the hands of the said assignees, as they shall think fit, to be forthwith divided among such of the bankrupt's creditors as have duly proved their debts under such commission, in proportion to their several and respective debts; and the commissioners shall make such their order for a dividend in writing, under their hands, and shall cause one part of such order to be filed amongst the proceedings under the said commission, and shall deliver unto each of the assignees under such commission, a duplicate of such their order, which order of distribution shall contain an account of the time and place of making such order, and the sum total or quantum of all the debts proved under the commission, and the sum total of the money remaining in the hands of the assignee or assignees to be divided, and how many per cent. in particular is there ordered to be paid to every creditor of his debt; and the said assignee or assignees in pursuance of such order, and without any deed or deeds of distribution, to be made for the purpose, shall forthwith make such dividend and distribution accordingly, and shall take receipts in a book to be kept for the purpose, from each creditor, for the part or share of such dividend or distribution, which he or they shall make, and pay to each creditor respectively; and such order and receipt shall be a full and effectual discharge to such assignee for so much as he shall fairly pay, pursuant to such order as aforesaid.

Mode of making the first dividend.

Second and subsequent dividends.

Sec. 30. *And be it further enacted*, That within eighteen months next after the issuing of the commission, the assignee or assignees shall make a second dividend of the bankrupt's estate and effects, in case the same were not wholly divided upon the first dividend, and shall cause due public notice to be given of the time and place the said commissioners intend to meet, to make a second distribution of the bankrupt's estate and effects, and for the creditors who shall not before have proved their debts, to come in and prove the same; and at such meeting, the said assignees shall produce, on oath or solemn affirmation as aforesaid, their accounts of the bankrupt's estate and effects, and what, upon the balance thereof, shall appear to be in their hands, shall by like order of the commissioners, be forthwith divided amongst such of the bankrupt's

creditors as shall have made due proof of their debts, in proportion to their several and respective debts; which second dividend shall be final, unless any suit at law, or equity, be depending, or any part of the estate standing out, that could not have been disposed of, or that the major part of the creditors shall not have agreed to be sold or disposed of, or unless some other or future estate or effects of the bankrupt shall afterwards come to, or rest in the said assignees, in which cases the said assignees shall, as soon as may be, convert such future or other estate and effects into money, and shall, within two months after the same be converted into money, by like order of the commissioners, divide the same among such bankrupt's creditors as shall have made due proof of their debt under such commission.

Bankrupt's estate to be proportionally divided without regard to creditors' security.

Sec. 31. *And be it further enacted*, That in the distribution of the bankrupt's effects, there shall be paid to every of the creditors a portionrate, according to the amount of their respective debts, so that every creditor having security for his debt by judgment, statute, recognizance, or specialty, or having an attachment under any of the laws of the individual states, or of the United States, on the estate of such bankrupt, (*Provided*, there be no execution executed upon any of the real or personal estate of such bankrupt, before the time he or she became bankrupts) shall not be relieved upon any such judgment, statute, recognizance, specialty, or attachment, for more than a rateable part of his debt, with the other creditors of the bankrupt.

Assignees shall keep books of account open to the creditors' inspection.

Sec. 32. *And be it further enacted*, That the assignees shall keep one or more distinct book or books of account, wherein he or they shall duly enter all sums of money or effects, which he or they shall have received, or got into his or their possession, of the said bankrupt's estate, to which books of account, every creditor who shall have proved his or her debt, shall, at all reasonable times, have free resort, and inspect the same as often as he or she shall think fit.

Bankrupt bound to attend the assignees when required.

Sec. 33. *And be it further enacted*, That every bankrupt, not being in prison or custody, shall, at all times after his surrender, be bound to attend the assignees, upon every reasonable notice, in writing, for that purpose, given or left at the usual place of his or her abode, in order to assist in making out the accounts of the said bankrupt's estate and effects, and to attend any court of record, to be examined touching the same, or such other business, as the said assignees shall judge necessary, for which he shall receive three dollars per day.

Allowance to the bankrupt out of his estate.

Sec. 34. *And be it further enacted*, That all and every person and persons who shall become bankrupt as aforesaid, and who shall, within the time limited by this act, surrender him or herself to the commissioners, and in all things conform as in and by this act is directed, shall be allowed five per cent. upon the nett produce of all the estate that shall be recovered in and received, which shall be paid unto him or her by the assignee or assignees, in case the nett produce of such estate, after such allowance made, shall be sufficient to pay the creditors of said bankrupt, who shall have proved their debts under such commission, the amount of fifty per cent. on their said debts, respectively, and so as the said five per cent. shall not exceed, in the whole, the sum of five hundred dollars; and in case the nett produce of the said estate shall, over and above the allowance hereafter mentioned, be sufficient to pay the said creditors seventy-five per cent. on the amount of their said debts, respectively, that then the said bankrupt shall be allowed ten per cent. on the amount of such nett produce, to be paid as aforesaid, so as such ten per cent. shall not, in the whole, exceed the sum of eight hundred dollars; and every such bankrupt shall be discharged from all debts by him or her due or owing, at the time he or she became bankrupt, and all which were or might have been proved under the said commission; and in case any such bankrupt shall afterwards be arrested, prosecuted

He shall be discharged from all debts which might be proved under the commission.

or impleaded, for or on account of any of the said debts, such bankrupt may appear without bail, and may plead the general issue, and give this act, and the special matter in evidence. And the certificate of such bankrupt's conforming, and the allowance thereof, according to the directions of this act, shall be, and shall be allowed to be, sufficient evidence, *prima facie*, of the party's being a bankrupt within the meaning of this act, and of the commission and other proceedings precedent to the obtaining such certificate, and a verdict shall thereupon pass for the defendant, unless the plaintiff in such action can prove the said certificate was obtained unfairly, and by fraud, or unless he can make appear any concealment of estate or effects, by such bankrupt to the value of one hundred dollars. *Provided*, That no such discharge of a bankrupt, shall release or discharge any person who was a partner with such bankrupt, at the time he or she became bankrupt, or who was then jointly held or bound with such bankrupt for the same debt or debts from which such bankrupt was discharged as aforesaid.

If the bankrupt's estate does not pay half his debts, what allowance he shall have.

Sec. 35. *Provided always, and be it further enacted*, That if the nett proceeds of the bankrupt's estate, so to be discovered, recovered and received, shall not amount to so much as will pay all and every of the creditors of the said bankrupt, who shall have proved their debts under the said commission, the amount of fifty per cent. on their debts respectively, after all charges first deducted, that then, and in such case, the bankrupt shall not be allowed five per centum on such estate as shall be recovered in, but shall have and be paid by the assignees so much money as the commissioners shall think fit to allow, not more than three hundred dollars, nor exceeding three per centum on the nett proceeds of the said bankrupt's estate.

A certificate of discharge may be necessary, and how it is to be obtained.

Sec. 36. *Provided also, and be it further enacted*, That no person becoming a bankrupt according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify under their hands, to the judge of the district within which such commission issues, that such bankrupt hath made a full discovery of his or her estate and effects, and in all things conformed him or herself to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and effects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars respectively, and who shall have duly proved their debts under the said commission, shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof by affidavit or affirmation, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; which affidavit or affirmation, together with the letter or power of attorney to sign, shall be laid before the judge of the district within which such commission issues, in order for the allowing the certificate of discharge, and the said certificate shall not be allowed unless the bankrupt make oath or affirmation in writing, that the certificate of the commissioners, and consent of the creditors thereunto were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or allowing of such certificates by the commissioners or judge.

For what misconduct of the

Sec. 37. *And be it further enacted*, That if any creditor, or pretended creditor, of any bankrupt, shall exhibit to the commissioners any ficti-

bankrupt, he shall lose his right to a certificate, &c.

tious or false debt, or demand, with intent to defraud the real creditors of such bankrupt, and the bankrupt shall refuse to make discovery thereof, and suffer the fair creditors to be imposed upon, he shall lose all title to the allowance upon the amount of his effects, and to a certificate of discharge as aforesaid, nor shall he be entitled to the said allowance or certificate, if he has lost, at any one time fifty dollars, or in the whole three hundred dollars, after the passing of this act, and within twelve months before he became a bankrupt, by any manner of gaming or wagering whatever.

Bankrupt, if arrested, may be discharged on an habeas corpus.

Sec. 38. *And be it further enacted*, That if any bankrupt, who shall have obtained his certificate, shall be taken in execution or detained in prison, on account of any debts owing before he became a bankrupt, by reason that judgment was obtained before such certificate was allowed, it shall be lawful for any of the judges of the court wherein judgment was so obtained, or for any court, judge, or justice, within the district in which such bankrupt shall be detained, having powers to award or allow the writ of habeas corpus, on such bankrupt producing his certificate so as aforesaid allowed, to order any sheriff or gaoler who shall have such bankrupt in custody, to discharge such bankrupt without fee or charge, first giving reasonable notice to the plaintiff, or his attorney, of the motion for such discharge.

Persons whose debts are due at a future day may prove them.

Sec. 39. *And be it further enacted*, That every person who shall have *bona fide* given credit to or taken securities, payable at future days, from persons who are or shall become bankrupts, not due at the time of such persons becoming bankrupt, shall be admitted to prove their debts and contracts, as if they were payable presently, and shall have a dividend in proportion to the other creditors, discounting, where no interest is payable, at the rate of so much per centum per annum, as is equal to the lawful interest of the state where the debt was payable; and the obligee of any bottomry or respondentia bond, and the assured in any policy of insurance, shall be admitted to claim, and after the contingency or loss, to prove the debt thereon, in like manner as if the same had happened before issuing the commission; and the bankrupt shall be discharged from such securities, as if such money had been due and payable before the time of his or her becoming bankrupt; and such creditors may petition for a commission, or join in petitioning.

Obligees of certain bonds, and the assured in a policy of insurance may claim under the commission, &c.

Proceedings on habeas corpus, brought by a person committed by the commissioners.

Sec. 40. *And be it further enacted*, That in case any person, committed by the commissioners' warrant, shall obtain a *habeas corpus*, in order to be discharged, and there shall appear any insufficiency in the form of the warrant, it shall be lawful for the court or judge before whom such party shall be brought by *habeas corpus*, by rule or warrant, to commit such persons to the same prison, there to remain until he shall conform as aforesaid, unless it shall be made to appear that he had fully answered all lawful questions put to him by the commissioners; or in case such person was committed for not signing his examination, unless it shall appear that the party had good reason for refusing to sign the same, or that the commissioners had exceeded their authority in making such commitment; and in case the gaoler to whom such person shall be committed, shall wilfully or negligently suffer such person to escape, or go without the doors or walls of the prison, such gaoler shall, for such offence, being convicted thereof, forfeit a sum not exceeding three thousand dollars for the use of the creditors.

Penalty on the gaoler suffering such person to go at large.

Prisoner to be produced by the gaoler on demand of a creditor.

Sec. 41. *And be it further enacted*, That the gaoler shall, upon the request of any creditor, having proved his debt, and showing a certificate thereof, under the hands of the commissioners, which the commissioners shall give without fee or reward, produce the person so committed; and in case such gaoler shall refuse to show such person to such creditor, requesting the same, such person shall be considered as having escaped, and the gaoler or sheriff so refusing, shall be liable as for a wilful escape.

Sec. 42. *And be it further enacted*, That where it shall appear to the said commissioners that there hath been mutual credit given by the bankrupt, and any other person, or mutual debts between them at any time before such person became bankrupt, the assignee or assignees of the estate shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side on the balance of such account after such set off, and no more, shall be claimed or paid on either side respectively.

Offsets to be allowed.

Sec. 43. *And be it further enacted*, That it shall and may be lawful to and for the assignee or assignees of any bankrupt's estate and effects, under the direction of the commissioners, and by and with the consent of the major part in value of such of the said bankrupt's creditors, as shall have duly proved their debts under the commission, and shall be present at any meeting of the said creditors, to be held in pursuance of due and public notice for that purpose given, to submit any difference or dispute for, on account of, or by reason or means of, any matter, cause, or thing whatsoever, relating to such bankrupt, or to his or her estate or effects, to the final end and determination of arbitrators to be chosen by the said commissioners, and the major part in value of such creditors as shall be present at such meeting as aforesaid, and the party or parties with whom they shall have such difference or dispute, and to perform the award of such arbitrators, or otherwise to compound and agree the matter in difference and dispute as aforesaid, in such manner as the said assignee or assignees under the direction and with the consent aforesaid, shall think fit and can agree; and the same shall be binding on the several creditors of the said bankrupt, and the said assignee or assignees are hereby indemnified for what they shall fairly do, according to the directions aforesaid.

Assignees may with consent of the commissioners, &c. agree to a reference or compromise.

Sec. 44. *And be it further enacted*, That the assignees shall be, and hereby are vested with full power to dispose of all the bankrupt's estate, real and personal, at public auction or vendue, without being subject to any tax, duty, imposition, or restriction, any law to the contrary notwithstanding.

Bankrupt's estate may be disposed of at public auction, without paying duty, &c.

Sec. 45. *And be it further enacted*, That if after any commission of bankruptcy, sued forth, the bankrupt happen to die before the commissioners shall have distributed the effects, or any part thereof, the commissioners shall, nevertheless, proceed to execute the commission, as fully as they might have done if the party were living.

What is to be done if the bankrupt die, pending the proceedings.

Sec. 46. *And be it further enacted*, That where any commission of bankruptcy shall be delivered to the commissioners, therein named, to be executed, it shall and may be lawful for them before they take the oath or affirmation of qualification, to demand and take from the creditor or creditors prosecuting such commission, a bond with one good security, if required, in the penalty of one thousand dollars, conditioned for the payment of the costs, charges, and expenses, which shall arise and accrue upon the prosecution of the said commission: *Provided always*, that the expenses, so as aforesaid to be secured and paid by the petitioning creditor or creditors, shall be repaid to him or them by the commissioners or assignees, out of the first monies arising from the bankrupt's estate or effects, if so much be received therefrom.

Commissioners may demand security for the expenses of the commission.

Sec. 47. *And be it further enacted*, That the district judges, in each district respectively, shall fix a rate of allowance to be made to the commissioners of bankruptcy, as compensation of services to be rendered under the commission, and it shall be lawful for any creditor, by petition to the district judge, to except to any charge contained in the account of the commissioners: and the said judge, after hearing the commissioners, may in a summary way decide upon the validity of such exception.

District judge to fix the compensation to the commissioners.

Sec. 48. *And be it further enacted*, That all penalties given by this

Penalties how recovered and appropriated.

act for the benefit of the creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

General issue and double costs provided for defendants who acted under the commission.

Sec. 49. *And be it further enacted*, That if any action shall be brought against any commissioner, or assignee, or other person, having authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act and the special matter in evidence; and in case of a nonsuit, discontinuance, or verdict or judgment for him, he shall recover double costs.

Property coming to the bankrupt, before he obtains a certificate, to be vested in the commissioners.

Sec. 50. *And be it further enacted*, That if any estate real or personal shall descend, revert to, or become vested in any person, after he or she shall be declared a bankrupt, and before he or she shall obtain a certificate, signed by the judge as aforesaid, all such estate shall, by virtue of this act, be vested in the said commissioners, and shall be by them assigned and conveyed to the assignee or assignees in fee simple, or otherwise, in like manner as above directed, with the estate of the said bankrupt, at the time of the bankruptcy, and the proceeds thereof shall be divided among the creditors.

Proceedings of the commissioners to be filed in the office of the clerk of the district, &c.

Sec. 51. *And be it further enacted*, That the said commissioners shall, once in every year, carefully file, in the clerk's office of the district court, all the proceedings had in every case before them, and which shall have been finished, including the commissions, examinations, dividends, entries, and other determinations of the said commissioners, in which office, the final certificate of the said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts, in like manner as the copies of the proceedings of the said district court are admitted in other cases.

Creditors may attend the examinations of the bankrupt and the allowance of the certificate.

Sec. 52. *And be it further enacted*, That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, relative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge, setting forth such facts and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a *venire facias* to the marshal of the district, returnable within fifteen days before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless, on good cause shown, the judge shall give farther time, and judgment being entered on the verdict of the jury, shall be final, on the said facts, and the judge or commissioners shall proceed agreeably thereto.

Trial by jury may be had in relation to certain facts.

Allowance to the bankrupt, pending the proceedings.

Sec. 53. *And be it further enacted*, That the commissioners before the appointment of assignees, and the assignees after such appointment, may, from time to time, make such allowance out of the bankrupt's estate until he shall have obtained his final discharge, as in their opinion may be requisite for the necessary support of the said bankrupt and his family.

Creditors may direct where

Sec. 54. *And be it further enacted*, That it shall be lawful for the major part in value of the creditors, before they proceed to the choice

of assignees, to direct in what manner, with whom, and where the monies arising by, and to be received from time to time out of the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform as often as three hundred dollars shall be received.

the money shall be deposited.

Sec. 55. *And be it further enacted*, That every matter and thing by this act, required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes, if performed by a majority of them.

Majority of the commissioners may act.

Sec. 56. *And be it further enacted*, That in all cases where the assignees shall prosecute any debtor of the bankrupt for any debt, duty or demand, the commission, or a certified copy thereof, and the assignment of the commissioners of the bankrupt's estate, shall be conclusive evidence of the issuing the commission, and of the person named therein, being a trader and bankrupt, at the time mentioned therein.

The commission shall be evidence of the party being a bankrupt, &c.

Sec. 57. *And be it further enacted*, That every person obtaining a discharge from his debts, by certificate as aforesaid, granted under a commission of bankruptcy, shall not, on any future commission, be entitled to any other certificate than a discharge of his person only; unless the nett proceeds of the estate and effects of such person so becoming bankrupt a second time, shall be sufficient to pay seventy-five per cent. to his or her creditors on the amount of their debts respectively.

Effect of a discharge under a second commission.

Sec. 58. *And be it further enacted*, That any creditor of a person, against whom a commission of bankruptcy shall have been sued forth, and who shall lay his claim before the commissioners appointed in pursuance of this act, may at the same time declare his unwillingness to submit the same to the judgment of the said commissioners, and his wish that a jury may be impanneled to decide thereon: And in like manner the assignee or assignees of such bankrupt may object to the consideration of any particular claim by the commissioners, and require that the same should be referred to a jury. In either case, such objection and request shall be entered on the books of the commissioners, and thereupon an issue shall be made up between the parties, and a jury shall be impanneled, as in other cases, to try the same in the circuit court for the district in which such bankrupt has usually resided. The verdict of such jury shall be subject to the control of the court, as in suits originally instituted in the said court, and when rendered, if not set aside by the court, shall be certified to the commissioners, and shall ascertain the amount of any such claim, and such creditor or creditors shall be considered in all respects as having proved their debts under the commission.

Claims of creditors may be tried by jury.

Sec. 59. *And be it further enacted*, That the lands and effects of any person becoming bankrupt may be sold on such credit, and on such security, as a major part in value of the creditors may direct: *Provided*, nothing herein contained shall be allowed so to operate, as to retard the granting the bankrupt's certificate.

Bankrupt's estate may be sold on credit.

Sec. 60. *And be it further enacted*, That if any person becoming bankrupt, shall be in prison, it shall be lawful for any creditor or creditors, at whose suit he or she shall be in execution, to discharge him or her from custody, or if such creditor or creditors shall refuse to do so, the prisoner may petition the commissioners, to liberate him or her, and thereupon, if, in the opinion of the commissioners, the conduct of such bankrupt shall have been fair, so as to entitle him or her in their opinion, to a certificate, when by law such certificate might be given, it shall be lawful for them to direct the discharge of such prisoner, and to enter the same in their books, which being notified to the keeper of the gaol in which such prisoner may be confined, shall be a sufficient authority for his or her discharge: *Provided*, that in either case, such dis-

Creditors or commissioners may release the bankrupt from prison, and the former may issue a new execution if he does not obtain a discharge.

charge shall be no bar to another execution, if a certificate shall be refused to such bankrupt: *And provided also*, that it shall be no bar to a subsequent imprisonment of such bankrupt by order of the commissioners, in conformity with the provisions of this act.

How far this act shall affect the insolvent laws of the states.

Sec. 61. *And be it further enacted*, That this act shall not repeal or annul, or be construed to repeal or annul the laws of any state now in force, or which may be hereafter enacted, for the relief of insolvent debtors, except so far as the same may respect persons, who are, or may be clearly within the purview of this act, and whose debts shall amount in the cases specified in the second section thereof to the sums therein mentioned. And if any person within the purview of this act, shall be imprisoned for the space of three months, for any debt, or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under any such laws for the relief of insolvent debtors, this act notwithstanding.

Saving of the rights of the U. States and of each state as to their debts.

Sec. 62. *And be it further enacted*, That nothing contained in this law shall, in any manner, effect the right of preference to prior satisfaction of debts due to the United States as secured or provided by any law heretofore passed, nor shall be construed to lessen or impair any right to, or security for, money due to the United States or to any of them.

Saving of existing liens.

Sec. 63. *And be it further enacted*, That nothing contained in this act, shall be taken, or construed to invalidate, or impair any lien existing at the date of this act, upon the lands or chattels of any person who may have become a bankrupt.

Limitation of this act.

Sec. 64. *And be it further enacted*, That this act shall continue in force during the term of five years, and from thence to the end of the next session of Congress thereafter, and no longer: *Provided*, that the expiration of this act shall not prevent the complete execution of any commission which may have been previously thereto issued.

Approved, April 4, 1800.

Statute I.

April 5, 1800.

Repealed by Act of Nov. 25, 1803, ch. 5.

Chap. XXI.—*An Act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act intituled "An act to regulate the collection of duties on imports and tonnage."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any goods, wares or merchandise, which shall be exported from the United States, after the tenth day of April current, in the manner prescribed by law, to the port of New Orleans, on the river Mississippi, shall be deemed and taken to be entitled to such drawbacks of duties as would be allowable thereon, when exported to any other foreign port or place, any thing in the act intituled "An act to regulate the collection of duties on imports and tonnage," to the contrary hereof notwithstanding.

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Approved, April 5, 1800.

Statute I.

April 12, 1800.

[Obsolete.]

Act of Feb. 16, 1792, ch. 6. Act of June 19, 1813, ch. 2.

Continuation of the act for ten years.

Chap. XXII.—*An Act to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," shall be in force, and is hereby continued for the term of ten years, from the third day of March, one thousand eight hundred, and until the end

of the session of Congress next ensuing the expiration of that term, any thing in the ninth section of the said act to the contrary hereof notwithstanding.

Continuation of certain allowances to fishing vessels. Vol. i. 260. Vol. i. 533.

Sec. 2. *And be it further enacted,* That the additional allowances which were by the sixth section of the act, intituled, "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," and by the second section of the act, intituled, "An act laying an additional duty on salt, and for other purposes," respectively granted to ships or vessels employed in the bank and other cod fisheries, shall be continued to the ships and vessels, respectively, which shall be so employed, in the terms and according to the intent of the said first mentioned act, for and during the further continuance thereof, as aforesaid: *Provided,* that the said allowances shall not be understood to be continued for a longer time than the correspondent duties respectively, for which the said additional allowances were granted, shall be payable.

Approved, April 12, 1800.

Statute I.

April 12, 1800.

[Obsolete.]

Act of Feb. 28, 1800, ch. 12.

Chap. XXIII.—*An Act to alter the form of certain oaths and affirmations directed to be taken by the act intituled "An act providing for the second census or enumeration of the inhabitants of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act passed during the present session of Congress, intituled "An act providing for the second census or enumeration of the inhabitants of the United States," as relates to the form of the oaths or affirmations thereby directed to be taken by the marshals, secretaries, and assistants therein mentioned respectively, shall be, and hereby is repealed, and that the said oaths or affirmations shall be in the following form; that is to say: the marshals and secretaries' oath or affirmation in the form following: "I, A. B. marshal of the district of (or the secretary of the territory of as the case may be) do solemnly swear or affirm, that I will well and truly cause to be made a just and perfect enumeration and description of the persons resident within my district (or within the territory of as the case may be) and will return the same to the Secretary of State agreeably to the directions of an act of Congress, intituled 'An act providing for the second census or enumeration of the inhabitants of the United States,' according to the best of my ability." And the assistants' oath or affirmation in the form following: I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of (or the secretary of the territory of as the case may be) and make due return thereof to the said marshal (or secretary) agreeably to the directions of an act of Congress, intituled "An act providing for the second census or enumeration of the inhabitants of the United States," according to the best of my ability.

Approved, April 12, 1800.

Statute I.

April 17, 1800.

[Repealed.]

Aliens having resided two years within the

Chap. XXV.—*An Act to extend the privilege of obtaining patents for useful discoveries and inventions, to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.*(a)

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

(a) See act of February 21, 1793, chap. 11.

United States entitled to the benefit of the former act.

Act of Feb. 21, 1793, ch. 11.

singular the rights and privileges given, intended or provided to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act, intituled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby are extended and given to all aliens who at the time of petitioning in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained, used, and enjoyed, by such persons, in as full and ample manner, and under the same conditions, limitations and restrictions, as by the said act is provided and directed in the case of citizens of the United States.

Oath to be taken by such resident, that the invention or discovery hath not been used.

Provided always, That every person petitioning for a patent for any invention, art or discovery, pursuant to this act, shall make oath or affirmation before some person duly authorized to administer oaths before such patent shall be granted, that such invention, art or discovery hath not, to the best of his or her knowledge or belief, been known or used either in this or any foreign country; and that every patent which shall be obtained pursuant to this act, for any invention, art or discovery, which it shall afterwards appear had been known or used previous to such application for a patent, shall be utterly void.

The legal representatives of a deceased inventor may obtain a patent.

Sec. 2. *And be it further enacted,* That where any person hath made, or shall have made, any new invention, discovery or improvement, on account of which a patent might, by virtue of this or the above-mentioned act, be granted to such person, and shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent, shall devolve on the legal representatives of such person in trust for the heirs at law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations and restrictions, as the same was held or might have been claimed or enjoyed by such person, in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation, provided in the third section of the before-mentioned act, shall be so varied as to be applicable to them.

Damages for breach of patent right.

Sec. 3. *And be it further enacted,* That where any patent shall be, or shall have been granted pursuant to this or the above-mentioned act, and any person without the consent of the patentee, his or her executors, administrators or assigns first obtained in writing, shall make, devise, use, or sell the thing whereof the exclusive right is secured to the said patentee by such patent, such person so offending, shall forfeit and pay to the said patentee, his executors, administrators or assigns, a sum equal to three times the actual damage sustained by such patentee, his executors, administrators, or assigns, from or by reason of such offence, which sum shall and may be recovered, by action on the case founded on this and the above-mentioned act, in the circuit court of the United States, having jurisdiction thereof.

To be recovered by action on the case in the circuit court.

Repeal of part of the former act.

Act of Feb. 21, 1793, ch. 11.

Sec. 4. *And be it further enacted,* That the fifth section of the above-mentioned act, intituled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby is repealed.

Approved, April 17, 1800.

Statute I.

April 22, 1800.

[Repealed.]

Act of March 16, 1802, ch. 9.

Chap. XXVI.—*An Act to fix the compensation of the Paymaster-General, and Assistant to the Adjutant-General.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the paymaster-general of the army of the United States shall receive one hundred and twenty dollars per month, with the rations and forage of a major, in full compensation for his services and travelling expenses, to

be computed from the commencement of the time of his actual residence at the seat of government, any thing in the "Act for the better organizing of the troops of the United States, and for other purposes," to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That the pay of the assistant of the adjutant-general, in addition to his pay and other emoluments in the line of the army, shall be forty dollars per month, which shall be in full compensation for his extra services and travelling expenses, to be computed from the time of his entering upon actual service.

Approved, April 22, 1800.

Statute I.

Chap. XXVII.—*An Act to continue in force the act intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations."*

April 22, 1800.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed on the twenty-fifth day of June, one thousand seven hundred and ninety-eight, intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations," excepting such parts of the said act as relate to salvage in cases of recapture, shall continue and be in force for and during the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

June 25, 1798, ch. 60.

Approved, April 22, 1800.

Statute I.

Chap. XXVIII.—*An Act to continue in force, for a limited time, an act intituled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses."*

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the twenty-third day of January, one thousand seven hundred and ninety-eight, intituled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," shall be and continue in force for the term of four years, and no longer.

Act of Jan. 23, 1798, ch. 8.

Approved, April 22, 1800.

Statute I.

Chap. XXIX.—*An Act fixing the rank and pay of the commanding officer of the Corps of Marines.*(a)

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a lieutenant-colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant-colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished.

Lieutenant-Colonel to be appointed.

Act of July 11, 1798, ch. 72.

Act of March 3, 1817, ch. 65.

Office of Major of the corps abolished.

Approved, April 22, 1800.

Statute I.

Chap. XXX.—*An Act supplementary to the Act to regulate trade and intercourse with the Indian Tribes, and to preserve peace on the Frontiers.*

April 22, 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the pass-

Act of March 30, 1802, ch. 12.

(a) Act of July 11, 1798, chap. 72; act of March 3, 1817, chap. 65.

Military officers, who may arrest any one in the Indian territory for violating the laws for the protection of the Indian territory, to take the person before a magistrate.

Act of March 3, 1799, ch. 46.

ing of this act, it shall be lawful for any military officer, who may have charge or custody of any person or persons, who may have been, or shall be apprehended in the Indian country, over and beyond the boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of the act, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," to conduct him or them to some one of the justices of the inferior or county court of any county nearest to the place of his arrest, who, if the offence is bailable, is hereby authorized to take proper bail, if offered, in like manner as the judge of the superior court of any state is authorized to do, in and by the act above recited; unless such person, holden in custody as aforesaid, shall be charged upon oath with murder, or any other offence punishable with death, in which case such justice of any inferior or county court shall not have authority to take bail for such person.

Approved, April 22, 1800.

Statute I.

April 23, 1800.

Repealed by Act of April 6, 1802, ch. 19.

Superintendent of stamps to be appointed.

His duty.

1801, ch. 20.

His office to be held at the seat of government.

His allowance.

Privilege of franking.

Allowance of clerks.

He shall give bond.

Certain powers of the supervi-

Chap. XXXI.—*An Act to establish a general Stamp Office.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appointed an officer to be denominated superintendent of stamps, whose duty it shall be to superintend the stamping and marking of all vellum, parchment, and paper; to distribute the same among the officers who are, or shall be authorized to secure and collect the duties thereupon, and to keep fair and true records and accounts of his proceedings; which said officer, so to be appointed, shall be subject to the superintendence, control, and direction of the treasury department, according to the respective authorities and duties of the officers thereof; and shall, for the better execution of the duties and trusts in him reposed, observe and execute such directions as he shall, from time to time, receive from said department.

Sec. 2. *And be it further enacted*, That the said superintendent shall hold his office at the seat of the government of the United States, and shall be allowed as a compensation for his services the sum of two thousand dollars annually, to be paid quarter-yearly at the treasury of the United States; and shall also be allowed the necessary expenses of office rent, fuel, printing and packing, and of procuring books and stationery for the use of his office, and that all letters and packages to and from him shall be free of postage.

Sec. 3. *And be it further enacted*, That the said superintendent shall, with the approbation of the principal officer of the treasury department, employ such number of clerks and other assistants in his office as shall be found necessary; and shall apportion and vary the compensation to each, in such manner as the services rendered by each shall in his judgment require: *Provided*, that the whole amount of the compensations to said clerks and assistants shall not exceed two thousand five hundred dollars annually.

Sec. 4. *And be it further enacted*, That the said superintendent shall, within three months after entering upon his office, give bond with sureties for the true and faithful execution thereof, and for the settlement of his accounts at the periods which shall be prescribed by the proper officers at the treasury department, in the sum of ten thousand dollars, which bond shall be approved by the comptroller of the treasury, and kept in his office to be by him put in suit for the benefit of the United States, upon any breach of the conditions thereof.

Sec. 5. *And be it further enacted*, That from and after the establishment of the office aforesaid at the seat of government, and after six

months' notice of the new stamps hereby directed to be prepared and issued; which notice shall be given by the Secretary of the Treasury, in the manner directed by the tenth section of the act, intituled "An act laying duties on stamped vellum, parchment, and paper," so much of the act or acts heretofore passed, as empower and require the supervisors of the revenue to stamp or mark any vellum, parchment, or paper, shall cease and determine.

sors to cease after six months notice, &c.

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Sec. 6. *And be it further enacted*, That if any deed, instrument, or writing whatever, charged by law with the payment of duty, shall have been, or shall be written or printed, by any person or persons whomsoever, upon vellum, parchment, or paper not stamped or marked according to law, or upon vellum, parchment, or paper, stamped or marked at a lower rate of duty than is by law required for such deed, instrument, or writing; then and in every such case, it shall be lawful for the person or persons holding such deed, instrument, or writing, within twelve calendar months after the time of giving notice as aforesaid, or within six calendar months after the execution of such deed, instrument, or writing, to pay to the collector of the revenue within whose collection district such person or persons shall reside, the duty chargeable by law on such deed, instrument, or writing, together with ten dollars in addition to such duty, which duty and additional sum of ten dollars, such collector is hereby authorized and required to receive, and without fee or reward to endorse a receipt therefor under his hand and seal, upon some part of such deed, instrument or writing, which deed, instrument or writing so endorsed, it shall then be lawful for such person or persons to produce to the surveyor of the revenue within whose assessment district such person or persons shall reside, which surveyor thereupon shall certify under his hand and seal, and upon some part of the said deed, instrument or writing, that the same so endorsed as aforesaid has been produced to him, and that the said endorsement is in his belief genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument or writing, shall be to all intents and purposes as valid and available, as if the same had been or were stamped, counterstamped, or marked as by law required, any thing in any act to the contrary notwithstanding.

Manner of legalizing an instrument not stamped or improperly stamped.

Sec. 7. *And be it further enacted*, That every collector of the revenue shall keep a separate account of all monies by him received in manner last aforesaid, and shall at such times as the Secretary of the Treasury shall direct, transmit the said account together with such monies, and a memorandum of all receipts by him endorsed in manner aforesaid, to the supervisor of the district, or the inspector of the survey, as the case may be; and that every surveyor of the revenue shall, at such time as the Secretary of the Treasury shall direct, transmit to the said supervisor or inspector, as the case may be, a true copy of all certificates given by him as aforesaid, and of the receipts respectively certified, and thereupon such surveyor shall be entitled to receive from the supervisor or inspector fifty cents for every such certificate by him signed as aforesaid.

Duty of the Collectors and Surveyors of the revenue herein.

Sec. 8. *And be it further enacted*, That if any person, with intent to defraud the United States of any sum of monies directed to be paid by this act, or of any of the duties or duty laid by the act, intituled "An act laying duties on stamped vellum, parchment, and paper," shall counterfeit or forge, or cause or procure to be counterfeited or forged, any of the certificates, receipts or endorsements, provided for and directed by the sixth section of this act, or shall utter, pass away, vend or offer in evidence, in any court of justice, any such forged or counterfeit receipt, certificate or endorsement, knowing the same to be forged or counterfeit, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged guilty of a misdemeanor, and shall

Penalty on forging or uttering receipts or certificates directed by the sixth section.

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be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

Mode of procuring stamps to the blank vellum, &c. of individuals.

Sec. 9. And for the convenience of those persons who may be inclined to have their own vellum, parchment, and paper stamped or marked, *Be it further enacted*, that when any person or persons shall deposit any vellum, parchment, or paper, at the office of any supervisor, accompanying the same with a list, which shall specify the number and denomination of the stamps or marks which are to be thereto affixed, it shall be the duty of the said supervisor to transmit the same to the stamp-office at the seat of government, where such paper, parchment and vellum shall be properly marked or stamped, and forthwith sent back to the said supervisor, who shall thereupon collect the duties and deliver the vellum, parchment, and paper, pursuant to the order of the person from whom it was received.

Vellum, &c. to be counterstamped.

Sec. 10. *And be it further enacted*, That all vellum, parchment, and paper, to be stamped or marked at the said office, shall, before it is delivered for sale, use, or distribution, be carried from the said office to the office of the commissioner of the revenue, and be there counterstamped or marked, under the direction of the said commissioner, and in such manner as the Secretary of the Treasury shall devise and direct; and after being so counterstamped or marked, shall be returned to the office of the superintendent of stamps, to be by him distributed according to the true intent and meaning of this act, of all which vellum, parchment, and paper, so sent to be counterstamped or marked, and so returned to the office of the superintendent aforesaid, an account shall be kept by the commissioner of the revenue, and from time to time returned to the proper officers of the treasury department.

Penalty on forging stamps, &c.

Sec. 11. *And be it further enacted*, That if any person or persons, with intent to defraud the United States of any of the duties or duty laid by the act, entitled "An act laying duties on stamped vellum, parchment and paper," or by any act or acts for amending the same, shall counterfeit or forge, or shall cause or procure to be counterfeited or forged, or shall knowingly or wilfully aid or assist in counterfeiting or forging any stamp, counterstamp, or mark, which shall be provided or made in pursuance of this act, or shall counterfeit or resemble, or shall knowingly and wilfully aid or assist in counterfeiting or resembling, or shall cause to be counterfeited or resembled, the impression of any such stamp, counterstamp or mark, upon any vellum, parchment, or paper, or shall knowingly or wilfully utter, vend, or sell, or offer in evidence in any court of justice any vellum, parchment, or paper, with such counterfeit mark or impression thereon, or shall privately or fraudulently use any stamp, counterstamp or mark directed or allowed to be used by this act, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding one thousand dollars, and imprisoned for any time not exceeding seven years.

Approved, April 23, 1800.

Statute I.

April 23, 1800.

[Obsolete.]

Discontinuance of certain post roads.

Act of May 1, 1810.

Chap. XXXII.—*An Act to alter and to establish sundry Post Roads.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following post roads be discontinued, viz:—From Washington to Petersburg, in Georgia; from Augusta, by Robinson's, at the White Ponds, and Gillet's Mills, to Coosawhatchie; from Charlotte, by Lincolnton, to Statesville, North Carolina; from Chester Courthouse to Spartan Courthouse; from Fayetteville, by Lumberton, to Cheraw Courthouse; from Moffat's store to Danville; from Culpepper Courthouse to Orange Court-

house; from Leesburg to Fauquier Courthouse; from Tappahannock, by Richmond Courthouse, and Westmoreland Courthouse, to Kinsale; from Prince Edward Courthouse to Lynchburg; from Easton, by New Market, to Vienna; from Allensfresh, by Hoe's ferry, to Port Conway; from Bladensburg to Upper Marlborough; from Harrisburg, by Petersburg, Millerstown, Thompsontown, Mifflintown, Lewistown, Huntingdon, Alexandria, Center Furnace, Bellefont, Milesburg, Aaronsburg, Mifflinsburg, Lewisburg, Northumberland and Sunbury, to Harrisburg; from Easton to Sussex Courthouse; from New Brunswick to New Germantown; from Washington, in Pennsylvania, to Wheeling, in Virginia; from Old Fort Schuyler, by Cincinnatus, to Oxford; from Vergennes to Basonharbor, to Plattsburg; from Rome to Rotterdam; from Boston, by Taunton, to New Bedford; from Camden, by Lancaster, South Carolina, Charlotte, North Carolina, and Lincolnton, to Statesville, North Carolina; from Fayetteville, to Pittsburg, in Chatham county; from Halifax Courthouse, Virginia, by Danville, to Caswell Courthouse; from Liberty, by Rocky Mount, to Martinville; from Louisburg, by Nash Courthouse, to Tarborough; from Newbern, by Beaufort and Swansborough, to Newbern; from Rutherfordton, to Spartanburg; from Springfield, Massachusetts, to Northampton; from Standish, in Maine, by Flintstown, and Fryberg, to Conway, Tamworth and Sandwich, in New Hampshire; from Suffolk, by South Quay, to Murfreesborough; from Wilmington, North Carolina, to Georgetown, South Carolina; from Petersburg, by Sussex Courthouse, and Southampton Courthouse, to South Quay.

Discontinuance of certain post roads.

Sec. 2. *And be it further enacted,* That the following be established as post roads, viz.

New post roads established.

In Georgia.—From Augusta to Petersburg, by Lincoln Courthouse; from Franklin Courthouse to Jackson Courthouse; from Georgetown to Warrenton; from Louisville to Saundersville; from Washington to Ogelthorpe Courthouse.

In South Carolina.—From Augusta, Georgia, by the Three Runs, to Coosawhatchie; the post road from Edgefield Courthouse, to Augusta, shall pass through Campbeltown; from Georgetown, by Willtown, Greenville, and Chatham, to Richmond Courthouse, North Carolina; from Statesburg, by Salem Courthouse, and Kingstree, to Willtown; from Columbia to Clarendon Courthouse; from Chester Courthouse, by York Courthouse, Pinckneyville, and Union Courthouse, to Spartanburg.

In North Carolina.—From Washington to Bath, and from thence by Woodstock, to Hyde Courthouse; from Fayetteville, by M'Fall's, and Winfield's, to Cheraw Courthouse, South Carolina; from Fayetteville, by Lumberton and Barefield's mill, to Willtown, South Carolina; from Lumberton, by Elizabethtown, to the house of John Anders, or William H. Beaty, on South River; from Fayetteville to Wilmington; from Charlotte, by Lincolnton, and Morganton, Buncomb Courthouse, the Warm Springs, and thence to Greenville, in Tennessee; the post road from Salem to Salisbury, shall pass through Lexington; the post road from Raleigh to Newbern, shall pass through the county of Davie; the post road from Moore Courthouse to Salisbury, to pass by the new or old Courthouse of Randolph, as may be found most eligible; from Rockford to Grayson Courthouse, Virginia.

In Tennessee.—From Knoxville to Marysville; from Sullivan Courthouse, by Hawkins Courthouse, and Orr's tavern, to Knoxville; from Nashville, by Robertson Courthouse, and Montgomery Courthouse, to Palmyra; from Nashville to Natchez, in the Mississippi territory; the post road which now passes from Abington, in Virginia, to Knoxville, in Tennessee, shall hereafter pass by Sullivan Courthouse, Jonesborough, Greenville, Cheek's cross roads, and Jefferson Courthouse.

In Kentucky.—From Frankfort, by Versailles, and Richmond, to

New post roads established.

Orr's tavern, Tennessee; from Danville, by Standford, to Lancaster; from Frankfort, by Clark Courthouse, Montgomery Courthouse, and Fleming Courthouse, to Washington; from Frankfort, by Scott Courthouse, Harrison Courthouse, Pendleton Courthouse, and Campbell Courthouse, to Cincinnati, North Western Territory; from Frankfort, by Shelbysville, Bardstown, Hardin Courthouse, and Logan Courthouse, to Robinson Courthouse, in Tennessee; the post road from Washington, to Cincinnati, shall pass by Bracken Courthouse; the post road from Beardstown, to Louisville, shall pass through Shepherdsville; from Logan Courthouse, by Christian Courthouse, Livingston Courthouse, Henderson Courthouse, to Muhlenberg Courthouse; and from Logan Courthouse, by Warren Courthouse, and Barren Courthouse, to Green Courthouse.

In the North Western Territory.—From Washington, Kentucky, by Manchester, in North Western Territory, to Chilicothe; from Louisville, Kentucky, to Vincennes; from Zanes, on the Muskingum, to Marietta.

In Virginia.—From Culpepper Courthouse, by Madison Courthouse, to Orange Courthouse; from Fredericksburg, by Spotsylvania Courthouse, and Louisa Courthouse, to Columbia; from Fredericksburg, by King George Courthouse, Mattoxbridge, Leedstown, Westmoreland Courthouse on Templeman's cross roads, Richmond Courthouse, and Farnham, to Kinsale; from Fredericksburg, by Rogers' mills, Chiles' store, Chesterfield, Oxford, and Crew's store, to Goochland Courthouse; from King and Queen Courthouse, to Shackleford's store; from Gloucester Courthouse, to Matthews Courthouse; from Moorefields, by Franklin, to Bath Courthouse; from Richmond, by Coles' in Chesterfield county, Janetoebridge, Amelia Courthouse, Pridesville, and Ligontown, to Jamestown; from Petersburg, by Amelia Courthouse, Nottaway Courthouse, Bibb's ferry on Staunton river, to Halifax Courthouse; from Alexandria, by Centerville, Middleburg, Paris, and Millwood, to Winchester; from Cartersville, by New Canton, Buckingham Courthouse, and Bent Creek, to Lynchburg; from Romney, by Springfield and Frankfort, to Cumberland, in Maryland; from Centerville, by the Red House, to Fauquier Courthouse; from Washington, Pennsylvania, by Charlestown or Brooke Courthouse, in Virginia, to Wheeling; the post road from Alexandria to Leesburg, shall pass through Matildaville; and the post road from Leesburg, to Shepherdstown, shall pass through Charlestown, in the county of Berkeley; the post road from Sweetspring, to Greenbrier Courthouse, shall pass by Monroe Courthouse; from Greenbrier Courthouse to Kanhaway Courthouse; from Lexington, direct to Cabellsburg; from Mecklenburg Courthouse, the mail shall return by Christian's store, at Coxe's, to Lunenburg Courthouse, and Edmond's store, to Gholson's.

In Maryland.—From Baltimore, by Reisterstown, Westminster, Taneytown and Emmitsburg, to Fairfield, Pennsylvania; from Baltimore, by Libertytown, to Fredericktown; and from Fredericktown, by Harper's Ferry, to Charlestown, in Berkeley county, Virginia; from Port Tobacco, by the Top of the Hill, to Nanjemoy; from Leonardtown, by the Great Mill to the Ridge; from Washington, to Upper Marlborough; from Washington, by Queen Ann, to Annapolis; from Easton, by Cambridge and New Market, to Vienna; from Easton, by Hillsborough, Denton and Greensborough, to Whitelysburgh.

In Pennsylvania.—From Lancaster, by Elizabethtown and Middletown, to Harrisburg, Sunbury, and Northumberland; from Lancaster, to New Holland; from Harrisburg, by Clark's ferry, Millerstown, Thompsontown, Mifflintown, Lewistown, and Huntington, to Alexandria; from Lewistown, by Mifflintown, Aaronsburg, Milesburg, and Bellefont, to Centre Furnace; from Lewistown, by Muncey, and Milton, to Williamsport; from Northumberland, to Berwick, and thence by

Catawassee, to Northumberland; from Wilkesbarre, by Wyalusing, to Athens; from Union, to New Geneva; from Pittsburg, by Franklin, Meadsville, and Le Beuf, to Presqu'isle; from Washington to Waynesburg.

New post roads established.

In New York.—From Hudson, by Katskill, Harpersfield, Ouliout, Unadilla, and Union, to Athens, Pennsylvania; from Athens, Pennsylvania, by Newtown, Painted Post, and Bath, to Canandarqua; from Utica, by New Hartford, Hamilton and Sherbourne, to Oxford; from Cooperstown, on the State road, to Scipio; from Vergennes, Vermont, by Charlotte, Vermont, and Peru, to Plattsburg.

In New Jersey.—From Easton, Pennsylvania, by Belvidere, and Johnsonburg, to Newtown; from New Brunswick, by Somerset Courthouse, and Pluckemin, to New Germantown; from Trenton, by Bordentown, Slabtown, Mount Holly, Moorestown, and Haddenfield, to Philadelphia.

In Connecticut.—From Fairfield, by Trumbull, Huntington, Newtown, and Brookfield, to New Milford.

In Massachusetts.—From Boston, by Bridgewater, and Taunton, to New Bedford; from New Bedford, by Rochester, and Wareham, to Sandwich; from Hanover, by Scituate, Marshfield, and Duxbury, to Kingston; from Truro to Provincetown; from Billerica, by Patucket bridge, to Dracut, and Hovey's tavern, to Pelham, and Nottingham, West, in New Hampshire; from Concord, by Groton, New Ipswich, and Jaffray, to Marlborough, New Hampshire.

In Vermont.—From Westminster, by Bellows Falls, through Rockingham, Chester, and Cavendish, to Rutland; from Newbury, to Danville; from Burlington, through St. Albans, to Hyegate.

In New Hampshire.—From Exeter, by Nottingham, to Concord; from Salisbury, through Grafton, to Hanover.

In Maine.—From Portland, by Windham, Waterford, Buckfield, and Turner, to Portland; from Bucktown, to Edenton.

Sec. 3. *And be it further enacted*, That nothing contained in this act shall be construed so as to affect any existing contracts for carrying the mail.

Approved, April 23, 1800.

Statute I.

April 23, 1800.

Chap. XXXIII.—*An Act for the better government of the Navy of the United States.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

Rules and regulations for the government of the navy.

April 23, 1800, ch. 33.

Art. I. The commanders of all ships and vessels of war belonging to the navy, are strictly enjoined and required to show in themselves a good example of virtue, honour, patriotism and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usage of the sea service.

Exemplary conduct incumbent on commanders.

Art. II. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents prevent it; and that they cause all, or as many of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God.

Divine service and preaching.

Art. III. Any officer, or other person in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or

Punishment of certain scandalous offences.

any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge; if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict.

Penalties on the breach of duty in respect of attack and battle.

Art. IV. Every commander or other officer who shall, upon signal for battle, or on the probability of an engagement, neglect to clear his ship for action, or shall not use his utmost exertions to bring his ship to battle, or shall fail to encourage, in his own person, his inferior officers and men to fight courageously, such offender shall suffer death, or such other punishment as a court martial shall adjudge; or any officer neglecting, on sight of any vessel or vessels of an enemy, to clear his ship for action, shall suffer such punishment as a court martial shall adjudge; and if any person in the navy shall treacherously yield, or pusillanimously cry for quarters, he shall suffer death, on conviction thereof, by a general court martial.

Disobedience in time of battle.

Deserting duty.

Art. V. Every officer or private who shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in battle; or shall at such time, basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death or such other punishment as the said court shall adjudge.

Punishment of cowardice, &c. death.

Art. VI. Every officer or private who shall through cowardice, negligence, or disaffection in time of action, withdraw from, or keep out of battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavour to afford relief to ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Papers to be transmitted respecting captures to the district judge of the district to which the prize is ordered.

List of officers, &c.

Art. VII. The commanding officer of every ship or vessel in the navy, who shall capture, or seize upon any vessel as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals unmutilated to the judge of the district to which such prize is ordered to proceed, and shall transmit to the navy department, and to the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court martial shall adjudge.

Penalty on pillaging a prize, or maltreating the persons on board the same.

Art. VIII. No person in the navy shall take out of a prize, or vessel seized as prize, any money, plate, goods, or any part of her rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court martial, or the court of admiralty in which the prize is adjudged, shall impose.

Protection of persons taken on board of prizes.

Art. IX. No person in the navy shall strip of their clothes, or pillage, or in any manner maltreat persons taken on board a prize, on pain of such punishment as a court martial shall adjudge.

Intercourse with enemies and rebels, forbidden.

Art. X. No person in the navy shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander in chief of the fleet, or the commander of a squadron; or

in case of a vessel acting singly from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge.

Art. XI. If any letter or message from an enemy or rebel, be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander in chief of the fleet, commander of a squadron, or other proper officer whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge.

Message from an enemy to be communicated.

Art. XII. Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavour to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court martial shall adjudge.

Mutiny and sedition.

Art. XIII. If any person in the navy shall make or attempt to make any mutinous assembly, he shall on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the execution of his office; or being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial.

Attempt at mutiny.

Art. XIV. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict.

Disobedience of orders and assault of a superior officer.

Art. XV. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge.

Quarreling.

Art. XVI. If any person in the navy shall desert to an enemy or rebel, he shall suffer death.

Desertion.

Art. XVII. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge; and if any officer or other person belonging to the navy, shall receive or entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander in chief, or to the commander of the squadron, he shall on conviction thereof, be cashiered, or be punished at the discretion of a court martial. All offences committed by persons belonging to the navy while on shore, shall be punished in the same manner as if they had been committed at sea.

Offences committed on shore.

Art. XVIII. If any person in the navy shall knowingly make or sign, or shall aid, abet, direct, or procure the making or signing of any false muster, or shall execute, or attempt, or countenance any fraud against the United States, he shall, on conviction, be cashiered and rendered for ever incapable of any future employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict.

Frauds against the United States.

Art. XIX. If any officer, or other person in the navy, shall, through intention, (*a*) negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge.

Improper navigation of vessels.

Art. XX. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court

Negligence in the performance of duty, &c.

(*a*) So in original. Perhaps *inattention* is meant.

martial shall adjudge; or, if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

Murder.

Art. XXI. The crime of murder, when committed by any officer, seaman, or marine, belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death by the sentence of a court martial.

Duties in relation to convoy.

Art. XXII. The officers and privates of every ship or vessel, appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment as a court martial shall adjudge.

Penalty on receiving merchandise on board.

Art. XXIII. If any commander or other officer shall receive or permit to be received, on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States or the navy department, he shall, on conviction thereof, be cashiered, and be incapacitated forever afterwards, for any place or office in the navy.

Waste, embezzlement, &c. of public property.

Art. XXIV. If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive any ammunition, provisions, or other public stores; or if any officer or other person shall, knowingly, permit through design, negligence, or inattention, any such waste, embezzlement, sale or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

Burning of public property.

Art. XXV. If any person in the navy shall unlawfully set fire to or burn any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death: And if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

Theft.

Art. XXVI. Any theft not exceeding twenty dollars may be punished at the discretion of the captain, and above that sum, as a court martial shall direct.

Offences against people on shore.

Art. XXVII. If any person in the navy shall, when on shore, plunder, abuse, or maltreat any inhabitant, or injure his property in any way, he shall suffer such punishment as a court martial shall adjudge.

Detection and apprehension of offenders.

Art. XXVIII. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment all offenders, and shall at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

Muster rolls and ship's books.

Art. XXIX. Each commanding officer shall, whenever a seamen enters on board, cause an accurate entry to be made in the ship's books, of his name, time, and term of his service; and before sailing transmit to the Secretary of the Navy, a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service annexed; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists or muster rolls, for any casualties which may have taken place since the last list or muster roll. He shall cause to be accurately minuted on the ship's books, the names of, and times at which any death or desertion may occur; and in case of death, shall take care that the purser secure all the property of the deceased for the benefit of his legal representative

or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for its preservation. He shall, whenever he orders officers and men to take charge of a prize, and proceed to the United States, and whenever officers or men are sent from his ship from whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms of his service; which account shall be signed by the commanding officer and purser. He shall cause the rules for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean; and if necessary, shall direct that cradles, and buckets with covers, be made for their use: And when his crew is finally paid off, he shall attend in person, or appoint a proper officer, to see that justice be done to the men, and to the United States, in the settlement of the accounts. Any commanding officer, offending herein, shall be punished at the discretion of a court martial.

Inspection of provisions.

Officers and men detached from the ship to be furnished with certain statements.

Rules to be hung up and read.

Treatment of the sick.

Paying off.

Art. XXX. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired, or other than a plain cat-of-nine-tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer (except such commander be absent for a time by leave) order or inflict any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men turned over from any other vessel to him, unless each of such officers and men produce to him an account signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served. Any commanding officer offending herein, shall be punished at the discretion of a court martial.

Treatment of inferior officers and men.

Art. XXXI. Any master at arms, or other person of whom the duty of master at arms is required, who shall refuse to receive such prisoners as shall be committed to his charge, or having received them, shall suffer them to escape, or dismiss them without orders from proper authority, shall suffer in such prisoners' stead, or be punished otherwise at the discretion of a court martial.

Master at arms.

Art. XXXII. All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea.

Crimes not specified.

Art. XXXIII. All officers, not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, are deemed petty officers.

Who are petty officers.

Art. XXXIV. Any person entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crew from selling any part of their wages or prize money, and never to attest any power

Assignment of wages and prize money.

of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

Naval General Courts Martial.

Appointment of naval general courts martial.

Art. XXXV. General courts martial may be convened as often as the President of the United States, the Secretary of the Navy, or the commander in chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary: *Provided*, that no general court martial shall consist of more than thirteen, nor less than five members, and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen, and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, where it can be avoided without injury to the service, shall more than one half the members, exclusive of the president, be junior to the officer to be tried.

Art. XXXVI. Each member of the court, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate or person officiating as such, is hereby authorized to administer.

Oath of members of general courts martial.

"I, *A. B.* do swear (or affirm) that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court, until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, the president is authorized and required to administer the following oath or affirmation to the judge advocate, or person officiating as such.

Oath of the judge advocate.

"I, *A. B.* do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; nor will I divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Giving of testimony.

Art. XXXVII. All testimony given to a general court martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer, and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion; provided that the imprisonment in no case shall exceed two months: and every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in case of perjury or the subornation thereof. And in every prosecution for perjury or the subornation thereof under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before the said court.

Exhibition of charges.

Art. XXXVIII. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so exhibited, be urged against the person to be

tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismission from service.

Treatment of an arrested officer.

Art. XXXIX. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: and no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness or orders to go on duty from a superior officer, on pain of being cashiered.

Continuance of general courts martial.

Art. XL. Whenever a court martial shall sentence any officer to be suspended, the court shall have power to suspend his pay and emoluments for the whole, or any part of the time of his suspension.

Order of suspension.

Art. XLI. All sentences of courts martial, which shall extend to the loss of life, shall require the concurrence of two thirds of the members present; and no such sentence shall be carried into execution, until confirmed by the President of the United States; or if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron: all other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismission of a commissioned or warrant officer, which are first to be approved by the President of the United States.

How sentences are to be given and confirmed.

A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes.

Art. XLII. The President of the United States, or when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial.

Pardon and mitigation of punishments.

Sec. 2. Art. I. *And be it further enacted*, That courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt in the same manner as courts martial. But such court shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party, whose conduct shall be the subject of inquiry, shall have permission to cross examine all the witnesses.

Courts of inquiry may be ordered.

Art. II. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and judge advocate, and shall, in all cases not capital, or extending to the dismission of a commissioned or warrant officer, be evidence before a court martial, provided oral testimony cannot be obtained.

Proceedings how authenticated.

Art. III. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation:

"You do swear, (or affirm) well and truly to examine and inquire according to the evidence, into the matter now before you, without partiality or prejudice."

Oaths of the members and judge advocate.

After which, the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation:

"You do swear (or affirm) truly to record the proceedings of this court, and the evidence to be given in the case in hearing."

In case of loss of the vessel, the command of the officers shall remain in force.

Sec. 3. *And be it further enacted*, That in all cases, where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost or destroyed, all the command, power, and authority, given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel were not so wrecked, lost, or destroyed, until such ship's company be regularly discharged from, or ordered again into the service, or until a court martial shall be held to inquire into the loss of such ship or vessel; and if by the sentence of such court, or other satisfactory evidence, it shall appear that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty as aforesaid, shall go on until their discharge or death; and every officer or private who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished at the discretion of a court martial, in the same manner as if such vessel had not been so lost.

Pay of captives to continue.

Sec. 4. *And be it further enacted*, That all the pay and emoluments of such officers and men, of any of the ships or vessels of the United States taken by an enemy, who shall appear by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and, after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on and be paid them until their death, exchange, or discharge.

To whom the proceeds of prizes shall accrue.

Sec. 5. *And be it further enacted*, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.

Distribution of prize money.

Sec. 6. *And be it [further] enacted*, That the prize money, belonging to the officers and men, shall be distributed in the following manner:

I. To the commanding officers of fleets, squadrons, or single ships, three twentieths, of which the commanding officer of the fleet or squadron shall have one twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships, two twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three twentieths shall belong to her commander.

II. To sea lieutenants, captains of marines, and sailing masters, two twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two twentieths and one third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. III. of this section.

III. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two twentieths.

IV. To midshipmen, surgeon's mates, captain's clerks, schoolmasters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sail-makers, masters at arms, armorers, cockswains, and coopers, three twentieths and an half.

V. To gunner's yeomen, boatswain's yeomen, quartermasters, quartergunners, sail-maker's mates, sergeants and corporals of marines, drummers, fifers and extra petty officers, two twentieths and an half.

VI. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven twentieths.

VII. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight.

No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the station where he had the command, have any share in the prizes taken by ships left on such station, after he has gone out of the limits of his said command.

Bounty given in certain cases.

Sec. 7. *And be it further enacted*, That a bounty shall be paid by the United States, of twenty dollars for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

Pensions to persons disabled in the service.

Sec. 8. *And be it further enacted*, That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for life, or during his disability, a pension from the United States according to the nature and degree of his disability, not exceeding one half his monthly pay.

Appropriation of the part of captured property belonging to the United States.

Sec. 9. *And be it [further] enacted*, That all money accruing, or which has already accrued to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country.

Management of the navy fund.

Sec. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous. And it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

Repeal of the former act.

1799, ch. 24.

Sec. 11. *And be it further enacted*, That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, intituled "An act for the government of the navy of the United States," from and after the first day of June next, shall be, and hereby is repealed.

Approved, April 23, 1800.

Statute I.

April 24, 1800.

Chap. XXXIV.—*An Act respecting the Mint.*(a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum

(a) See an act to establish the mint, &c., April 13, 1792, chap. 16, and the note, Vol. i. 246.

Appropriation for the purchase of copper.
Act of May 8, 1792, ch. 39.

equal to the amount of the cents and half cents, which shall have been coined at the mint, and delivered to the treasurer of the United States, subsequent to the third day of March, in the year one thousand seven hundred and ninety-nine, shall be, and the same is hereby appropriated for the purchase of copper for the further coinage of cents and half cents; and that a sum equal to the amount of cents and half cents, which shall be hereafter coined at the mint, and delivered to the treasurer of the United States in any one year, shall be, and the same is hereby appropriated for the annual purchase of copper for the coinage of cents and half cents, which sums shall be payable out of any monies in the treasury not otherwise appropriated.

Part of bullion deposited, to be retained for the expense of refining.
Vol. i. 440.

Sec. 2. *And be it further enacted,* That there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same, and an accurate account of such expense on every such deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the treasurer of the mint, with the treasury of the United States.

Approved, April 24, 1800.

Statute I.

April 24, 1800.

[Obsolete.]

Chap. XXXV.—*An Act to continue in force the act in addition to the act for the punishment of certain crimes against the United States.*

Act of June 5, 1794, ch. 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the fifth day of June, one thousand seven hundred and ninety-four, intituled, "An act in addition to the act for the punishment of certain crimes against the United States," and which by the tenth section thereof was limited to continue in force for and during the term of two years from passing the same, and from thence to the end of the next session of Congress thereafter, and no longer; and which said act was, by an act passed on the second day of March, one thousand seven hundred and ninety-seven, intituled "An act to continue in force for a limited time, the act in addition to the act for the punishment of certain crimes against the United States," further continued in force for two years from the said second day of March, one thousand seven hundred and ninety-seven, and from thence to the end of the next session of Congress thereafter, shall continue and be in force without limitation of time, any thing in any act to the contrary notwithstanding.

Act of March 2, 1797, ch. 5.

Approved, April 24, 1800.

Statute I.

April 24, 1800.

[Obsolete.]

Chap. XXXVI.—*An Act to repeal the act laying Duties on mills and implements employed in the manufacture of Snuff.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act to alter and amend the act, intituled 'An act laying certain duties upon snuff and refined sugar,'" passed on the third day of March, one thousand seven hundred and ninety-five, as imposes a duty upon mills and implements employed in the manufacture of snuff, or allows a drawback upon the exportation of snuff manufactured within the United States, shall be, and the same hereby is repealed.

Vol. i. 426.

Approved, April 24, 1800.

Statute I.
April 24, 1800.

Chap. XXXVII.—*An Act to make further provision for the removal and accommodation of the Government of the United States.*

[Obsolete.]
President may direct the removal of the offices, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and hereby is authorized and empowered, to direct the various offices belonging to the several executive departments of the United States, to be removed to the city of Washington, at any time that he shall judge proper, after the adjournment of the present session of Congress, and before the time heretofore appointed by law for such removal.

Act of July 16, 1790, ch. 28.

Providing of furniture for the President's house,

Sec. 2. *And be it further enacted,* That for the purpose of providing furniture for the house erected in the city of Washington, for the accommodation of the President of the United States, a sum not exceeding fifteen thousand dollars be expended, under the direction of the heads of the several departments of state, of the treasury, of war, and of the navy.

and for the capitol.

Sec. 3. *And be it further enacted,* That for the suitable accommodation of Congress at the city of Washington, the secretaries of the four executive departments, or any three of them, shall be, and hereby are authorized and directed to cause suitable furniture to be forthwith provided for the apartments, which are to be occupied in the capitol at the said city, by the two houses respectively, and for the offices and committee rooms of each; and to cause the said apartments, offices and committee rooms to be furnished in a suitable manner, so as to be ready for the reception of Congress on the day fixed by law for the removal of the government to the said city; and that for defraying the expenses incident to the furnishing of the said apartments, offices, and committee rooms, and to the removal of the books, papers, and records belonging to the said offices respectively, there shall be, and hereby is appropriated a sum not exceeding nine thousand dollars.

Footways to be made.

Sec. 4. *And be it further enacted,* That for the greater convenience of the members of both houses of Congress in attending their duty in the said city of Washington, and the greater facility of communication between the various departments and offices of the government, there shall be made foot-ways in the said city in suitable places and directions; and that the said foot-ways shall be made by the commissioners of the said city, under the direction of the secretaries of the four executive departments of the United States, who, or any three of whom, shall forthwith take order therefor, and in such manner, at such places, and in such directions as they or any three of them shall judge most proper for the purposes aforesaid, and shall appoint; and that if the said secretaries, or any three of them, shall find on examination, that there is not in the hands of the said commissioners a sum sufficient for making the said foot-ways, over and above what may have been destined by the said commissioners, or may, in the opinion of the said secretaries, or any three of them, be necessary for the accomplishment of other objects necessary for the accommodation of the government, or its removal as aforesaid, then the said secretaries, or any three of them, shall be, and hereby are authorized and required to draw out of the treasury of the United States, and apply to the purpose of making the said foot-ways, any sum which may be necessary therefor, not exceeding ten thousand dollars; which sum is hereby appropriated for the said purpose. And all the lots in the city of Washington, now vested in the said commissioners, or in trustees in any manner for the use of the United States, and now remaining unsold, excepting those set apart for public purposes, shall be, and are hereby declared and made chargeable with the repayment of the said sum of ten thousand dollars, which shall be advanced in pursuance of this act, and the interest accruing thereon.

Purchase of books for the use of Congress.

Sec. 5. *And be it further enacted*, That for the purchase of such books as may be necessary for the use of Congress at the said city of Washington, and for fitting up a suitable apartment for containing them and for placing them therein, the sum of five thousand dollars shall be, and hereby is appropriated; and that the said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives, pursuant to such directions as shall be given, and such catalogue as shall be furnished by a joint committee of both houses of Congress to be appointed for that purpose; and that the said books shall be placed in one suitable apartment in the capitol in the said city, for the use of both houses of Congress and the members thereof, according to such regulations as the committee aforesaid shall devise and establish.

Post 129.

Appropriations how to be paid.

Sec. 6. *And be it further enacted*, That the several appropriations aforesaid shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

Approved, April 24, 1800.

Statute I.

April 28, 1800.

Chap. XXXVIII.—*An Act to authorize the President of the United States to accept, for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.*

The President may issue letters patent releasing the right of the United States to the soil of the Western Reserve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized to execute and deliver letters patent in the name and behalf of the United States, to the governor of the state of Connecticut for the time being, for the use and benefit of the persons holding and claiming under the state of Connecticut, their heirs and assigns for ever, whereby all the right, title, interest and estate of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the state of Pennsylvania, and as the same has been actually settled, ascertained and run in conformity to an agreement between the said state of Pennsylvania and the state of Virginia, and extending from said line westward one hundred and twenty statute miles in length, and in breadth throughout the said limits in length from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said state of Connecticut out of the cession by the said state heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed as aforesaid to the said governor of Connecticut, and his successors in said office, for ever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided Connecticut shall cede to the United States certain western lands;

Provided however, That such letters patent shall not be executed and delivered, unless the state of Connecticut shall, within eight months from passing this act, by a legislative act, renounce for ever, for the use and benefit of the United States, and of the several individual states who may be therein concerned respectively, and of all those deriving claims or titles from them or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward, and southwestward of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said state of Connecticut, and of those claiming from or under the said state, to the soil of said tract of

land herein described under the name of the Western Reserve of Connecticut.

And provided also, that the said state of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said state duly authorized by the legislature thereof, execute and deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said state of Connecticut, together with said deed releasing said jurisdiction, in the office of the department of state of the United States, which deed of cession when so deposited shall vest the jurisdiction of said territory in the United States: *Provided*, that neither this act, nor any thing contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the federal court at Trenton, nor to impair the right of Pennsylvania or any other state, or of any person or persons claiming under that or any other state, in any existing dispute concerning the right, either of soil or of jurisdiction, with the state of Connecticut, or with any person or persons claiming under the state of Connecticut: *And provided also*, that nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.

and execute a deed relinquishing her jurisdictional claim to the Western Reserve.

Saving certain constructions.

Approved, April 28, 1800.

Statute I.

Chap. XXXIX.—*An Act to provide for rebuilding the Lighthouse at New London; for the support of a Lighthouse at Clark's Point; for the erection and support of a Lighthouse at Wigwam Point, and for other purposes.*

April 29, 1800.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That under the direction of the Secretary of the Treasury, there shall be purchased for the use of the United States, so much land contiguous to their territory, now occupied for the lighthouse at New London, as shall be sufficient for vaults and any other purpose, necessary for the better support of the said lighthouse: *Provided*, that the legislature of the state of Connecticut shall cede to the United States the jurisdiction of such additional territory.

Lighthouse at New London.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, at his discretion, to procure a new lantern with suitable distinctions, and to cause convenient vaults to be erected, and the said lighthouse at New London to be rebuilt.

Sec. 3. *And be it further enacted*, That the lighthouse lately erected at Clark's Point, so called, at the entrance of Accushnet river, within the town of New Bedford, in the state of Massachusetts, shall and may be supported at the expense of the United States: And the Secretary of the Treasury shall and may appoint a keeper thereof, and take further order respecting the same as in other cases: *Provided*, that the property and jurisdiction of the said lighthouse, and sufficient territory for the accommodation thereof, shall be fully ceded and legally vested in the United States.

Lighthouse at Clark's Point.

Sec. 4. *And be it further enacted*, That under the direction of the Secretary of the Treasury, there shall be provided and maintained at the expense of the United States, not exceeding six buoys to be placed within Buzzard's Bay, upon the most dangerous ledges there, in such manner as the safety of navigation in that bay requires.

Buoys to be placed within Buzzard's Bay.

Lighthouse to be erected on Wigwam Point.

Sec. 5. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Wigwam Point, so called, within the town of Gloucester, in the state of Massachusetts, where it will best serve the purpose of discovering the entrance of Anesquam harbor, and to appoint a keeper, and otherwise to provide for the support of such lighthouse at the expense of the United States: *Provided,* that sufficient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to and vested in the United States.

Land to be first granted to the U. States.

Appropriations.

Sec. 6. *And be it further enacted,* That there shall be and hereby are appropriated for providing the said buoys, a sum not exceeding three hundred dollars, and for the erection of the said lighthouse at Wigwam Point, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the treasury of the United States not otherwise appropriated.

Approved, April 29, 1800.

Statute I.

May 2, 1800.

[Expired.]

Act of April 29, 1802, ch. 35.

Compensation to the officers of the Senate and House of Representatives.

Vol. i. 448.

Chap. XL.—*An Act supplementary to the laws now in force, fixing the Compensations of the officers of the Senate and House of Representatives.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of December, one thousand seven hundred and ninety-nine, the officers of the Senate and House of Representatives, herein after mentioned, shall be, and hereby are entitled to receive, in addition to their compensations as now fixed by law, the following sums, that is to say: The Secretary of the Senate, and Clerk of the House of Representatives, two hundred and fifty dollars each, in addition to their salaries as at present established by law; and each of their principal and engrossing clerks, in addition to their per diem allowance as established by law, two hundred dollars per annum.

Sergeant-at-arms and doorkeepers.

Sec. 2. *And be it further enacted,* That the sergeant-at-arms of the Senate, who also performs the duty of doorkeeper, the sergeant-at-arms of the House of Representatives, and the doorkeeper of the House of Representatives, shall be and hereby are entitled to receive five hundred dollars per annum each, and two dollars a day during the session; and the assistant doorkeepers of the Senate and House of Representatives four hundred and fifty dollars per annum each, and two dollars per day during the session, in lieu of the compensations heretofore established by law, which compensations shall commence from the commencement of the present session.

Sec. 3. *And be it further enacted,* That this act shall continue in force for and during the term of two years and no longer.

Approved, May 2, 1800.

Statute I.

May 7, 1800.

Act of Feb. 27, 1809, ch. 19.

Boundary and name of the new territory.

Chap. XLI.—*An act to divide the territory of the United States northwest of the Ohio, into two separate governments.*(a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada,

(a) Act of May 1, 1802, chap. 41; act of April 30, 1802, chap. 40.

shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

Sec. 2. *And be it further enacted,* That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

Form of government and privileges of the inhabitants.

Vol. i. 51.

Sec. 3. *And be it further enacted,* That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States northwest of the river Ohio. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided,* that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

Powers, duties, and compensation of the officers.

Commissions may be issued in the recess.

Sec. 4. *And be it further enacted,* That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided,* that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards which they may respectively contain.

Organization of a general assembly.

Sec. 5. *And be it further enacted,* That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States northwest of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided,* that whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Construction of this act with respect to the government of the new territory.

Eventual change of the boundary.

Sec. 6. *And be it further enacted,* That until it shall be otherwise ordered by the legislatures of the said territories respectively, Chilicothe, on Scioto river, shall be the seat of the government of the territory of the United States northwest of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

Seats of the two governments.

Approved, May 7, 1800.

Statute I.

May 7, 1800.

[Obsolete.]

President authorized to borrow $3,500,000.

Vol. i. 194.

Chap. XLII.—*An Act to enable the President of the United States to borrow money for the public service.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and hereby is authorized to borrow on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons, and upon such terms and conditions, as he shall judge most advantageous for the United States, a sum not exceeding three millions five hundred thousand dollars, in addition to the monies to be received into the treasury of the United States from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress, and defraying the expenses which may be incurred by calling into actual service any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops or volunteers, pursuant to authorities vested, or to be vested in the President of the United States by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, at any time after the expiration of fifteen years from the date of such loan.

Appropriation for the payment of interest, and extinguishment of the principal.

Sec. 2. *And be it further enacted,* That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans respectively may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid. And the faith of the United States shall be, and hereby is pledged to establish sufficient permanent revenues for making up any deficiency, that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid.

Appropriation of the proceeds of the loan.

Sec. 3. *And be it further enacted,* That the sums, to be borrowed pursuant to this act, shall be paid into the treasury of the United States, and there separately accounted for; and that the same shall be, and hereby are appropriated in the manner following:

First, to make up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress: and, secondly, to defray the expenses which may be incurred before the end of the next session of Congress, by calling into actual service any part of the militia of the United States, or by raising, equipping and calling into actual service any regular troops or volunteers, pursuant to authorities vested or to be vested in the President of the United States by law.

Approved, May 7, 1800.

Statute I.

May 7, 1800.

[Obsolete.]

The Act of July 8, 1797, ch. 15, continued for ten years. Repealed March 3, 1807.

Chap. XLIII.—*An Act to continue in force "An act laying an additional duty on Salt imported into the United States, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the eighth day of July, one thousand seven hundred and ninety-seven, intituled "An act laying an additional duty on salt imported into the United States, and for other purposes," shall be, and the same is hereby continued in force for and during the term of ten years from the third

day of March, one thousand eight hundred, and from thence to the end of the next session of Congress thereafter and no longer.

Approved, May 7, 1800.

Statute I.

May 7, 1800.

Chap. XLV.—*An Act to authorize the sale and conveyance of lands, in certain cases, by the Marshals of the United States, and to confirm former sales.*

Marshals may sell the interest in lands delivered to the United States in satisfaction of judgments, in those states where lands are so delivered.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where the United States shall have obtained judgment in civil actions, brought in those states wherein by the laws and practice of such states lands or other real estate belonging to the debtor are delivered to the creditor in satisfaction of such judgment, and shall have received seisin and possession of lands so delivered, it shall be lawful for the marshal of the district wherein such lands or other real estate are situated, under the directions of the Secretary of the Treasury, to expose the same to sale at public auction, and to execute a grant thereof to the highest bidder, on receiving payment of the full purchase money; which grant, so made, shall vest in such purchaser all the right, estate, and interest of the United States in and to such lands, or other real estate.

Such sales by the collectors, in former cases, confirmed.

Proviso.

Sec. 2. *And be it further enacted,* That the sales heretofore made by collectors of certain districts of the United States, of lands or other real estate delivered as aforesaid to the United States, shall be, and they are hereby confirmed: *Provided,* that this confirmation shall not extend to any sale, unless the condition of such sale has been complied with by the purchaser.

Proceedings to conclude the sale of lands in case of the vacancy of the office of marshal.

Sec. 3. *And be it further enacted,* That whenever a marshal shall sell any lands, tenements, or hereditaments, by virtue of process from a court of the United States, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed for the same by him to the purchaser; in every such case the purchaser or plaintiff, at whose suit the sale was made, may apply to the court from which the process issued, and set forth the case, assigning the reason why the title was not perfected by the marshal who sold the same; and thereupon the court may order the marshal for the time being to perfect the title, and execute a deed to the purchaser, he paying the purchase money and costs remaining unpaid; and where a marshal shall take in execution any lands, tenements, or hereditaments, and shall die, or be removed from office, or the term of his commission expire before sale, or other final disposition made of the same; in every such case, the like process shall issue to the succeeding marshal, and the same proceedings shall be had, as if such former marshal had not died or been removed, or the term of his commission had not expired: and the provisions in this section contained shall be, and they are hereby extended to all the cases respectively which may have happened before the passing of this act.

Successors of marshals may complete sales.

Approved, May 7, 1800.

Statute I.

May 7, 1800.

Chap. XLVI.—*An Act for the regulation of public Arsenals and Magazines.*

Rations to the superintendents and master armorers.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several officers who now are, or hereafter may be employed in the armories of the United States, shall be entitled to, and shall receive the following compensations, in addition to their pay as established by law, to wit: A superintendent of such armory three rations per day, or an equivalent in money; and a master armorer two rations per day, or an equivalent in money.

Vol. i. 352.

Sec. 2. *And be it further enacted,* That if any person shall procure, or

Penalty on enticing away, employing, &c. workmen under engagements to the public.

entice any artificer or workman, retained or employed in any arsenal or armory of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall during the continuance of such engagement, retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, the person so offending shall, upon conviction, be fined at the discretion of the court not exceeding fifty dollars, or be imprisoned for any term not exceeding three months.

Penalty on workmen being guilty of certain misconduct.

Sec. 3. *And be it further enacted*, That if any artificer or workman hired, retained, or employed in any public arsenal or armory, shall, wantonly and carelessly, break, impair, or destroy any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States; or shall wilfully and obstinately refuse to perform the services lawfully assigned to him, pursuant to his contract, every such person shall forfeit a sum not exceeding twenty dollars for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

Exemption from military service, and service as jurors.

Sec. 4. *And be it further enacted*, That all artificers and workmen, who are or shall be employed in the said armories, shall be, and they are hereby exempted, during their time of service, from all military service, and service as jurors in any court.

Approved, May 7, 1800.

Statute I.

May 7, 1800.

Chap. XLVII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred.*

[Obsolete.]

Specific appropriations.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the expenditure of the civil list, including the contingent expenses of the several departments and officers; for the compensation of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers, and for satisfying certain miscellaneous claims and expenses; the following sums be, and are hereby appropriated, that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations granted to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety thousand one hundred and seventy-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, including the sum stipulated to be paid in pursuance of a resolution of March second, one thousand seven hundred and ninety-nine, for supplying both Houses with the journals of Congress, twenty-one thousand six hundred and sixty-four dollars and forty cents.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney-general, forty-five thousand five hundred dollars.

For the compensations granted by law to the district attornies, and for defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, thirty-three thousand four hundred dollars.

Specific appropriations.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand one hundred and eighty-nine dollars and eighty-one cents.

For expenses of stationery, printing, translating of foreign languages, allowance to persons employed in receiving and transmitting passports and sea-letters in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventeen dollars and eight cents.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand one hundred and sixty dollars and ninety-three cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Auditor, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and persons employed in his office, five thousand nine hundred and seventeen dollars and forty-five cents.

For expenses of firewood, stationery, printing, rent, and all other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and ninety-three dollars and six cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand three hundred and forty-two dollars and one cent.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the Purveyor of public supplies, clerks and persons employed in his office, two thousand eight hundred and fifty dollars.

For firewood, stationery, office and store rent for the Purveyor, nine hundred and sixteen dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For the payment of rent for the several houses employed in the Treasury department, (except the Treasurer's office) two thousand seven hundred and thirty dollars and sixty-six cents.

For the expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand eight hundred, (including an increase of two hundred dollars in consequence of an extension of the revenue and expenditures) one thousand two hundred dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the several officers, clerks and messengers in each office, five thousand dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For the expense incident to the removal of the loan office of Pennsylvania from Philadelphia, during part of the summer of the year one

Specific appropriations.

thousand seven hundred and ninety-nine, including the extra expenses of the clerks, in the said office, three hundred and six dollars.

For compensation to the clerks to the Commissioners of Loans, and an allowance to certain loan officers in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred dollars.

For the incidental and contingent expenses in the said department, thirteen thousand dollars.

For the expenses incident to the removal of the Department of State from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the clerks and messengers therein, five hundred and eight dollars and sixty cents.

For compensation to the following officers of the Mint:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed at the different branches of melting, refining, coining, carpenters, millwrights, and smiths' work, including the sum of eight hundred dollars per annum allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, seven thousand dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies of the establishment of the mint, six thousand three hundred dollars.

For compensation to the Secretary at War, clerks and persons employed in his office, eleven thousand one hundred and ninety dollars.

For expenses of firewood, stationery, printing, rent, and other contingent expenses in the office of the Secretary at War, two thousand dollars.

For compensation to the accountant of the War department, clerks and persons employed in his office, ten thousand eight hundred and fifty dollars.

For contingent expenses in the office of the accountant of the War department, one thousand dollars.

For the expense incident to the removal of the War department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the accountant, the Paymaster-General, the Quartermaster-General, the keeper of military stores, clerks and messengers in each office, four thousand four hundred and twenty-six dollars and fifty-six cents.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, including deficiencies in former appropriations for clerk hire, nine thousand one hundred and fifty-two dollars and twenty-five cents.

For the expense of firewood, stationery, printing, rent, and other contingencies in the office of the Secretary of the Navy, three thousand three hundred dollars.

For compensation to the accountant of the Navy, clerks and persons employed in his office, nine thousand two hundred and fifty dollars.

For contingent expenses in the office of the accountant of the Navy, seven hundred and fifty dollars.

Specific appropriations.

For expense of removing the department of the Navy from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Secretary for the department, the accountant, clerks and messengers in each office, one thousand two hundred and fifty-four dollars and fifty-nine cents.

For compensation to the Surveyor-General, two thousand dollars.

For compensation to the assistant surveyors, chain carriers, axe men and other persons employed, stationery and other contingent expenses in the Surveyor-General's department, (in addition to former appropriations) two thousand dollars.

For compensation to the governor, judges, and secretary of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks, and persons employed in the Postmaster-General's office, nine thousand three hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in the office of the Postmaster-General, and for the expense incident to the removal of the general post-office from Philadelphia to Trenton during part of the summer of the year one thousand seven hundred and ninety-nine, including the extra expenses of the Postmaster-General, his assistant, and clerks; with expenses incurred by the postmaster at Philadelphia, by a removal of his office to a more healthy part of the city, and of his increased expenses in attending to the duties of his office in the years one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, four thousand and eighty-one dollars and forty-nine cents.

For the discharge of such miscellaneous demands against the United States on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature according to the usage thereof to require payment in specie, two thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred fifty-three dollars and thirty-three cents.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and for occasional improvement in the construction of lanterns and lamps, and materials used therein, and to make good deficiencies in former appropriations occasioned by the increased number of lighthouses, thirty-nine thousand three hundred and ninety-two dollars and three cents.

For repairing Charleston lighthouse, five thousand nine hundred and fifty dollars.

For erecting a lighthouse on Old Point Comfort (in addition to former appropriations) one thousand five hundred dollars.

For rebuilding, altering, and improving the lighthouse at New London, fifteen thousand seven hundred dollars.

For the payment of contracts entered into for building of a lighthouse on Cape Hatteras, and a beacon on Shell Castle island, (the balance of former appropriations being carried to the credit of the surplus fund) thirty-five thousand six hundred and ninety-eight dollars.

Specific appropriations.

For the payment of balances which may be found due to individuals, in consequence of settlements at the treasury, pursuant to the act of Congress passed on the twelfth day of June, one thousand seven hundred and ninety-eight, intituled "An act respecting loan-office and final settlement certificates," &c. twenty-five thousand dollars.

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For defraying the expenses of printing, with devices, the subscription certificates, and issuing the same to the subscribers to the loan of five millions of dollars, cost of paper; also, the incidental expenses of said loan in its operation at the Bank of the United States; and likewise for printing certificates of the eight per cent. stock for the treasury, and the several loan offices, including the cost of paper, and other incidental expenses of funding this stock, five thousand dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie, four thousand dollars.

For the expenses of intercourse with foreign nations during the present year, in addition to the sum of forty thousand dollars appropriated by law for that purpose, the sum of fifty-two thousand dollars.

For further expenses in carrying into effect the sixth article of the treaty of amity, commerce and navigation between the United States and Great Britain, including the expenses authorized by the act intituled, "An act directing the appointment of agents in relation to the sixth article of the treaty of amity, commerce and navigation between the United States and Great Britain," fifty-two thousand five hundred and fifty-six dollars.

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For the salaries of the commissioners under the seventh article of the said treaty, including the contingent expenses, sixteen thousand four hundred and forty-four dollars.

For the salaries, clerk hire, office rent, and other contingencies of the two agents residing in England on business relative to the said seventh article, nine thousand dollars.

For further expenses in carrying into effect the treaty of amity, navigation, and limits, between the United States and Spain, twenty thousand dollars.

For the difference between the cost of the stipulated articles in the annuity to the Dey and Regency of Algiers, and the permanent appropriation therefor, fifty-six thousand dollars.

For defraying the expenses incident to the valuation of lands and houses, and enumeration of slaves, within the United States, as directed by the act of July the ninth, one thousand seven hundred and ninety-eight, in addition to the sum appropriated by that act, two hundred and fifteen thousand dollars.

How these appropriations shall be paid.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made shall be paid and discharged out of the fund of six hundred thousand dollars reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury not otherwise appropriated.

Vol. i. 138.

Approved, May 7, 1800.

Statute I.

May 10, 1800.

[Obsolete.]

Specific appropriations.

Chap. XLVIII.—*An Act making appropriations for the Military Establishment of the United States, in the year one thousand eight hundred.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the military establishment of the United States, for the year one thousand eight hundred, the pay and subsistence of the

officers and men, bounties and premiums, the clothing, hospital, ordnance, quartermaster's and Indian departments, the defensive protection of the frontiers, the contingent expenses of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of three millions, forty-two thousand five hundred and seventy-six dollars and thirty-five cents be, and is hereby appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, one million eighteen thousand six hundred and twenty dollars.

For the subsistence of the army, seven hundred and eighty-seven thousand seven hundred and eighty-six dollars and thirty-five cents.

For forage, the sum of thirty-six thousand six hundred and seventy-two dollars.

For horses to replace those which may die, or become unfit for service, the sum of five thousand dollars.

For clothing, the sum of two hundred and fifty-seven thousand nine hundred and fifty-five dollars.

For bounties and premiums, the sum of fourteen thousand dollars.

For the hospital department, the sum of fifty-one thousand dollars.

For the ordnance department, the sum of one hundred and thirteen thousand five hundred and twenty-two dollars.

For the quartermaster's department, the sum of five hundred and twenty-eight thousand and sixty-five dollars.

For paying annuities to the following nations of Indians, in pursuance of treaties: To the Six Nations, Cherokees, Chickasaws and Creeks, the sum of fifteen thousand dollars.

For promoting civilization among the Indian tribes, and pay of temporary agents, the sum of fifteen thousand dollars.

For expense attending the running of the line of demarkation between the Indian territory of the United States, including the pay of commissioners, surveyors and assistants, the sum of four thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repairs of forts and fortifications, the sum of sixty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, purchasing maps, and other contingencies, the sum of forty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions from the fifth of March one thousand eight hundred, to the fourth of March one thousand eight hundred and one, the sum of ninety-three thousand dollars.

Sec. 2. *And be it further enacted,* That for the fabrication of cannon and arms, and the purchase of ammunition for the army and navy, and for the militia of the United States, in addition to the sums unexpended of the appropriations made by the acts of Congress of the fourth of May and first of July seventeen hundred and ninety-eight, the sum of two hundred and sixty thousand dollars shall be, and hereby is appropriated.

1798, ch. 38.

1798, ch. 65.

Sec. 3. *And be it further enacted,* That the foregoing appropriations shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

How these appropriations shall be paid.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Act of March 2, 1799, ch. 22. District of Kennebunk.

Chap. XLIX.—*An Act to establish the district of Kennebunk, and to annex Lyme to New London; and to alter the district of Bermuda Hundred and City Point; and therein to amend the act intituled "An act to regulate the collection of duties on imports and tonnage."*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, the towns of Wells and Arundel, in the state of Massachusetts, and all the shores and waters thereof, shall be a district, to be called the district of Kennebunk, of which the port of Kennebunk shall be the sole port of entry; and the ports of Wells and Cape Porpoise shall be ports of delivery only, and a collector for the district shall be appointed to reside at Kennebunk.

Certain vessels may unlade at Edgecomb and Newcastle.

Sec. 2. *And be it further enacted,* That ships and vessels owned in whole or in part in the towns of Edgecomb and Newcastle, in the district of Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of the said towns which adjoin Sheepscut river.

Lyme annexed to New London.

Sec. 3. *And be it further enacted,* That from and after the thirtieth day of June next, the town of Lyme, in the state of Connecticut, and the shores and waters thereof, shall be annexed as a port of delivery only to the district of New London, and all vessels bound to or from the said port of Lyme, shall first come to, enter, and clear at the said port of New London: *Provided however,* that the surveyor appointed to reside at Saybrook shall be authorized to visit and inspect ships or vessels arriving at said port of Lyme, and generally to perform the duties of a surveyor, as may be requisite within said port.

Alteration of the district of Bermuda Hundred and City Point.

Sec. 4. *And be it further enacted,* That from and after the thirtieth day of June next, the district of Bermuda Hundred and City Point as at present constituted, in the state of Virginia, shall be called the district of Petersburg, to comprehend Petersburg, City Point, and all the waters, shores, bays, harbors, and inlets of James river, from Hood's and the junction of Chicahoming to the junction of the James and Appamattox rivers, and from thence to the highest tide-water of Appamattox, and also the Chicahoming to its highest tide-water mark; and the port for the said district shall extend from Petersburg to City Point. And another district shall be formed to be called the district of Richmond, to comprehend Richmond, and Manchester, and Bermuda Hundred, and all the waters, shores, bays, harbors, and inlets of James river from Bermuda Hundred, including the harbor thereof, to the highest tide-water of James river; and the port shall extend from Richmond and Manchester to Bermuda Hundred. The office of collector for the district of Petersburg shall be kept in the town of Petersburg; and a collector shall be appointed for the Richmond district, whose office shall be kept in the city of Richmond; and the surveyors within those two districts shall continue to reside at the places at present established by law.

New district formed.

March 2, 1799, ch. 22, sec. 11.

Manifests to be delivered to the collector of Norfolk, by vessels bound up James river, &c.

Sec. 5. *And be it further enacted,* That the master of any ship or vessel, bound to any district of James river above Sewal's Point, shall, before he pass by the said Point, and immediately after his arrival either at the same or at Hampton Road, deposit with the collector of the port of Norfolk and Portsmouth, or of Hampton, a true manifest of the cargo on board such ship or vessel; and the said collector shall, after registering the manifest, transmit the same duly certified to have been so deposited, to the officer with whom the entries are to be made: and the said collector may, whenever he shall judge it to be necessary for the security of the revenue, put an inspector of the customs on board any such ship or vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district, to which such ship or vessel may be destined. And if the master or commander of any such ship or vessel

shall neglect or omit to deposit a manifest in manner as aforesaid, or shall refuse to receive an inspector of the customs on board, as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound.

Repeal of part of the former act. Vol. i. 627.

Sec. 6. *And be it further enacted*, That such part and so much of the act, intituled "An act to regulate the collection of duties on imports and tonnage," as comes within the purview of this act, being contrary hereto, shall be and hereby is repealed.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Vol. i. 549.

Chap. L.—*An Act supplemental to the act intituled "An act for an amicable settlement of limits with the State of Georgia; and authorizing the establishment of a Government in the Mississippi territory."*

Organization of a general assembly in the Mississippi territory.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, and of the act of Congress of the seventh of August, one thousand seven hundred and eighty-nine, providing for the government of the territory of the United States northwest of the river Ohio, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall forthwith operate, and be in force in the Mississippi territory: *Provided*, that until the number of free male inhabitants of full age, in the said territory, shall amount to five thousand, there shall not be returned to the general assembly more than nine representatives.

Representatives to the general assembly.

Sec. 2. *And be it further enacted*, That until the number of free male inhabitants of full age in the Mississippi territory shall amount to five thousand, the county of Adams shall be entitled to choose four representatives to the general assembly, the county of Pickering four, and the Tensaw and Tombigbee settlements, one.

First election.

Sec. 3. *And be it further enacted*, That the first election, for representatives to the general assembly, shall be on the fourth Monday in July next, and that all subsequent elections shall be regulated by the legislature.

Election to be holden at the most convenient place.

Sec. 4. *And be it further enacted*, That it shall be the duty of the governor of the Mississippi territory, to cause the said election to be holden on the day aforesaid, at the most convenient place in the counties and settlements aforesaid, and to nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected.

Assembly to meet at Natchez.

Sec. 5. *And be it further enacted*, That the representatives shall be convened by the governor at the town of Natchez, on the fourth Monday in September next.

Number of Representatives after census. 1808, ch. 9.

Sec. 6. *And be it further enacted*, That so soon as the number of free male inhabitants of full age shall amount to, or exceed five thousand, the number of representatives to the general assembly shall be determined, and the apportionment made in the way prescribed in the ordinance.

Saving of the rights of Georgia, and of all persons. Vol. i. 549.

Sec. 7. *And be it further enacted*, That nothing in this act shall in any respect impair the right of the state of Georgia to the jurisdiction, or of the said state, or of any person or persons to the soil of the said territory, but the rights and claims of the said state, and all persons interested, are hereby declared to be as firm and available as if this act had never been made.

Time of meeting of the general assembly.

Sec. 8. *And be it further enacted*, That the general assembly shall meet at least once in every year, and such meeting shall be on the first Monday of December, unless they shall by law appoint a different day: *Provided*, that the governor shall have power on extraordinary occasions to convene the general assembly.

Adjournment thereof.

Sec. 9. *And be it further enacted*, That neither house during the session of the general assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

The commissioners of the United States may finally settle with Georgia by compromise. April 7, 1798, ch. 28.

Sec. 10. *And be it further enacted*, That it shall be lawful for the commissioners appointed, or who may hereafter be appointed on the part of the United States, in pursuance of the act, intituled "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory," or any two of them, finally to settle by compromise with the commissioners, which have been or may be appointed by the state of Georgia, any claims mentioned in said act, and to receive in behalf of the United States a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable: and also, that the said commissioners on the part of the United States, or any two of them, be authorized to inquire into the claims which are or shall be made by settlers or any other persons whatsoever, to any part of the aforesaid lands, and to receive from such settlers and claimants any propositions of compromise which may be made by them, and lay a full statement of the claims and the propositions which may be made to them by the settlers or claimants to any part of the said lands, together with their opinion thereon, before Congress, for their decision thereon, as soon as may be: *Provided*, that the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided also*, that the said commissioners shall not contract for the payment of any money from the treasury of the United States to the state of Georgia, other than the proceeds of the same lands.

They may inquire into the claims of individuals.

Provisoes.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Act of Feb. 28, 1803, ch. 10. Act of March 2, 1807, ch. 22.

Penalty on citizens having an interest in vessels employed in the slave trade.

Chap. LI.—*An Act in addition to the act intituled "An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any right or property, belonging as aforesaid, shall be forfeited, and may be libelled and condemned for the use of the person who shall sue for the same; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

Penalty on citizens serving in such vessels.

Sec. 2. *And be it further enacted*, That it shall be unlawful for any citizen of the United States or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen or other person, voluntarily

(a) See act of March 22, 1794, chap. 11, and notes, Vol. i. 347.

serving as aforesaid, shall be liable to be indicted therefor, and on conviction thereof shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Sec. 3. *And be it further enacted*, That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to and suffer the like forfeitures, pains, disabilities and penalties as he would have incurred; had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

Commissioned vessels authorized to seize vessels contravening this or the former act.

Sec. 4. *And be it further enacted*, That it shall be lawful for any of the commissioned vessels of the United States, to seize and take any vessels employed in carrying on trade, business or traffic, contrary to the true intent and meaning of this or the said act to which this is in addition; and such vessel, together with her tackle, apparel and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessel making the seizure, and be divided in the proportion directed in the case of prize: and all persons interested in such vessel, or in the enterprise or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves found on board such vessel as aforesaid, and from all damages or retribution on account thereof: and it shall moreover be the duty of the commanders of such commissioned vessels, to apprehend and take into custody every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey as soon as conveniently may be, to the civil authority of the United States in some one of the districts thereof, to be proceeded against in due course of law.

District and circuit court to have jurisdiction of offences.

Sec. 5. *And be it further enacted*, That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

Construction of the act.

Sec. 6. *Provided nevertheless, and be it further enacted*, That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such state, prohibited.

Distribution of penalties.

Sec. 7. *And be it further enacted*, That the forfeitures which shall hereafter be incurred under this, or the said act to which this is in addition, not otherwise disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

[Obsolete.]

Act of July 9, 1798, ch. 70.

Commissioners under the Act of July 9, 1798, ch. 70, to adjust the valuation of unseated lands.

Chap. LIII.—*An Act to provide for equalizing the valuations of unseated lands.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioners appointed under the act, intituled "An act to provide for the valuation of lands and dwelling-houses and the enumeration of slaves within the United States," in those states the valuations and enumerations whereof are not yet closed and returned to the treasury department, shall be, and hereby are authorized and empowered on examination and consideration, at some general meeting to be convened pursuant to law, of the lists, returns, valuations and abstracts rendered to them by the assessors within their respective states, to revise the valuations of unseated lands in each and every assessment district of their respective

states, and in each and every subdivision of such districts respectively, and to vary and adjust the said valuations by adding thereto, or deducting therefrom such rate per centum as to them shall appear just and reasonable: *Provided always*, that the relative valuations of different tracts of unseated land in the same subdivision shall not be changed or affected.

Commissioners may direct deductions.

Sec. 2. *And be it further enacted*, That the said commissioners may direct the deductions and additions aforesaid to be made out and completed by the principal assessors of the aforesaid assessment districts respectively, or, if they shall deem it more proper, by their own clerk, and by such assistants as they shall find necessary and appoint for that purpose: *Provided always*, that the compensation to be made to the said assistants shall not exceed the pay allowed to the assistant assessors by the act aforesaid.

Compensation.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Act of March 2, 1799, ch. 23.

Allowance to certain collectors.

Chap. LIV.—*An Act supplementary to an act, intituled "An Act to establish the compensation of the officers employed in the collection of the duties on impost and tonnage."*(a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June next, there shall be allowed and paid annually, to and for the use of the several collectors and surveyors appointed, and to be appointed pursuant to law, and employed in the collection of the duties of imports and tonnage, in the districts herein after mentioned, in addition to their fees and emoluments otherwise allowed by law, the sums following respectively, that is to say:—To the collectors of Passamaquody, Waldoborough, and St. Mary's, two hundred and fifty dollars each; to the collectors of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, Bridgetown, Sunbury, and Georgetown in Maryland, one hundred dollars each; and to the collectors of Sagg Harbor, Brunswick, in Georgia, and Dumfries, fifty dollars each; to the surveyor of Bermuda Hundred, one hundred and fifty dollars; and to the surveyors of Newport, Providence, Port Royal, Alexandria, and Saybrook, one hundred dollars each.

Commissions to certain collectors.

Sec. 2. *And be it further enacted*, That in lieu of the commissions heretofore allowed by law, there shall, from and after the thirtieth day of June next, be allowed to the collectors for the districts of Alexandria, Petersburg, and Richmond respectively, two and an half per centum, on all monies which shall be collected and received by them; to the collector for the district of Boston and Charlestown, and to the collectors of Baltimore and Philadelphia, three eighths of one per centum; to the collectors of Charleston, South Carolina, Salem and Norfolk and Portsmouth, three quarters of one per centum; to the collector of the district of Portland, one per centum, for and on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels.

Certain collectors to deposit bonds in bank for collection.

Sec. 3. *And be it further enacted*, That it shall be the duty of the collectors of the several districts of Philadelphia, New York, Boston, Baltimore, Norfolk and Charleston, and they are hereby respectively directed to deposit for collection in the Bank of the United States, or at an office of discount and deposit of the said bank, all the bonds taken, or to be taken by them, for duties by virtue of any law of the United States; but on all money collected by the said banks the commissions aforesaid are to be allowed the said collectors in like manner as if received by them.

Approved, May 10, 1800.

(a) Act of March 2, 1799, chap. 23.

Statute I.

May 10, 1800.

Act of May 18, 1796, ch. 29. Act of April 18, 1818, ch. 70. Act of March 30, 1820, ch. 26.

Chap. LV.—*An Act to amend the act intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river."* (a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the disposal of the lands of the United States, directed to be sold by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river," there shall be four land offices established in the said territory: one at Cincinnati, for lands below the Little Miami, which have not heretofore been granted; one at Chilicothe, for lands east of the Scioto, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the before mentioned military lands, and south of a line drawn due west from the northwest corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands. Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land Office," who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land office is directed to be kept.

Four land offices established under the direction of Registers.

1803, ch. 30.

Sec. 2. *And be it further enacted,* That it shall be the duty of the surveyor-general, and he is hereby expressly enjoined, to prepare and transmit to the registers of the several land offices, before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices respectively, and also to forward copies of each of the said plats to the Secretary of the Treasury.

Surveyor-General to transmit certain plats.

Sec. 3. *And be it further enacted,* That the surveyor-general shall cause the townships west of the Muskingum, which by the above-mentioned act are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes and descriptions, prescribed to surveyors by the above-mentioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually subdivided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each. And in all cases where the exterior lines of the townships, thus to be subdivided into sections or half sections, shall exceed or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the

He shall cause certain lines to be run and marked.

(a) Act of May 18, 1806, chap. 29; act of April 18, 1818, chap. 70; act of March 3, 1819, chap. 72; act of March 30, 1820, chap. 26; act of April 24, 1820, chap. 49; act of March 2, 1821, chap. 11; act of March 1, 1823, chap. 38; act of May 20, 1826, chap. 138.

complete legal quantity. And the President of the United States shall fix the compensation of the deputy surveyors, chain carriers, and axemen: *Provided*, the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed and marked.

Certain lands to be sold.

Sec. 4. *And be it further enacted*, That the lands thus subdivided (excluding the sections reserved by the above-mentioned act) shall be offered for sale in sections and half sections, subdivided as before directed at the following places and times, that is to say: Those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the northwestern territory. The lands east of Scioto, south of the military lands, and west of the fifteenth range of townships, shall be offered in like manner for sale at Chilicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the said territory. The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale in like manner at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the governor or secretary, or surveyor-general of the said territory. The sales shall remain open at each place for three weeks, and no longer. The superintendents shall observe the rules and regulations of the above-mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands, remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the registers of these respective land offices, in the manner herein after prescribed; and the register of the land office at Steubenville, after the first day of July next, may proceed to sell, at private sale, the lands situate within the district assigned to his direction as herein before described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the above-mentioned act and of this act: And the register of the land office at Marietta, after the said first day of July next, may proceed to sell at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

Limitation of the price, and mode of purchase and payment.

Sec. 5. *And be it further enacted*, That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, intituled, "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States;" and shall be made in the following manner, and under the following conditions, to wit:

1797, ch. 14.

Fees to be paid.

1. At the time of purchase, every purchaser shall, exclusively of the fees hereafter mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one twentieth part of the amount of purchase money, to be forfeited, if within forty days one fourth part of the purchase money, including the said twentieth part, is not paid.

One fourth of the purchase money to be paid.

2. One fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid; another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.

3. Interest, at the rate of six per cent. a year from the day of sale

shall be charged upon each of the three last payments, payable as they respectively become due.

Grade of purchase.

4. A discount at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum, which would have been demandable by the United States, on the day appointed for such payment.

A discount allowed for payment before due.

5. If the first payment of one fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day, when the payment of one fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and in the same manner as the other lands directed by this act to be disposed of at private sale: *Provided*, that the lands which shall have been sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale, for a price less than the price that shall have been offered for the same at public sale.

If one fourth part is not paid the land may be sold at private sale.

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the register of the land office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale. And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefor shall be forfeited, and the register of the land office may proceed to dispose of the same to any purchaser, as in case of other lands at private sale.

If a tract is not paid for in one year, to be resold.

Act of April 15, 1806.

Sec. 6. *And be it further enacted*, That all and every the payments, to be made by virtue of the preceding section, shall be made either to the treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the Senate, receiver of public monies for lands of the United States, at each of the places respectively where the public and private sales of the said lands are to be made; and the said receiver of public monies shall, before he enters upon the duties of his office, give bond with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said treasurer and receiver of public monies to give receipts for the monies by them received, to the persons respectively paying the same; to transmit within thirty days in case of public sale, and quarterly, in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received for surveying expenses, and those received for purchase money, to the Secretary of the Treasury, and to the registers of the land office, as the case may be. The said receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the treasurer of the United States; and the receivers of public monies for the said sales, and also the receivers of public monies for the sales which have taken place at Pittsburg under the act, intituled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe keeping, and transmitting it to the treasury of the United States.

Payments to be made to the Treasurer or receivers of public monies.

Duty of receivers of public monies.

Act of May 18, 1796.

Their compensation.

Sec. 7. *And be it further enacted*, That it shall be the duty of the

Duty of the Registers of the land offices.

registers of the land offices respectively, to receive and enter on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter mentioned, and produce a receipt from the treasurer of the United States, or from the receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one twentieth part of the purchase money, stating carefully in each entry the date of the application, the date of the receipt to him produced, the amount of monies specified in the said receipt, and the number of the section or half section, township and range applied for. If two or more persons shall apply at the same time for the same tract, the register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and at his request to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have, within that time, produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part above mentioned, enter under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser or his assignee or other legal representative, shall be entitled to a patent for the said lands; he shall also, upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing to the Secretary of the Treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns; and all patents shall be countersigned by the Secretary of State, and recorded in his office.

Patents to be issued.

Registers to note the sales upon the surveys, &c.

Sec. 8. *And be it further enacted*, That the registers of the land offices respectively, shall also note on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall

revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys or original plat shall be open at all times, in presence of the register, for the inspection of any individual, applying for the same and paying the proper fee.

Registers to make certain quarterly returns.

Sec. 9. *And be it further enacted*, That it shall be the duty of the registers of the land offices to transmit quarterly to the Secretary of the Treasury, and to the surveyor-general, an account of the several tracts applied for, of the several tracts for which the payment of one fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

Mode of making purchases by registers.

Sec. 10. *And be it further enacted*, That the registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other person in trust for them; and if any register shall wish to purchase any tract of land, he may do it by application in writing to the surveyor-general, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day, when their application for the same shall have been entered by the surveyor-general in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the register, that the same has already been applied for by the said register, or by any other person, insist to make the application, it shall be the duty of the register to enter the same, noting in the margin that the same tract is already purchased, but upon application of the party made in writing, and which he shall file, he may and shall at any future time enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, that the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

Secretary of the Treasury may prescribe further regulations.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

Allowance to the Registers.

Sec. 12. *And be it further enacted*, That the registers of the land offices, respectively, shall be entitled to receive from the treasury of the United States, one half per cent. on all the monies expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the Secretary of the Treasury, as directed by this act; and they shall further be entitled to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say; for every original application for land, and a copy of the same, for a section three dollars, for a half section two dollars; for every certificate stating that the first fourth part of the purchase money is paid, twenty-five cents; for every subsequent receipt for monies paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of

the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

Allowance to superintendents of public sales.

Sec. 13. *And be it further enacted,* That the superintendents of the public sales, to be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, intituled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," shall receive five dollars a day for every day whilst engaged in that business; and the accounting officers of the treasury are hereby authorized to allow a reasonable compensation for books, stationery and clerk hire, in settling the accounts of the said superintendents.

1796, ch. 29.

Patent fees.

1804, ch. 35.

Sec. 14. *And be it further enacted,* That the fee to be paid for each patent for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same.

Leases of the reservations may be given by the Surveyor General.

Sec. 15. *And be it further enacted,* That the lands of the United States reserved for future disposition, may be let upon leases by the surveyor-general, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable.

Pre-emption right given to builders of mills.

Sec. 16. *And be it further enacted,* That each person who, before the passing of this act, shall have erected, or begun to erect, a grist-mill or saw-mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided,* the person or his heirs, claiming such right of pre-emption, shall produce to the register of the land office satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

Repeal of part of the former act.

1796, ch. 29.

Sec. 17. *And be it further enacted,* That so much of the act, providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river, as comes within the purview of this act, be, and the same is hereby repealed.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Chap. LVI.—*An Act to ascertain the compensation of public Ministers.*(a)

Repealed by Act of May 1, 1810, ch. 44.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That exclusive of an outfit which shall in no case exceed the amount of one year's full salary to any minister plenipotentiary or chargé des affaires, to whom the same may be allowed, the President of the United States shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses: nor a greater sum for the same than four thousand five hundred dollars per annum to a chargé des affaires: nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary.

Salaries of public ministers.

Settlement of accounts.

Sec. 2. *And be it further enacted,* That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be, and he hereby is authorized to cause the same to be duly settled, annually, with the ac-

(a) See an act fixing the compensation of public ministers and consuls, residing on the coast of Barbary, and for other purposes, May 1, 1810, chap. 44.

counting officers of the treasury in manner following, that is to say: by causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

[Obsolete.]

Appropriations.

Chap. LVII.—*An Act to make appropriations for the Navy of the United States, during the year one thousand eight hundred.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred, there shall be, and hereby is appropriated the sum of two millions, four hundred and eighty-two thousand nine hundred and fifty-three dollars and ninety-nine cents, that is to say: for the pay of the officers of the navy of the United States, the sum of three hundred and ninety-one thousand five hundred and ninety-six dollars; for the subsistence of the officers of the navy, the sum of seventy thousand, seven hundred and twenty-two dollars and forty cents; for the pay of the seamen, the sum of eight hundred and eighteen thousand three hundred and forty dollars; for provisions, the sum of six hundred and three thousand, six hundred and forty-two dollars and sixty-seven cents; for contingent expenses, including the waste of military stores, the expense of the navy store at Philadelphia, comprising storekeeper's salary, clerk hire, store rent, labourers, porterage and freight, and for making good deficiencies in former appropriations, and for similar expenses at Boston, Newport, Baltimore, Norfolk, New York, and other ports, the sum of three hundred and ninety-three thousand six hundred dollars; for the expense of hospitals, medicines and hospital stores, the sum of thirty-two thousand six hundred and forty-seven dollars and twenty cents; for the support of the revenue cutters while employed in the navy service, the sum of ten thousand dollars; for the pay of the officers, non-commissioned officers and privates of the marine corps, the sum of ninety-four thousand, seven hundred and thirty-four dollars; for subsistence of the officers of the said corps, the sum of eight thousand and eighteen dollars and sixty cents; for clothing for the said corps, the sum of thirty-three thousand five hundred and thirty dollars, and seventy-four cents; for military stores for the said corps, the sum of twelve thousand two hundred and seventy-seven dollars and eighty-eight cents; for the contingent expenses of the said corps, including camp equipage, quartermasters, barrack-masters, and hospital stores, and bounties and premiums, the sum of thirteen thousand eight hundred and forty-four dollars.

Sec. 2. *And be it further enacted,* That the aforesaid appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Approved, May 10, 1800.

Statute I.

May 10, 1800.

Duty of the Secretary of the

Chap. LVIII.—*An Act supplementary to the act entitled "An act to establish the Treasury Department."*(a)

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

(a) Act of September 2, 1789, chap. 12.

Treasury to lay before Congress estimates of the revenue.

duty of the Secretary of the Treasury to digest, prepare and lay before Congress at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue and public expenditures, and plans for improving or increasing the revenues, from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

Approved, May 10, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Provision for satisfying resolution warrants for Virginia military lands.

1807, ch. 31.

Proviso.

Chap. LIX.—*An Act to authorize the issuing certain Patents.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful, and the proper officer is hereby authorized to issue patents on surveys, which have been, or may be made within the territory reserved by the state of Virginia, northwest of the river Ohio, and being part of her cession to Congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favour of persons who had served in the Virginia line on the continental establishment: *Provided,* that the whole quantity of land for which patents shall issue by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the Secretary of War, on or before the first day of December, one thousand eight hundred and three: *And provided also,* that this act shall not give any force or validity to the entries, locations or surveys, heretofore made in pursuance of these warrants, so far as such entries, locations, or surveys, interfere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made in pursuance of warrants, granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishment.

In case of eviction, warrants may be withdrawn and located elsewhere.

Sec. 2. *And be it further enacted,* That in every case of interfering claims under military warrants, to lands within the territory so reserved by the state of Virginia, when either party to such claims shall lose, or be evicted from the land, every such party shall have a right, and hereby is authorized to withdraw his, her or their warrant, respectively, to the amount of such loss or eviction, and to enter, survey, and patent the same, on any vacant land within the bounds aforesaid, and in the same manner as other warrants may be entered, surveyed and patented.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Repealed.]

Lands and dwelling houses omitted in the lists, may be entered by the surveyors of the revenue.

1801, ch. 33, sec. 3.

Chap. LX.—*An Act to enlarge the powers of Surveyors of the Revenue.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever it shall appear to the surveyor of the revenue, appointed or to be appointed in any assessment district within the United States, under the act intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," that any tract of land or dwelling-house, situated within his said district, and directed by the said act to be included in the lists thereby required to be rendered and kept, hath been omitted in the said lists, then and in every such case it shall be the duty of such surveyor, and he hereby is authorized and required to inform himself of the value of such tract of land or dwelling-house, by entry, view, or other lawful ways and means, and to make a list and valuation thereof, in the form and manner prescribed in and by the said act, and to enter and record the said lists and valuation with and among the lists and valuations by

him to be kept and recorded pursuant to the said act; and to charge the amount of the said valuation to the person or persons to whom the same ought to be charged, pursuant to the said act and to the act, intituled "An act to lay and collect a direct tax within the United States;" and that where any assessor, no list having been rendered, shall have estimated any tract of unseated land, to contain a greater number of acres than the said tract shall by the patent or survey of the same actually appear to contain, it shall appear to the surveyor of the assessment district in which the said land shall be situate, by the production of the said patent or survey thereof, that there has been a mistake in estimating the said number of acres, it shall be lawful for such surveyor to credit the proprietor or proprietors thereof with the number of acres so overcharged: *Provided*, that the said credit shall not operate to lessen the sum directed to be collected by virtue of the present law to lay and collect a direct tax: *And provided also*, that no credit shall be valid until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection; and if any error has happened, by charging any person with being the proprietor of any tract or parcel of unseated land, who was not the owner thereof on the first day of October one thousand seven hundred and ninety-eight, or by assessing to any person any tract or parcel of unseated land more than once as proprietor thereof, it shall be lawful in all or any of these cases, for the surveyor of the district in which the said error shall have happened, to correct the same by giving the person so charged such credit in his account respecting the said land as may be just and equitable.

Unseated lands estimated to contain too large a quantity, may be exonerated.

1798, ch. 75.

Error in charging a person who is not the owner; or in charging the owner more than once.

Sec. 2. *And be it further enacted*, That for the services aforesaid, the surveyors of the revenue shall respectively be entitled to, and receive from the United States, the following compensations, that is to say: For every tract of land or dwelling-house, valued and recorded as aforesaid without entry and view, seventy-five cents; for every tract of land or dwelling-house so valued and recorded with entry and view, two dollars; for every mile of necessary travel in going to make such entry and view and returning, five cents; and that the accounts for the said compensations shall be presented to the supervisors of the districts respectively, and if allowed by them, shall be paid by them and credited to their accounts respectively, in the settlement thereof with the treasury department.

Allowance to the surveyors of the revenue.

Sec. 3. *And be it further enacted*, That whenever any person shall have been charged, pursuant to the above-mentioned acts or either of them, or to this act, with the amount of the valuation of any tract of land or dwelling-house; and such person, or his or her legal representatives or assigns, shall afterwards in due course of law have been ejected from such land or dwelling-house, or have had a decision against him, her or them, upon the title thereof, then, and in every such case, it shall be the duty of the surveyor of the revenue within whose assessment district the said land or dwelling-house shall be situated; and he is hereby authorized and required, on the application of such person, or of his or her legal representatives or assigns, as the case may be, and on the payment or tender by them, or any of them, of the sum of one dollar for every such tract of land or dwelling-house, which sum the said surveyor is hereby authorized to demand and receive in such case, to cancel the valuation on such land or dwelling-house, so far as respects the persons so applying, and to discharge him or her therefrom.

In case of legal ejectment, the person charged may be exonerated.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

Act of Sept. 24, 1789, ch. 20.

Mode of selecting jurors.

Chap. LXI.—*An Act to amend an act intituled "An act to establish the Judicial Courts of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurors to serve in the courts of the United States shall be designated by lot, or otherwise, in each state or district respectively, according to the mode of forming juries to serve in the highest courts of law therein now practised; so far as the same shall render such designation practicable by the courts and marshals of the United States.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Appropriation for expenses of treaties with the Indians.

Chap. LXII.—*An Act to appropriate a certain sum of money to defray the expense of holding a treaty or treaties with the Indians.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding fifteen thousand dollars be appropriated, to defray the expense of such treaty or treaties, as the President of the United States shall deem it expedient to hold with the Indians south of the river Ohio: *Provided,* nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any state or individual citizen, Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners, who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day during the time of actual service of such commissioner.

Sec. 2. *And be it further enacted,* That the sum aforesaid shall be paid out of any monies in the treasury of the United States not otherwise appropriated.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Accounts of militia who served against the Indians in 1794, to be settled.

Chap. LXIII.—*An Act directing the payment of a detachment of the militia under the command of Major Thomas Johnson, in the year one thousand seven hundred and ninety-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby authorized, to settle the accounts of the militia, who served on an expedition commanded by Major Thomas Johnson against the Indians, in the year one thousand seven hundred and ninety-four, and that the same be paid out of any monies in the treasury not otherwise appropriated.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Act of April 14, 1802, ch. 26.

A sum to be retained on drawbacks.

Chap. LXIV.—*An Act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, two and one half per centum on the amount of all drawbacks, allowed or to be allowed by law, upon and for the re-exportation from the United States of goods, wares, or merchandises imported thereinto, shall be retained for the use of the United States, by the collectors paying such drawbacks respectively; and in addition to the sum of one and one quarter per centum heretofore directed by law to be so retained.

Sec. 2. *And be it further enacted*, That in case of the re-exportation from the United States of goods, wares, and merchandises, imported thereinto in foreign ships or vessels, no part of the additional duty imposed by law on such goods, wares, and merchandises, on account of their importation in such ships or vessels, shall be allowed to be drawback; but that the whole of the said additional duty shall be retained in manner aforesaid, in addition to the rate per centum by this and former acts directed to be retained.

No drawbacks allowed on goods imported in foreign vessels.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Chap. LXV.—*An Act to authorize certain expenditures, and to make certain appropriations for the year one thousand eight hundred.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the secretary of the Senate, and the clerk of the House of Representatives, respectively, shall have allowed to them, in the settlement of their accounts with the treasury department, the expenses by them respectively incurred, pursuant to the directions of the joint committee of the two houses, in the various measures adopted by the said committee for doing honour to the memory of George Washington, late President of the United States; and that a sum not exceeding three thousand two hundred dollars shall be and hereby is appropriated for defraying the said expenses.

Allowance to the Secretary of the Senate and Clerk of the House.

Sec. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be given, during the present year, to the Choctaw nation of Indians, such presents, not exceeding the value of two thousand dollars, as he shall judge most suitable; and that the sum of two thousand dollars shall be and hereby is appropriated for that purpose.

Presents to the Choctaw Indians.

Sec. 3. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be expended a sum not exceeding five thousand dollars, for the reimbursement of such reasonable advances of money as have heretofore been, or before the first day of September next may be made by consuls of the United States, in making and supporting the claims of American citizens for captured property, before the tribunals of foreign countries; and that the sum of five thousand dollars shall be and hereby is appropriated for that purpose.

Reimbursement for advances for claims to captured property.

Sec. 4. *And be it further enacted*, That the sum of forty-four thousand dollars shall be, and hereby is appropriated for defraying the expense that has been, or during the present year may be incurred by the payment of costs, in prize causes before the court of admiralty and court of appeals in England.

Various appropriations.

Sec. 5. *And be it further enacted*, That for defraying the expense incident to the visits of Indians to the seat of government, the sum of seven thousand five hundred dollars shall be and hereby is appropriated.

Sec. 6. *And be it further enacted*, That for defraying, during the present year, the additional compensations granted in the present session to the secretary of the Senate, and clerk of the House of Representatives, and to the clerks in their respective offices, the sum of one thousand five hundred dollars shall be and hereby is appropriated.

Ante, page 58.

Sec. 7. *And be it further enacted*, That for defraying the expenses incident, during the present year, to the establishment of the general stamp office, including the salary of the superintendent of stamps, clerk hire, office rent, and all contingent expenses, the sum of four thousand dollars shall be and hereby is appropriated.

Sec. 8. *And be it further enacted*, That for defraying, during the present year, the expense incident to the establishment of the govern-

Ante, page 58.

Various appropriations.

ment of the Indiana territory, including the salary of the governor, judges and secretary, and all contingent expenses, the sum of four thousand dollars shall be and hereby is appropriated.

Sec. 9. *And be it further enacted,* That for defraying the expense incident to the exploring of copper mines on Lake Superior, the sum of one thousand five hundred dollars shall be and hereby is appropriated.

Sec. 10. *And be it further enacted,* That there be appropriated for the present year, the sum of one hundred thousand dollars, to be applied to the fortification of the ports and harbors of the United States, in aid of the sums heretofore appropriated for that purpose and remaining unexpended.

Sec. 11. *And be it further enacted,* That the aforesaid appropriations shall be paid out of any money in the treasury of the United States not otherwise appropriated.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

[Obsolete.]

Act of April 27, 1816, ch. 107.

Additional duties on sugar, molasses and such articles as have paid ten per cent.

Chap. LXVI.—*An Act to lay additional duties on certain articles imported.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied, and collected upon those articles respectively, at their importation into the United States from any foreign port or place, that is to say; upon all brown sugar, one half cent per pound; upon all sugar candy, two cents and one half per pound; upon all molasses, one cent per gallon; and upon all goods, wares and merchandises now paying a duty of ten per centum ad valorem, two and one half per centum ad valorem.

Duties on wines.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of June next, the duties now imposed and payable on wines, imported into the United States from any foreign port or place, shall cease and be abolished; and that in lieu thereof the following duties shall thenceforth be laid, levied, and collected, upon all wines so imported in casks, bottles, or other vessels, that is to say: upon all Malmsey, Madeira, and London particular Madeira wine, fifty-eight cents per gallon; upon all other Madeira wine, fifty cents per gallon; upon all Burgundy, Champaign, Rhenish, and Tokay wine, forty-five cents per gallon; upon all Sherry wine, forty cents per gallon; upon all Saint Lucar wine, forty cents per gallon; upon all claret and other wines not enumerated, when imported in bottles or cases, thirty-five cents per gallon; upon all Lisbon, Oporto, and other Portugal wines, thirty cents per gallon; upon all Teneriffe, Fayall, Malaga, Saint George and other Western Island wine, twenty-eight cents per gallon; and upon all other wines when imported otherwise than in bottles or cases, twenty-three cents per gallon.

Additional duty on such articles imported in foreign vessels.

Sec. 3. *And be it further enacted,* That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandises as aforesaid, as shall, after the said thirtieth day of June, be imported in ships or vessels not of the United States.

How the duties are to be collected.

Sec. 4. *And be it further enacted,* That the duties laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment respectively, with the several duties now in force on the respective articles herein before enumerated.

Additional drawback on su-

Sec. 5. *And be it further enacted,* That on account of the additional duties laid on brown sugar and molasses by this act, the following sums

respectively shall, from and after the thirty-first day of December next, be added to the drawbacks now allowed by law, on sugar refined within the United States and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, that is to say: On all sugar so refined and exported, one cent per pound; and on all spirits so distilled and exported, one cent per gallon; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

gar refined, and spirits distilled from molasses in the United States.

Repealed April 6, 1802.

Sec. 6. *And be it further enacted,* That the proceeds of the duties, laid by this act, shall be solely appropriated and applied for the discharge of the interest and principal of the debts of the United States, heretofore contracted, or to be contracted during the present year.

Appropriation of the proceeds of these duties.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

Chap. LXVII.—*An Act appointing the time, and directing the place of the next meeting of Congress.*

[Obsolete.]

Congress to meet the third Monday in Nov. 1800.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the session of Congress next ensuing the present shall be held at the city of Washington, in the District of Columbia, and said session shall commence on the third Monday of November, one thousand eight hundred.

Approved, May 13, 1800.

Statute I.

May 13, 1800.

Chap. LXVIII.—*An Act to make provision relative to rations for Indians, and to their visits to the seat of Government.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and hereby is authorized and empowered to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued under such regulations as he shall think fit to establish, to Indians who may visit the military posts of the United States on the frontiers, or within their respective nations.

Provisions to be issued to the Indians who visit military posts.

Sec. 2. *And be it further enacted,* That the President of the United States shall be, and hereby is further authorized and empowered to cause to be defrayed, on the part of the United States, the reasonable expenses of such Indians as may from time to time visit the seat of government thereof, for their journeys to, stay at, and return from the same; and also to cause to be given to such Indians, during their stay as aforesaid, such presents as he shall judge necessary.

Expenses of Indians who visit the seat of government of the U. States to be paid.

Sec. 3. *And be it further enacted,* That a separate account of all rations issued, and expenses defrayed as aforesaid, and of the expenditures, occasioned by such presents as are aforesaid, shall be kept at the department of war.

Approved, May 13, 1800.

Statute I.

May 14, 1800.

Chap. LXIX.—*An Act supplementary to the act to suspend part of an act, intituled "An act to augment the Army of the United States, and for other purposes."*

[Obsolete.]

Act of March 16, 1802, ch. 9.

Further appointments may be suspended.

1793, ch. 76.
1799, ch. 43.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States to suspend any further military appointments, under the act to augment the army of the United States, and for other purposes; and under the ninth section of the act for the better organizing of the troops of the United States,

and for other purposes; according to his discretion, having reference to economy and the good of the service.

Officers and men may be discharged.

Sec. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to discharge, on or before the fifteenth day of June next, all such officers, non-commissioned officers and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, except the engineers, inspector of artillery, and inspector of fortifications. *Provided always*, that nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillerists and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.

Exceptions.

Three months extra pay allowed.

Sec. 3. *And be it further enacted*, That to each officer, non-commissioned officer and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months pay of such officer, non-commissioned officer and private respectively.

Approved, May 14, 1800.

Statute I.

May 14, 1800.

[Obsolete.]

Act of March 3, 1801, ch. 21. The Mint to remain in Philadelphia.

Chap. LXX.—*An Act supplementary to the act establishing the Mint, and regulating the coins of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the fourth day of March one thousand eight hundred and one, the mint shall remain in the city of Philadelphia, and be carried on as heretofore under the laws now in force; any law to the contrary notwithstanding.

Approved, May 14, 1800.

RESOLUTIONS.

Dec. 24, 1799.

Relative to the death of General Washington.

I. Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled*, That a marble monument be erected by the United States, in the Capitol, at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life.

And be it further resolved, That there be a funeral procession from Congress Hall to the German Lutheran Church, in honour of the memory of General George Washington, on Thursday the twenty-sixth instant, and that an oration be prepared at the request of Congress, to be delivered before both houses on that day; and that the President of the Senate, and Speaker of the House of Representatives, be desired to request one of the members of Congress to prepare and deliver the same.

And be it further resolved, That it be recommended to the people of the United States to wear crape on the left arm as mourning, for thirty days.

And be it further resolved, That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensation of Providence; and intreating her assent to the interment of the remains of General George Washington, in the manner expressed in the first resolution.

And be it further resolved, That the President of the United States

be requested to issue a proclamation, notifying to the people throughout the United States the recommendation contained in the third resolution.

Approved, December 24, 1799.

Jan. 6, 1800.

Relative to the death of General Washington.

II. Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That it be recommended to the people of the United States to assemble on the twenty-second day of February next, in such numbers and manner as may be convenient, publicly to testify their grief for the death of General George Washington, by suitable eulogies, orations and discourses, or by public prayers.

And it is further resolved, That the President be requested to issue a proclamation for the purpose of carrying the foregoing resolution into effect.

Approved, January 6, 1800.

Feb. 3, 1800.

Laws for North Carolina.

III. Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State be, and he is hereby authorized and directed to procure and transmit to the governor of the state of North Carolina, a number of the copies of the laws of the United States, equal to the number which the Secretary was heretofore authorized to transmit to the governor of the said state by an act, intituled "An act for the more general promulgation of the laws of the United States," to be deposited and distributed agreeably to the provisions of the said act, for the use and information of the citizens of the United States within the said state.

Approved, February 3, 1800.

March 29, 1800.

In honour of Captain Truxton, &c.

IV. Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to present to Captain Thomas Truxton, a golden medal, emblematical of the late action between the United States frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honourable to the American name, and instructive to its rising navy.

And it is further resolved, That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

Approved, March 29, 1800.

V. *Resolution respecting the Copper Mines on the south side of Lake Superior.*

April 16, 1800.

Copper mines on Lake Superior.

Resolved *by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be authorized to employ an agent, who shall be instructed to collect all material information relative to the copper mines on the south side of Lake Superior, and to ascertain whether the Indian title to such lands as might be required for the use of the United States, in case they should deem it expedient to work the said mines, be yet subsisting, and if so, the terms on which the same can be extinguished. And that the said agent be instructed to make report to the President in such time, as the information he may collect may be laid before Congress at their next session.

Approved, April 16, 1800.

ACTS OF THE SIXTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventeenth day of November, 1800, *and ended on the third day of March,* 1801.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; JAMES HILLHOUSE, President of the Senate pro tempore, from the 2d of March, 1801; THEODORE SEDGWICK, Speaker of the House of Representatives.

STATUTE II.

Dec. 15, 1800.

[Obsolete.]

Privilege of franking letters to the delegate from the territory northwest of the river Ohio.

CHAP. I.—*An Act extending the privilege of franking letters to the Delegate from the Territory of the United States, northwest of the river Ohio; and making provision for his compensation.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the present delegate to Congress from the territory of the United States, northwest of the river Ohio, and every future delegate from the said territory, shall be entitled to the privilege of sending and receiving letters, free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act intituled "An act to establish the post-office of the United States."

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Delegate to receive letters free of postage.

SEC. 2. *And be it further enacted,* That the present delegate from the aforesaid territory be authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government, prior to the passage of this act.

Compensation to delegate from the territory.

SEC. 3. *And be it further enacted,* That the said delegate, and every future delegate from the territory of the United States, northwest of the river Ohio, shall receive for his travelling expenses and attendance in Congress, the same compensation as is, or may be allowed, by law, to the members of the House of Representatives of the United States; to be certified and paid in the same manner.

1796, ch. 3.

APPROVED, December 15, 1800.

STATUTE II.

Jan. 30, 1801.

CHAP. III.—*An Act to provide for the erection and support of a Lighthouse on Cape Poge, at the northeasterly part of Martha's Vineyard.*

Lighthouse to be erected on Cape Poge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Cape Poge (so called) on Martha's Vineyard, in the state of Massachusetts, and to appoint a keeper, and otherwise to provide for the support of such lighthouse at the expense of the United States: *Provided,* that sufficient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to, and vested in the United States.

Sec. 2. *And be it further enacted,* That there shall be, and hereby is appropriated for the erection of said lighthouse on Cape Poge, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the treasury of the United States, not otherwise appropriated.

Appropriation.

Approved, January 30, 1801.

Statute II.

Feb. 13, 1801.

Chap. IV.—*An Act to provide for the more convenient organization of the Courts of the United States.*

Repealed by Act of April 29, 1802, ch. 31.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the next session of the Supreme Court of the United States, the said court shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have two sessions in each and every year thereafter, to commence on the first Monday of June and December respectively; and that if four of the said justices shall not attend within ten days after the times hereby appointed for the commencement of the said sessions respectively, the said court shall be continued over till the next stated session thereof: *Provided always,* that any one or more of the said justices, attending as aforesaid, shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceeding, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings.

Terms of the Supreme Court.

The court to be holden at the city of Washington, by four justices.

To adjourn if four justices do not attend.

One or more of the justices attending may make rules and orders respecting courts, &c.

Sec. 2. *And be it further enacted,* That the said court shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire facias, habeas corpus, certiorari, procedendo, and all other writs not specially provided for by statute, which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law.

Court to have power to issue certain writs.

Sec. 3. *And be it further enacted,* That from and after the next vacancy that shall happen in the said court, it shall consist of five justices only; that is to say, of one chief justice, and four associate justices.

The court to consist of five justices after the next vacancy.

Sec. 4. *And be it further enacted,* That for the better establishment of the circuit courts of the United States, the said states shall be, and hereby are divided into districts, in manner following; that is to say, one to consist of that part of the state of Massachusetts, which is called the district of Maine, and to be called the district of Maine; one to consist of the state of New Hampshire, and to be called the district of New Hampshire; one to consist of the remaining part of the state of Massachusetts, and to be called the district of Massachusetts; one to consist of the state of Rhode Island and Providence Plantations, and to be called the district of Rhode Island; one to consist of the state of Connecticut, and to be called the district of Connecticut; one to consist of the state of Vermont, and to be called the district of Vermont; one to consist of that part of the state of New York which lies north of the counties of Dutchess and Ulster, and to be called the district of Albany; one to consist of the remaining part of the state of New York, and to be called the district of New York; one to consist of the state of New Jersey, and to be called the district of Jersey; one to consist of that part of the state of Pennsylvania which lies east of the river Susquehanna, and the northeast branch thereof, to the line betwixt Northumberland and Luzerne counties; thence westwardly along said line, betwixt Northumberland and Luzerne, and betwixt Luzerne and Lycoming counties, until the same strikes the line of the state of New York, and to be called the Eastern district of Pennsylvania; one to consist of the remaining part of the state of Pennsylvania, and to be called the

Division of the states into districts in relation to the Circuit Courts.

Maine.

New Hampshire.

Rhode Island.

Connecticut.

Vermont.

New York.

New Jersey.

Pennsylvania.

Delaware. Western district of Pennsylvania; one to consist of the state of Delaware, and to be called the district of Delaware; one to consist of the state of Maryland, and to be called the district of Maryland; one to consist of that part of the state of Virginia, which lies to the eastward of a line to be drawn from the river Potomac at Harper's ferry, along the Blue Ridge, with the line which divides the counties on the east side thereof from those on the west side thereof, to the North Carolina line, to be called the Eastern district of Virginia; one to consist of the remaining part of the said state of Virginia, to be called the Western district of Virginia; one to consist of the state of North Carolina, and to be called the district of North Carolina; one to consist of the state of South Carolina, and to be called the district of South Carolina; one to consist of the state of Georgia, and to be called the district of Georgia; one to consist of that part of the state of Tennessee which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee; one to consist of the remaining part of said state, and to be called the district of West Tennessee; one to consist of the state of Kentucky, and to be called the district of Kentucky; and one to consist of the territory of the United States northwest of the Ohio, and the Indiana territory, and to be called the district of Ohio.

Maryland. Virginia. North Carolina. South Carolina. Georgia. Tennessee. Kentucky. Ohio.

Waters and mountains to be considered as within both the adjoining districts.

Sec. 5. *And be it further enacted*, That where any two adjoining districts of the United States shall be divided from each other, in whole or in part, by any river, bay, water, water-course or mountain, the whole width of such river, bay, water, water-course or mountain, as the case may be, shall be taken and deemed, to all intents and purposes, to be within both of the districts so to be divided thereby.

Classification of the districts into six circuits.

Sec. 6. *And be it further enacted*, That the said districts shall be classed into six circuits in manner following; that is to say: The first circuit shall consist of the districts of Maine, New Hampshire, Massachusetts, and Rhode Island; the second, of the districts of Connecticut, Vermont, Albany and New York; the third, of the districts of Jersey, the Eastern and Western districts of Pennsylvania, and Delaware; the fourth, of the districts of Maryland, and the Eastern and Western districts of Virginia; the fifth, of the districts of North Carolina, South Carolina, and Georgia; and the sixth, of the districts of East Tennessee, West Tennessee, Kentucky, and Ohio.

Three judges to be appointed for the circuits, except the sixth circuit.

Sec. 7. *And be it further enacted*, That there shall be in each of the aforesaid circuits, except the sixth circuit, three judges of the United States, to be called circuit judges, one of whom shall be commissioned as chief judge; and that there shall be a circuit court of the United States, in and for each of the aforesaid circuits, to be composed of the circuit judges within the five first circuits respectively, and in the sixth circuit, by a circuit judge, and the judges of the district courts of Kentucky and Tennessee; the duty of all of whom it shall be to attend, but any two of whom shall form a quorum; and that each and every of the said circuit courts shall hold two sessions annually, at the times and places following, in and for each district contained within their several circuits respectively; that is to say, the circuit court of the first circuit, at Providence on the eighth day of May, and at Newport on the first day of November, in and for the district of Rhode Island; at Boston, in and for the district of Massachusetts, on the twenty-second day of May and fifteenth day of October; at Portsmouth on the eighth day of June, and at Exeter on the twenty-ninth day of September, in and for the district of New Hampshire; in and for the district of Maine, at Portland on the fifteenth day of June, and at Wiscasset on the twenty-second day of September. The circuit court of the second circuit, at New Haven on the fifteenth day of April, and at Hartford, on the twenty-fifth day of September, in and for the district of Connecticut; at Windsor on the fifth day of May, and at Rutland on the fifteenth day of October, in and

Times of holding the circuit courts.

Massachusetts. New Hampshire. Maine. Connecticut. Vermont.

for the district of Vermont; at the city of Albany, in and for the district of Albany, on the twentieth day of May and twenty-fifth day of October; at the city of New York, in and for the district of New York, on the fifth day of June and the tenth day of November. The circuit court of the third circuit, at Trenton, in and for the district of Jersey, on the second days of May and October; at the city of Philadelphia, in and for the Eastern district of Pennsylvania, on the eleventh day of May and eleventh day of October; at Bedford, in and for the Western district of Pennsylvania, on the twenty-fifth day of June and twenty-fifth day of November; and at Dover, in and for the district of Delaware, on the third day of June and twenty-seventh day of October. The circuit court of the fourth circuit, at Baltimore, in and for the district of Maryland, on the twentieth day of March and fifth day of November; at Lexington in Rockbridge county, in and for the Western district of Virginia, on the fifth day of April and twentieth day of November; and at the city of Richmond, in and for the Eastern district of Virginia, on the twenty-fifth day of April, and fifth day of December. The circuit court of the fifth circuit, at Raleigh, in and for the district of North Carolina, on the first day of June and the first day of November; at Charleston on the sixth day of May, and at Columbia on the thirtieth day of November, in and for the district of South Carolina; at Savannah on the tenth day of April, and at Augusta on the fifteenth day of December, in and for the district of Georgia; and the circuit court of the sixth circuit, at Knoxville, in and for the district of East Tennessee, on the twenty-fifth day of March and twenty-fifth day of September; at Nashville, in and for the district of West Tennessee, on the twentieth day of April and twentieth day of October; and at Bairdstown, in and for the district of Kentucky, on the fifteenth day of May and fifteenth day of November; and at Cincinnati in and for the district of Ohio, on the tenth day of June and on the tenth day of December; and so on the several days and at the several places aforesaid, in each and every year afterwards: *Provided always*, that when any of the said days shall happen on Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and provided also, that there shall be appointed, in the sixth circuit, a judge of the United States, to be called a circuit judge, who together with the district judges of Tennessee and Kentucky, shall hold the circuit courts, hereby directed to be holden, within the said circuit; and that whenever the office of district judge, in the districts of Kentucky and Tennessee respectively, shall become vacant, such vacancies shall respectively be supplied by the appointment of two additional circuit judges, in the said circuit, who, together with the circuit judge first aforesaid, shall compose the circuit court of the said circuit.

New York two districts.

New Jersey.

Pennsylvania.

Delaware.

Maryland.

Virginia.

North Carolina.

South Carolina.

Georgia.

East Tennessee.

West Tennessee.

Kentucky.

Ohio.

Sixth Circuit.

Sec. 8. *Provided always, and be it further enacted*, That the said circuit courts hereby established shall have power, and hereby are authorized, to hold special sessions, for the trial of criminal causes, at any other time or times than is hereby directed, at their discretion.

The circuit courts may hold special sessions.

Sec. 9. *And provided also, and be it further enacted*, That if in the opinion of any judge of any of the said circuit courts, it shall be dangerous to hold the next stated session of such court, for any district within the circuit to which such judge shall belong, at the place by law appointed for holding the same; it shall be lawful for such judge to issue his order, under his hand and seal, to the marshal of such court, directing him to adjourn the said session, to such other place within the same district as the said judge shall deem convenient; which said marshal shall, thereupon, adjourn the said court pursuant to such order, by making, in one or more public papers, printed within the said district, publication of such order and adjournment, from the time when he shall receive such order to the time appointed by law for commencing such stated

A judge of the circuit court may alter the place of its meeting.

session: and that the court so to be held, according to, and by virtue of such adjournment, shall have the same powers and authorities, and shall proceed in the same manner, as if the same had been held at the place appointed by law for that purpose.

General powers of the circuit courts.

Sec. 10. *And be it further enacted*, That the circuit courts shall have, and hereby are invested with, all the powers heretofore granted by law to the circuit courts of the United States, unless where otherwise provided by this act.

Subjects of the cognizance of the circuit courts.

Sec. 11. *And be it further enacted*, That the said circuit courts respectively shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas; and also of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made, under their authority; and also of all actions, or suits of a civil nature, at common law, or in equity, where the United States shall be plaintiffs or complainants; and also of all seizures on land or water, and all penalties and forfeitures, made, arising or accruing under the laws of the United States; which cognizance of all penalties and forfeitures, shall be exclusively of the state courts, in the said circuit courts, where the offence, by which the penalty or forfeiture is incurred, shall have been committed within fifty miles of the place of holding the said courts; and also of all actions, or suits, matters or things cognizable by the judicial authority of the United States, under and by virtue of the constitution thereof, where the matter in dispute shall amount to four hundred dollars, and where original jurisdiction is not given by the constitution of the United States to the supreme court thereof, or exclusive jurisdiction by law to the district courts of the United States: *Provided always*, that in all cases where the title, or bounds of land shall come into question, the jurisdiction of the said circuit courts shall not be restrained, by reason of the value of the land in dispute.

Circuit courts and judges to have cognizance under the bankrupt law.

Sec. 12. *And be it further enacted*, That the said circuit courts respectively shall have cognizance concurrently with the district courts, of all cases which shall arise, within their respective circuits, under the act to establish an uniform system of bankruptcy throughout the United States; and that each circuit judge, within his respective circuit, shall and may perform all and singular the duties enjoined by the said act, upon a judge of a district court: and that the proceedings under a commission of bankruptcy, which shall issue from a circuit judge, shall in all respects be conformable to the proceedings under a commission of bankruptcy, which shall issue from a district judge, mutatis mutandis.

Certain suits may be removed from the state courts.

Sec. 13. *And be it further enacted*, That where any action or suit shall be, or shall have been commenced, in any state court within the United States, against an alien, or by a citizen or citizens of the state in which such suit or action shall be, or shall have been commenced against a citizen or citizens of another state, and the matter in dispute, except in cases where the title or bounds of land shall be in question, shall exceed the sum or value of four hundred dollars, exclusive of costs, and the defendant or defendants in such suit or action shall be personally served with the original process therein, or shall appear thereto; or where, in any suit or action, so commenced or to be commenced, final judgment, for a sum exceeding four hundred dollars, exclusive of costs, shall have been rendered in such state court, against such defendant or defendants, without return of personal service on him, her, or them, of the original process in such suit or action, and without an appearance thereto, by him, her, or them, and a writ of error, or writ of review, shall be brought by such defendant or defendants, in such state court, to reverse the said judgment; or where any suit or action shall have been, or shall be commenced in any such court, against any person or

Manner of removal.

persons, in any case arising under the constitution or laws of the United States, or treaties made or to be made under their authority; then, and in any of the said cases, it shall be lawful for the defendant or defendants, in such suit or action, at the time of entering his, her, or their appearance thereto, and for the plaintiff, or plaintiffs in such writ of error, or writ of review, at the time when such writ shall be returnable, to file in such court a petition for the removal of such suit, action, writ of error, or writ of review, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden, and to offer to such state court good and sufficient surety for entering, in such circuit court, on the first day of its next ensuing session, true copies of the process and proceedings, in such action, suit, writ of error, or writ of review, and also for his, her, or their appearance in the said circuit court, at the period aforesaid, and then and there entering special bail, in the said suit, or action, if special bail was originally demandable, and demanded therein; whereupon it shall be the duty of the said state court to accept the said security, and to stay all further proceedings in such suit, action, writ of error, or writ of review, and to discharge any bail that may have been given therein; and that the said copies being filed as aforesaid in such circuit court, and special bail, in manner aforesaid, being given therein, such suit, action, writ of error, or writ of review, shall be therein proceeded on, tried, heard and determined, in the same manner as if there originally commenced or brought: *Provided always*, that any attachment of the goods or estate of the defendant, by the original process in such suit or action, shall hold the goods or estate so attached, to answer the final judgment in the said circuit court, in the same manner as by the laws of the state they would have been holden, to answer the final judgment, had it been rendered by the court in which the suit or action was commenced.

Certain suits may be removed from the state courts.

Sec. 14. *And be it further enacted*, That when any suit or action, commenced, or to be commenced, in any state court within the United States, between citizens of the same state, the title or bounds of land shall come into question, it shall be lawful for either party, before trial, to state to the said court, and make affidavit if thereby required, that he, she, or they, doth or do claim under, and at the hearing or trial shall rely upon a right or title to the lands in dispute, under a grant, or grants, from a state other than that wherein such suit or action is, or shall be pending; and to produce to the said court the original grant, or grants, so claimed under, or exemplifications thereof, except in cases where the loss of public records shall put it out of his, her or their power so to do; and to move that the adverse party do inform the said court, forthwith, whether he, she, or they, doth or do claim the land in dispute, under a grant or grants from the state wherein such suit or action is, or shall be pending; whereupon the said adverse party shall give such information, or otherwise not be allowed to plead, or give in evidence, in the cause any such grant; and that if it shall appear from such information, that the said adverse party doth claim the said lands, under any such grant, or grants, then it shall be lawful for the party moving for such information, if plaintiff or complainant in the said suit or action, to remove the same, by motion, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden; and if defendant in the said suit or action, then to remove the same, as aforesaid, in the same manner, and under the like regulations, terms, and conditions, as are provided in and by the preceding section of this act, in the cases of actions thereby directed to be removed; and that the said circuit courts respectively, into which such suit or action shall be removed, pursuant to the provisions in this section contained, shall proceed in, try, hear and determine the same, in like manner as if therein

Proceedings when both parties to a suit claim under the same title to lands under different states.

Proviso as to pleading.

brought by original process: *Provided always*, that neither party, so removing any suit or action, shall be allowed, on the trial or hearing thereof, to plead, give evidence of, or rely on, any other title than that by him, her, or them, so stated as aforesaid, as the ground of his, her, or their claim.

One judge of the circuit court may hold the court for five days and do certain acts therein.

Sec. 15. *And be it further enacted*, That any one judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, to hold the same from day to day, not exceeding five days, to impannel and charge the grand jury, to order process on any indictment or presentment found in the said court; to direct subpœnas for witnesses to attend the same, and the requisite process on the non-attendance of witnesses or jurors; to receive any presentment or indictment from the grand jury; to take recognizance for the attendance of any witness, or for the appearance of any person, presented or indicted; to award and issue process, and order commitment for contempts; to commit any person presented or indicted, for want of security or otherwise; to order publication of testimony; to issue commissions for the examination of witnesses, where allowable by law; to grant rules and orders of survey; to take order, where necessary, relative to jurors, to serve at the next stated session of the said court; to direct the examination of witnesses de bene esse, where allowed by law; to make rules of reference by consent of parties; and to grant continuances on the motion of either party, upon such terms and conditions, as shall be agreeable to practice and the usages of law; and that if some other judge of the said court shall not attend the same within five days after the commencement thereof, inclusive, then the said court shall, by virtue of this act, be continued over to the next stated session thereof; in which case, all writs, process, and recognizances, returned and returnable to the said court, and all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending before the said court, shall, by virtue of this act, be continued to the next stated session of the same.

Adjournment if another judge does not attend.

In civil suits no arrest shall be made in one district for trial in another, and no original civil process shall be brought but against inhabitants of the district or such as are found therein.

Suits founded on assignments.

Sec. 16. *And be it further enacted*, That no person shall be arrested in one of the said districts, for trial in another, before any of the said circuit courts in any civil action; and that no civil action or suit shall be brought before any of the said courts, by any original process, against an inhabitant of the United States, in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ; nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents, if no assignment had been made, except in cases of foreign bills of exchange.

Trial by jury.

Sec. 17. *And be it further enacted*, That the trials of all issues of fact, before any of the circuit courts hereby established, except in cases of equity, and admiralty and maritime jurisdiction, shall be by jury.

Writs of ne-exeat and injunctions.

Sec. 18. *And be it further enacted*, That any judge of any of the said circuit courts shall be, and hereby is authorized and empowered, in all cases cognizable by the circuit court, whereof he shall be a judge, to grant writs of ne-exeat, and writs of injunction to stay waste, or to stay proceedings at law, on any judgment rendered by such circuit court, upon the like terms and conditions as such writs may be now granted, by the justices of the Supreme Court of the United States.

Removal of prisoners in case of danger.

Sec. 19. *And be it further enacted*, That if in the opinion of any circuit judge, of the circuit within which such district may be situated, the life or lives of any person or persons, confined in the prison of such district, under or by virtue of any law of the United States, shall be in imminent danger, arising from the place of such confinement, it shall, in such case, be lawful for such judge, and he is hereby authorized and empowered, to direct the marshal of such district to remove,

or cause to be removed, the person or persons so confined, to the next adjacent prison, there to be confined, until he, she, or they, may safely be removed back, to the place of his, her, or their first confinement; and that the said removals shall be at the expense of the United States.

Continuance of suits now depending in the circuit courts.

Sec. 20. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in any of the present circuit courts of the United States, or in any of the present district courts of the United States, acting as circuit courts, shall be, and hereby are, continued over to the circuit courts established by this act, in manner following, that is to say: all such as shall, on the fifteenth day of June next, be depending and undetermined, or shall then have been commenced and made returnable before the district court of Maine, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Maine; all such as shall be depending and undetermined before the circuit court for the district of New Hampshire, to the next circuit court hereby directed to be holden, within and for the district of New Hampshire; all such as shall be depending and undetermined before the circuit court for the district of Massachusetts, to the next circuit court hereby directed to be holden, within and for the district of Massachusetts; all such as shall be depending and undetermined before the circuit court of the district of Rhode Island, to the next circuit court hereby directed to be holden, within and for the district of Rhode Island; all such as shall be depending or undetermined before the circuit court for the district of Connecticut, to the next circuit court hereby directed to be holden, within and for the district of Connecticut; all such as shall be depending and undetermined before the circuit court for the district of Vermont, to the next circuit court hereby directed to be holden, within and for the district of Vermont; all such as shall be depending and undetermined before the circuit court for the district of New York, to the next circuit court hereby directed to be holden, within and for the district of New York; all such as shall be depending and undetermined before the circuit court for the district of New Jersey, to the next circuit court hereby directed to be holden, within and for the district of Jersey; all such as shall be depending and undetermined before the circuit court for the district of Pennsylvania, to the next circuit court hereby directed to be holden, within and for the eastern district of Pennsylvania; all such as shall be depending and undetermined before the circuit court for the district of Delaware, to the next circuit court hereby directed to be holden, within and for the district of Delaware; all such as shall be depending and undetermined before the circuit court for the district of Maryland, to the next circuit court hereby directed to be holden, within and for the district of Maryland; all such as shall be depending and undetermined before the circuit court for the district of Virginia, to the next circuit court hereby directed to be holden, within and for the eastern district of Virginia; all such as shall be depending and undetermined before the circuit court for the district of North Carolinia, to the next circuit court hereby directed to be holden, within and for the district of North Carolina; all such as shall be depending and undetermined before the circuit court for the district of South Carolina, to the next circuit court hereby directed to be holden, within and for the district of South Carolina; all such as shall be depending and undetermined before the circuit court for the district of Georgia, to the next circuit court hereby directed to be holden, within and for the district of Georgia; all such as shall be depending and undetermined before the district court of Tennessee, acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined before the district court of Kentucky,

acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of Kentucky; and shall there be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been, if this act had not been made.

Additional district courts established.

Sec. 21. *And be it further enacted,* That for the better dispatch of the business of district courts of the United States, in the districts of Jersey, Maryland, Virginia, and North Carolina, additional district courts shall be established therein, in manner following, that is to say: The said district of Jersey shall be divided into two districts; one to consist of that part thereof, which is called East New Jersey, and to be called the district of East Jersey; a district court, in and for which, shall be holden at New Brunswick, by the district judge of the district of Jersey, on the fourth Tuesday in May, and on the fourth Tuesday in November, in each and every year; and one other, to consist of the remaining part of the said district of Jersey, and to be called the district of West Jersey, a district court, in and for which, shall be holden at Burlington, by the district judge last aforesaid, on the fourth Tuesday in February, and on the fourth Tuesday in August, in each and every year. And a new district shall be established, in the districts of Maryland and Virginia, to consist of the territory of Columbia, of all that part of the district of Maryland, which lies west and southwest of the river Patuxent, and of the western branch thereof, and south of the line which divides the county of Montgomery in the last mentioned district, from the county of Frederick, and of a line to be drawn from the termination of the last mentioned line, a northeast course to the western branch of the Patuxent; and of all that part of the district of Virginia, which lies north of the river Rappahannock, and east of the line which divides the counties of Fauquier and Loudon, in the last mentioned district from the counties of Fairfax, Prince William, and Stafford; which new district shall be called the district of Potomac, and a district court in and for the same, shall be holden at Alexandria, by the district judge of the district of Maryland, on the first Tuesday in April, and the first Tuesday in October, in each and every year. And there shall be a new district established in the district of Virginia, to be called the district of Norfolk, and to consist of all that part of the said district of Virginia, which is contained within the counties of Isle of Wight, Nansemond, Norfolk, Princess Anne, James City, New Kent, Warwick, York, Elizabeth City, Gloucester, Matthews, Middlesex, Accomac, and Northampton; a district court, in and for which district of Norfolk, shall be holden at Norfolk, by the district judge of the district of Virginia, on the first Tuesday in February, on the first Tuesday in May, on the first Tuesday in August, and on the first Tuesday in November, in each and every year. And the district of North Carolina shall be divided into three districts; one to consist of all that part thereof, which by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax; which district shall be called the district of Albemarle, and a district court, in and for the same, shall be holden at Edenton, by the district judge of the district of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of the district of North Carolina aforesaid, which by the laws of the said state now forms the district of Newbern and Hillsborough, together with all that part of the district of Wilmington, which lies to the northward and eastward of the river called New River, and for which district of Pamptico, a district court shall be holden at Newbern, by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December, in each and every year. And one other to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and

for which a district court shall be holden at Wilmington, by the district judge last aforesaid, on the last Tuesday in March, on the last Tuesday in July, and on the last Tuesday in November, in each and every year; which said courts, hereby directed to be holden, shall severally and respectively have and exercise, within their several and respective districts, the same powers, authority, and jurisdiction, in all cases and respects whatsoever, which are vested by law in the district courts of the United States.

Additional district courts.

Sec. 22. *And be it further enacted*, That there shall be clerks for each of the said courts to be appointed by the judge thereof, which clerks shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to and receive the same emoluments and fees, which are established by law, for the clerks of the district courts of the United States respectively; and that the marshals and attornies of the United States, for the districts, which are hereby divided, or within the limits of which new districts are hereby erected, shall continue to be marshals and attornies for the courts hereby appointed to be holden within the limits of their present districts respectively, and shall have, exercise, and perform, within the jurisdictions of those courts respectively, all the powers and duties, and receive all the fees and emoluments, appointed and established by law, for the marshals and attornies of the United States.

Clerks of the district courts to be appointed.

Marshals and attornies to act in the subdivisions of their districts.

Sec. 23. *And be it further enacted*, That the stated sessions of the district court of the district of Maryland shall hereafter be holden at Baltimore only.

District court of Maryland to be held at Baltimore only.

Sec. 24. *And be it further enacted*, That the district courts of the United States, in and for the districts of Tennessee and Kentucky, shall be, and hereby are, abolished; and that all and singular the powers, authority and jurisdiction of the said courts respectively shall be and hereby are vested in, and shall be exercised by the circuit courts, by this act directed to be holden in and for the districts of East Tennessee, West Tennessee and Kentucky, respectively, within the limits of their respective jurisdictions; and that the circuit judges to be appointed for the sixth circuit aforesaid, severally, shall be invested with, possess and exercise, all and singular the powers, now vested by law in the district judges of the United States.

District courts of Tennessee and Kentucky abolished.

Judges for the sixth circuit to have the powers of district judges.

Sec. 25. *And be it further enacted*, That in case of the inability of the district judge of either of the districts of the United States, to perform the duties of his office, and satisfactory evidence thereof being shown to the circuit court, in and for such district, it shall be the duty of such circuit court, from time to time, as occasion may require, to direct one of the judges of said circuit court, to perform the duties of such district judge, within and for said district, for and during the period the inability of the district judge shall continue. And it shall be the duty of the circuit judge, to whom the duties of the district judge shall be assigned in manner aforesaid, and he is hereby authorized to perform the duties of said district judge, during the continuance of his disability.

In case of inability of the district judge, a circuit judge may act.

Sec. 26. *And be it further enacted*, That the several circuit courts hereby established shall have power to appoint clerks for their respective courts; that is to say, one for each district within which such court is or shall be directed by law to be holden; which clerks respectively shall take the same oath or affirmation, and give the like bonds, as are by law required to be taken and given by the clerk of the supreme court of the United States; and shall be entitled to demand and receive, for their services respectively, the same fees, to be recovered in the same manner, as have heretofore been allowed by law, for the like services, to the clerks of the circuit and district courts of the United States.

Clerks of the circuit courts to be appointed.

Former circuit courts abolished.

Sec. 27. *And be it further enacted*, That the circuit courts of the United States, heretofore established, shall cease and be abolished; and that the records and office papers of every kind, belonging to those courts respectively, shall be safely kept by the clerks thereof, who shall continue in all respects to act as heretofore in the business of the said courts, until it shall otherwise be ordered by the courts hereby established.

Certain courts constituted courts of record.

Sec. 28. *And be it further enacted*, That the supreme, circuit and district courts of the United States, shall be, and hereby are, constituted courts of record.

Test, signing and return of writs.

Sec. 29. *And be it further enacted*, That all writs and processes whatsoever, issuing from any of the circuit courts, hereby established, shall, after the first day of April next, bear test of the presiding judge of such court; before which time they shall bear test of the chief justice of the United States; all which said writs and processes shall be signed by the clerks of the courts respectively, from which the same shall issue, and shall be made returnable to the next stated or special session of such court, and all writs and processes which have issued, or which may issue before the first day of April next, returnable to the circuit courts heretofore established, or to any district court acting as a circuit court, shall be returned to the circuit courts hereby established, and shall be there proceeded in, in the same manner as they could, had they been originally returnable to the circuit courts hereby established.

Judges of the supreme and circuit courts may grant writs of habeas corpus.

Sec. 30. *And be it further enacted*, That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is authorized and empowered, to grant writs of habeas corpus, for the purpose of inquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always*, that no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by colour of the authority of the United States, or be committed for trial before some court of the same; or be necessary to be brought into court to give testimony.

New trials, rehearings and practice.

Sec. 31. *And be it further enacted*, That the several courts of the United States shall be, and hereby are authorized and empowered to grant new trials and rehearings, on motion and cause shown, and to make and establish all necessary rules and regulations, for returning writs, filing pleas, and other proceedings; and for regulating the practice and enforcing the orderly conduct of business, in the said courts respectively: *Provided always*, that the said rules and regulations be not repugnant to the laws of the United States; and that all the courts of the United States, and each of the justices and judges thereof, shall be, and hereby are, authorized and empowered to administer all necessary oaths and affirmations, and to bind to the peace or good behaviour, with surety where necessary, in all cases, arising under the authority of the United States.

The courts or judges empowered to administer oaths generally, &c.

Oath of a circuit judge.

Sec. 32. *And be it further enacted*, That every person who shall be appointed a judge of any circuit court, hereby established, shall, before he shall begin to exercise the duties of his said office, take the following oath or affirmation; that is to say: "I, A. B. do solemnly swear" (or affirm) "that I will administer justice without respect to persons; and will do equal right to all persons; and will, in all things, faithfully and impartially discharge and perform, all the duties incumbent on me as a judge of according to the best of my abilities and understanding, and to the constitution and laws of the United States."

Appeals from the district courts, to the circuit courts,

Sec. 33. *And be it further enacted*, That from all final judgments or decrees, in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or

value of fifty dollars, shall be allowed to the circuit court next to be holden, in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees in any circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States; and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal; and that such appeals shall be subject to the same rules, regulations and restrictions, as are prescribed by law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required, to receive, hear and determine such appeals.

and from thence to the supreme court.

Sec. 34. *And be it further enacted,* That all final judgments in civil actions at common law, in any of the circuit courts hereby established, whether brought by original process in such court, or removed thereto from any state court, and all final judgments in any of the district courts of the United States may, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, be re-examined and reversed or affirmed, in the supreme court of the United States, by writ of error: whereto shall be annexed, and returned therewith at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, and also a citation to the adverse party, signed by a judge of such circuit court, or by the district judge as the case may be; which citation shall be served on the adverse party personally, or by leaving a true copy thereof at his or their usual place or places of residence, at least thirty days before the time mentioned in such writ of error, for the return thereof.

Writs of error to the circuit courts.

Sec. 35. *And be it further enacted,* That the stipulation, bond or security, taken upon any writ of error or appeal to be brought or allowed as aforesaid, shall be returned by the judge taking the same, to the clerk or register of the court where the judgment or decree complained of was rendered, to be by him annexed to the transcript of the record, hereby directed to be sent up to the supreme court of the United States.

Security taken upon writs of error or appeals to be sent up with the record.

Sec. 36. *And be it further enacted,* That there shall be appointed, in and for each of the districts established by this act, a marshal, whose duty it shall be to attend the circuit courts of the United States hereby established, when sitting within such district, and who shall have and exercise, within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to and receive the same compensation and emoluments, and in all respects be subject to the same regulations, as are now prescribed by law, in respect to the marshals of the United States heretofore appointed: *Provided always,* that the several marshals of the United States, now in office, shall, during the periods for which they were respectively appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by marshals therein.

Marshals to be appointed.

Sec. 37. *And be it further enacted,* That there shall be appointed for each of the districts hereby established, a person learned in the law, to act as attorney for the United States within such district, and in the circuit and district courts which may be holden therein; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute, in such district, all delinquents for

District attornies to be appointed.

District attornies.

crimes and offences cognizable under the authority of the United States, and all civil actions or suits in which the United States shall be concerned, except actions or suits in the supreme court of the United States; and shall be entitled to, and receive, for their services respectively, such compensations, emoluments and fees, as by law are or shall be allowed, to the district attornies of the United States: *Provided always*, that the district attornies of the United States now in office shall, severally and respectively, be attornies for those districts hereby established, within which they reside, until removed by the President of the United States; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by the attorney of the United States therein.

Compensation of jurors and witnesses.

Sec. 38. *And be it further enacted*, That jurors and witnesses attending any of the courts, hereby established, shall be entitled to and receive the same compensations respectively, as heretofore have been allowed by law to jurors and witnesses, attending the circuit and district courts of the United States.

Records of the circuit courts, where to be kept.

Sec. 39. *And be it further enacted*, That the records of the several circuit courts, hereby established, shall hereafter be kept at the respective places at which the said courts are hereby directed to be holden: *Provided always*, that in the district wherein there are more than one place directed by this act for holding said circuit courts, the records of the circuit court in such district shall hereafter be kept in either of such places, as the said court in such district shall direct.

Suitors, &c. how far privileged from arrest.

Sec. 40. *And be it further enacted*, That the privilege from arrest of every person going to, attending at, or returning from, any court of the United States, shall be computed and continue, from the time of his or her departure from his or her habitation, until his or her return thereto: *Provided*, that such time shall not exceed one day, Sundays excluded, for every twenty miles of the distance, which such person must necessarily travel in so going and returning, over and above the time of attendance.

Salaries of judges.

Sec. 41. *And be it further enacted*, That each of the circuit judges of the United States, to be appointed by virtue of this act, shall be allowed as a compensation for his services, an annual salary of two thousand dollars, to be paid quarter-yearly at the treasury of the United States; except the judges of the sixth circuit, who shall be allowed the sum of fifteen hundred dollars each, to be paid in like manner; and that the salaries of the district judges of Kentucky and Tennessee shall be, and hereby are, severally augmented to the like sum of fifteen hundred dollars, annually, to be paid in like manner.

Approved, February 13, 1801.

Statute II.

Feb. 18, 1801.

Chap. V.—*An Act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia.*(a)

Survey of lands for the refugees from Canada, &c. to be made.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the surveyor-general be, and he is hereby directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second ranges of townships, which join the southern boundary line of the military lands, to be subdivided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the Secretary of the Treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, intituled

(a) Act of April 7, 1798, chap. 26; act of March 3, 1803, chap. 38; act of April 29, 1816, chap. 153.

"An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

How locations shall be made.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall, within thirty days after the survey of the lands shall have been returned to him as aforesaid, proceed to determine, by lot to be drawn in the presence of the secretaries of state and of war, the priority of location of the persons entitled to lands as aforesaid. The persons, thus entitled, shall severally make their locations on the second Tuesday of January next, and the patents for the lands thus located shall be granted in the manner directed for military lands, without requiring any fee whatever.

Patents to be granted.

Quantities of land assigned to the refugees, nominally.

Sec. 3. *And be it further enacted*, That the following persons, claiming lands under the above-mentioned act, shall respectively be entitled to the following quantities of land; that is to say: Martha Walker, widow of Thomas Walker, John Edgar, P. Francis Cazeau, John Allan, and Seth Harding, respectively, two thousand two hundred and forty acres each; Jonathan Eddy, Colonel James Livingston, and Parker Clark, respectively, one thousand two hundred and eighty acres each; and the heirs of John Dodge, one thousand two hundred and eighty acres; Thomas Faulkner, Edward Faulkner, David Gay, Martin Brooks, Lieutenant-colonel Bradford, Noah Miller, Joshua Lamb, Atwood Fales, John Starr, William How, Ebenezer Gardner, Lewis F. Delesdernier, John McGown, and Jonas C. Minot, respectively, nine hundred and sixty acres each; and the heirs of Simeon Chester, nine hundred and sixty acres; Jacob Vander Heyden, John Livingston, James Crawford, Isaac Danks, Major B. Von Heer, Benjamin Thompson, Joseph Bindon, Joseph Levittre, Lieutenant William Maxwell, John D. Mercier, James Price, Seth Noble, Martha Bogart, relict of Abraham Bogart, and formerly relict of Daniel Tucker, and John Halsted, respectively, six hundred and forty acres each; David Jenks, Ambrose Cole, James Cole, Adam Johnson, the widow and heirs of Colonel Jeremiah Duggan, Daniel Earl, junior, John Paskell, Edward Chinn, Joseph Cone, and John Torreyre, respectively, three hundred and twenty acres each; Samuel Fales, one hundred and sixty acres; which several tracts of land shall, except the last, be located in half sections by the respective claimants.

Approved, February 18, 1801.

Statute II.

Feb. 18, 1801.

Chap. VI.—*An Act making the Port of Biddeford and Pepperrelborough, and the Port of New Bedford, in Massachusetts, ports of entry for ships or vessels, arriving from the Cape of Good Hope, and from places beyond the same.*

Biddeford and Pepperrelborough ports of entry.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of Biddeford and Pepperrelborough, and the port of New Bedford, in the commonwealth of Massachusetts, be, and they are hereby made, ports of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same.

Approved, February 18, 1801.

Statute II.

Feb. 25, 1801.

Chap. VII.—*An Act to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth.*

District of Bristol established.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirty-first day of March next, the towns of Bristol, Warren and Barrington, in the state of Rhode Island and Providence Plantations, and all the shores and waters around the same, within the following

limits, viz. a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point, shall be a district, to be called the district of Bristol, of which the port of Bristol shall be the sole port of entry, and a collector for said district shall be appointed to reside at Bristol, and Warren and Barrington shall be ports of delivery only, and a surveyor shall be appointed to reside at each of the ports of Bristol and Warren; and the surveyor at Warren shall also be surveyor for the port of Barrington.

Collector to reside at Bristol.

1799, ch. 22, sec. 3.

Sec. 2. *And be it further enacted,* That said port of Bristol shall also be a port of entry, for all ships or vessels arriving from the Cape of Good Hope, or places beyond the same.

Vessels from or beyond the Cape of Good Hope may enter at its ports.

Sec. 3. *And be it further enacted,* That from and after the said thirty-first day of March next, the towns of Kittery and Berwick, in the state of Massachusetts, shall be annexed to the district of Portsmouth, in New Hampshire, as ports of delivery only: *Provided,* that nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, having merchandise on board, destined for either of the said places, from making entry at his option, with the collector of the district of York, and obtaining permits for the delivery thereof as heretofore.

Kittery and Berwick annexed to Portsmouth.

Approved, February 25, 1801.

Statute II.

Feb. 25, 1801.

Chap. IX.—*An Act freeing from postage all letters and packets to John Adams.*

Letters to John Adams to be free of postage.

Act of March 3, 1801, ch. 35, sec. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to John Adams, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

Approved, February 25, 1801.

Statute II.

Feb. 25, 1801.

Chap. XI.—*An Act to continue in force the acts laying duties on licenses for selling wines, and foreign distilled spirits by retail, and so much of the act laying certain duties on snuff and refined sugar as respects a duty on refined sugar, on property sold at auction, and on carriages for the conveyance of persons.*

Repealed by Act of April 6, 1802, ch. 19.

Act of Nov. 5, 1794, and Act of June 9, 1794, continued in force to March 4, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail;" and that so much of an act passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying certain duties upon snuff and refined sugar," as respects a duty upon refined sugar, and that an act passed on the ninth day of June, in the year one thousand seven hundred and ninety-four, intituled "An act laying duties on property sold at auction," and which acts were, by an act, passed on the third day of March, in the year one thousand seven hundred and ninety-five, continued in force until the first day of March, in the year one thousand eight hundred and one, shall be, and the same are hereby continued in force without limitation of time; any thing in any former act to the contrary notwithstanding.

1794, ch. 65.

Sec. 2. *Be it further enacted,* That so much of the thirteenth section of an act, passed on the twenty-eighth day of May in the year

"Act laying duties upon car-

one thousand seven hundred and ninety-six, intituled "An act laying duties upon carriages for the conveyance of persons, and repealing the former act for that purpose," as limits the duration of said act, shall be and the same is hereby repealed, and said act is hereby continued in force, without limitation of time.

riages," &c. continued without limitation.

May 28, 1796, ch. 37.

Approved, February 25, 1801.

Statute II.

Chap. XII.—*An Act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer.*

Feb. 27, 1801.

[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 granted and declared, to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore from a foreign voyage, for the purposes in said act intended.

Sec. 2. *And be it further enacted,* That this act shall be in force for three years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

Continued by Act of March 1, 1805, ch. 19.

Approved, February 27, 1801.

Statute II.

Chap. XIII.—*An Act to allow the transportation of goods, wares and merchandise, to and from Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras.*

Feb. 27, 1801.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any goods, wares and merchandise, which lawfully might be transported to or from the city of Philadelphia and Baltimore, by the way of Elkton, Bohemia or Frenchtown, and Port Penn, Appoquinimink, New Castle, Christiana Bridge, Newport or Wilmington, shall and may lawfully be transported, to and from the city of Philadelphia and Baltimore, by the way of Appoquinimink and Sassafras river, and shall be entitled to all the benefits and advantages, and shall be subject to all the provisions, regulations, limitations and restrictions, existing in the case of goods, wares and merchandise, transported by any of the routes before mentioned.

Goods imported into Baltimore or Philadelphia may be transported by Appoquinimink and Sassafras rivers.

1799, ch. 22.

Approved, February 27, 1801.

Statute II.

Chap. XV.—*An Act concerning the District of Columbia.*(a)

Feb. 27, 1801.

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

Laws of Virginia and Mary-

(a) District of Columbia. The acts for the government and administration of justice in the District of Columbia, are:

1. An act for establishing the temporary and permanent seat of the government of the United States, July 16, 1790, chap. 28.
2. An act supplementary to an act entitled, "An act concerning the District of Columbia," March 3, 1801, chap. 24.
3. An act concerning the District of Columbia, February 27, 1801, chap. 15.
4. An act additional to an act amendatory of an act entitled, "An act concerning the District of Columbia," May 3, 1802, chap. 53.
5. An act to amend the judicial system of the United States, April 29, 1802, chap. 31, sec. 24.
6. An act for the relief of insolvent debtors within the District of Columbia, March 3, 1803, chap. 20.
7. An act to extend the jurisdiction of justices of the peace in the recovery of debts, in the District of Columbia, March 1, 1823, chap. 23.
8. An act respecting the adjournment of the circuit court of the District of Columbia, March 3, 1825.

land continued in force in the district.

laws of the state of Virginia, as they now exist, shall be and continue in force in that part of the District of Columbia, which was ceded by the said state to the United States, and by them accepted for the permanent seat of government; and that the laws of the state of Maryland,

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9. An act altering the times of holding the circuit courts in the District of Columbia, May 20, 1826, chap. 131.

10. An act to establish a criminal court in the District of Columbia, July 7, 1838, chap. 192.

11. An act to restrain the circulation of small notes as a currency in the District of Columbia, and for other purposes, July 7, 1838, chap. 212.

12. Resolution directing the manner in which certain laws of the District of Columbia shall be executed, March 2, 1839.

13. An act for granting possessions, enrolling conveyances and securing the estates of purchasers within the District of Columbia, May 31, 1832, chap. 112.

14. An act changing the times of holding the courts in the District of Columbia, May 31, 1832, chap. 114. Act of February 30, 1839, chap. 30.

The decisions of the courts of the United States upon this and other statutes relating to the District of Columbia, and other questions arising in the district, have been:

The act of Congress of 27 February, 1801, concerning the District of Columbia, directs that writs of error shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had thereon, as is or shall be provided in case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit courts of the United States. United States *v.* Hooe et al., 1 Cranch, 318; 1 Cond. Rep. 322.

By the separation of the District of Columbia from the state of Maryland, the residents in that part of Maryland which became a part of the district ceased to be citizens of the state. Reilly, Appellant *v.* Lamar et al., 2 Cranch, 344; 1 Cond. Rep. 419.

A citizen of the District of Columbia, could not be discharged by the insolvent law of Maryland, out of the district. *Ibid.*

A citizen of the District of Columbia, cannot maintain an action in the circuit court of the United States, out of the district; he not being a citizen of a state within the meaning of the provision in the law of the United States, regulating the jurisdiction of the courts of the United States. Hepburn and Dundas *v.* Ellzey, 2 Cranch, 445; 1 Cond. Rep. 444.

A justice of the peace, in the District of Columbia, is an officer of the government of the United States; and is exempt from militia duty. Wise *v.* Withers, 3 Cranch, 331; 1 Cond. Rep. 552.

Under the sixth and eighth sections of the act of assembly of Virginia, of the 22d of December, 1794, property pledged to the Mutual Assurance Society, &c. continues liable for assessments, on account of the losses insured against, in the hands of a bona fide purchaser, without notice. The Mutual Assurance Society *v.* Watts' Ex'rs, 1 Wheat. 279; 3 Cond. Rep. 570.

A mere change of sovereignty produces no change in the state of rights existing in the soil; and the cession of the District of Columbia to the national government did not affect the lien created by the above act on real property situate in the town of Alexandria; though the personal character or liability of a member of the society could not be thereby forced on a purchaser of such property. *Ibid.*

Congress has authority to impose a direct tax on the District of Columbia, in proportion to the census directed to be taken by the constitution. Loughborough *v.* Blake, 5 Wheat. 317; 4 Cond. Rep. 660.

Congress, when legislating for the District of Columbia, under the fifth section of the first article of the constitution, is still the legislature of the Union, and its acts are the laws of the United States. Cohens *v.* Virginia, 6 Wheat. 264; 5 Cond. Rep. 90.

An act of the legislature of Maryland, passed the 19th of December, 1791, entitled "An act concerning the territory of Columbia, and the city of Washington," which, by the 6th section, provides for the holding of lands by "foreigners," is an enabling act; and applies to those only who could not take lands without the provisions of that law. It enables a "foreigner" to take in the same manner as if he were a citizen. Spratt *v.* Spratt, 1 Peters, 349.

A foreigner who becomes a citizen, is no longer a foreigner, within the view of the act. Thus, after purchase, lands vested in him as a citizen; not by virtue of the act of the legislature of Maryland, but because of his acquiring the rights of citizenship. *Ibid.*

Land in the county of Washington, and District of Columbia, purchased by a foreigner, before naturalization, was held by him under the law of Maryland, and might be transmitted to the relations of the purchasers, who were foreigners: and the capacity so to transmit those lands, is given, absolutely, by this act, and is not affected by his becoming a citizen; but passes to his heirs and relations, precisely as if he had remained a foreigner. *Ibid.*

The supreme court of the United States has jurisdiction of appeals from the orphans' court, through the circuit court for the county of Washington, by virtue of the act of Congress of February 13, 1801; and by the act of Congress subsequently passed, the matter in dispute, exclusive of costs, must exceed the value of one thousand dollars, in order to entitle the party to an appeal. Nicholls et al. *v.* Hodges' Ex'rs, 1 Peters, 565.

The statute of Elizabeth is in force in the District of Columbia. Cathcart et al. *v.* Robinson, 5 Peters, 264.

The levy court of Washington county is not entitled to one half of all the fines, penalties, and forfeitures imposed by the circuit court in cases at common law, and under the acts of Congress, as well as the acts of assembly of Maryland, adopted by Congress as the law of the District of Columbia. Levy Court of Washington *v.* Ringgold, 5 Peters, 451.

The supreme court of the United States has no jurisdiction of causes brought before it, upon a certificate of division of opinion of the judges of the circuit court for the District of Columbia. The appellate jurisdiction, in respect to that court, extends only to its final judgments and decrees. Ross *v.* Triplett. 3 Wheat. 600; 4 Cond. Rep. 351.

By the insolvent law of Maryland, of January 3, 1800, the chancellor of Maryland could not discharge one who was an inhabitant of the District of Columbia, after the separation from Maryland, unless previous

as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid.

It shall be formed into two counties.

Sec. 2. *And be it further enacted,* That the said district of Columbia shall be formed into two counties; one county shall contain all that part of said district, which lies on the east side of the river Potomac, together with the islands therein, and shall be called the county of Washington; the other county shall contain all that part of said district, which lies on the west side of said river, and shall be called the county of Alexandria; and the said river in its whole course through said district shall be taken and deemed to all intents and purposes to be within both of said counties.

Washington county.

Alexandria county.

Circuit court established in it.

Sec. 3. *Be it further enacted,* That there shall be a court in said district, which shall be called the circuit court of the district of Columbia; and the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States. Said court shall consist of one chief judge and two assistant judges resident within said district, to hold their respective offices during good behaviour; any two of whom shall constitute a quorum; and each of the said judges shall, before he enter on his office, take the oath or affirmation provided by law to be taken by the

To consist of one chief judge and two assistant judges.

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to that separation he had entitled himself to a discharge by performing all the requisites of the act. Reilly *v.* Lamar et al. 2 Cranch, 344; 1 Cond. Rep. 419.

No appeal or writ of error lies, in a criminal case, from the judgment of the circuit court of the District of Columbia, to the supreme court of the United States: the appellate jurisdiction given by the act of Congress, is confined to civil cases. United States *v.* Moore, 3 Cranch, 159; 1 Cond. Rep. 480.

There is, in the District of Columbia, no division of powers between the general and the state governments. Congress has the entire control over the district, for every purpose of government: and it is reasonable to suppose that, in organizing a judicial department in the district, all the judicial power, necessary for the purpose of government, would be vested in the courts of justice. Kendall, Postmaster General *v.* The United States, 12 Peters, 524.

The circuit court of the United States, for the District of Columbia, has a right to award a mandamus to the postmaster-general of the United States, requiring him to pass to the credit of certain contractors for conveying the mail of the United States, a sum found to be due to them by the solicitor of the treasury of the United States, the solicitor acting under the special provisions of an act of Congress. *Ibid.*

There can be no doubt, that, in the state of Maryland, a writ of mandamus might be issued to an executive officer, commanding him to perform a ministerial act, required of him by the laws: and if it would lie in that state, there can be no good reason why it should not lie in the District of Columbia, in analogous cases. *Ibid.*

The powers of the supreme court of the United States, and of the circuit courts of the United States, to issue writs of mandamus, granted by the fourteenth section of the judiciary act of 1789, is only for the purpose of bringing the case to a final judgment or decree, so that it may be reviewed. The mandamus does not direct the inferior court how to proceed, but only that it must proceed, according to its own judgment, to a final determination; otherwise it cannot be reviewed in the appellate court. It is different in the circuit court of the District of Columbia, under the adoption of the laws of Maryland, which included the common law. *Ibid.*

The power of the circuit court of the District of Columbia, to exercise the jurisdiction to issue a writ of mandamus to a public officer, to do an act required of him by law, results from the third section of the act of Congress of February 27, 1804; which declares that the court and judges thereof shall have all the powers by law vested in the circuit courts of the United States. The circuit courts referred to, were those established by the act of February 13, 1801. The repeal of that law, fifteen months afterwards, and after that law had gone into operation, under the act of February 27, 1801, could not in any manner affect that law, any further than was provided by the repealing act. *Ibid.*

The circuit courts of the United States, sitting in the states of the Union, have no jurisdiction in a case in which a citizen of the District of Columbia is plaintiff. Westcott's Lessee *v.* Inhabitants, &c. Peters' C. C. R. 45.

The act of Congress of June, 1822, authorizes any person to whom administration has been granted by the states of the United States, to prosecute claims by suits in the District of Columbia, in the same manner as if the same had been granted by proper authority, in the District of Columbia, to such persons. The power is limited by its terms to the institution of suits, and does not authorize suits against an executor or administrator. The effect of this law was to make all debts due by persons in the District of Columbia, not local assets, for which the administrator was bound to account in the courts of the district, but general assets which he had full authority to receive, and for which he was bound to account in the courts of the state from which he derived his letters of administration. Vaughan et al. *v.* Northup et al., 15 Peters' Rep. 1.

The courts of the United States in the District of Columbia, have a like jurisdiction upon personal property, with the courts in England, and in the states of the Union; and in the absence of statutory provisions, in the trial of them they must apply the same common law principle which regulates the mode of bringing such actions, the pleadings and the proof. M'Kenna *v.* Fiske, 17 Peters' Rep. 245.

judges of the circuit courts of the United States; and said court shall have power to appoint a clerk of the court in each of said counties, who shall take the oath and give a bond with sureties, in the manner directed for clerks of the district courts in the act to establish the judiciary of the United States.

Sessions of the court in Washington county, in Alexandria county.

Sec. 4. *Be it further enacted,* That said court shall, annually, hold four sessions in each of said counties, to commence as follows, to wit: for the county of Washington, at the city of Washington, on the fourth Mondays of March, June, September and December; for the county of Alexandria, at Alexandria, on the second Mondays of January, April, July, and the first Monday of October.

Subjects for the cognizance of the court.

Sec. 5. *Be it further enacted,* That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district, and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States.

Where local actions shall be commenced. No suits to be brought, but against inhabitants or persons found in the district.

Sec. 6. *Provided, and be it further enacted,* That all local actions shall be commenced in their proper counties, and that no action or suit shall be brought before said court, by any original process against any person, who shall not be an inhabitant of, or found within said district, at the time of serving the writ.

A marshal to be appointed for the district.

Sec. 7. *Be it further enacted,* That there shall be a marshal for the said district, who shall have the custody of the gaols of said counties, and be accountable for the safe keeping of all prisoners legally committed therein; and he shall be appointed for the same term, shall take the same oath, give a bond with sureties in the same manner, shall have generally, within said district, the same powers, and perform the same duties, as is by law directed and provided in the case of marshals of the United States.

Writs of error and appeal.

Sec. 8. *Be it further enacted,* That any final judgment, order or decree in said circuit court, wherein the matter in dispute, exclusive of costs, shall exceed the value of one hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, by writ of error or appeal,(*a*) which shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit court of the United States.

An attorney to be appointed. Allowances to the attorney, marshal and clerks.

Sec. 9. *Be it further enacted,* That there shall be appointed an attorney of the United States for said district, who shall take the oath and perform all the duties required of the district attornies of the United States; and the said attorney, marshal and clerks, shall be entitled to receive for their respective services, the same fees, perquisites and emoluments, which are by law allowed respectively to the attorney, marshal and clerk of the United States, for the district of Maryland.

Sec. 10. *Be it further enacted,* That the chief judge, to be appointed by virtue of this act, shall receive an annual salary of two thou-

(*a*) By an act entitled, "An act to limit the right of appeal from the circuit court of the United States for the District of Columbia, passed April 2, 1816, chap. 39, it is provided that no cause shall be removed from the circuit court of the District of Columbia, unless the matter in dispute in the cause shall be of the value of one thousand dollars and upwards. But when a party in a cause shall deem himself aggrieved by any final judgment or decree of the said circuit court, where the matter in dispute shall be of the value of $100, and of less value than $1000, on a petition to a justice of the supreme court, if the said justice shall be of opinion that errors in the proceedings of the court involve questions of law of such extensive interest and operation as to render the final judgment of the supreme court desirable, the case may be removed at the discretion of the said justice.

sand dollars, and the two assistant judges, of sixteen hundred dollars each, to be paid quarterly, at the treasury of the United States.(*a*)

Compensation of the judges.

Sec. 11. *Be it further enacted*, That there shall be appointed in and for each of the said counties, such number of discreet persons to be justices of the peace, as the President of the United States shall from time to time think expedient, to continue in office five years; and such justices, having taken an oath for the faithful and impartial discharge of the duties of the office, shall, in all matters, civil and criminal, and in whatever relates to the conservation of the peace, have all the powers vested in, and shall perform all the duties required of, justices of the peace, as individual magistrates, by the laws herein before continued in force in those parts of said district, for which they shall have been respectively appointed; and they shall have cognizance in personal demands to the value of twenty dollars, exclusive of costs; which sum they shall not exceed, any law to the contrary notwithstanding; and they shall be entitled to receive for their services the fees allowed for like services by the laws herein before adopted and continued, in the eastern part of said district.

Justices of the peace to be appointed.

Their jurisdiction.

Sec. 12. *And be it further enacted*, That there shall be appointed in and for each of the said counties, a register of wills, and a judge to be called the judge of the orphans' court, who shall each take an oath for the faithful and impartial discharge of the duties of his office; and shall have all the powers, perform all the duties, and receive the like fees, as are exercised, performed, and received, by the registers of wills and judges of the orphans' court, within the state of Maryland; and appeals from the said courts shall be to the circuit court of said district, who shall therein have all the powers of the chancellor of the said state.

Registers of wills and judges of the orphans' court to be appointed.

Act of May 19, 1828, ch. 59.

Sec. 13. *And be it further enacted*, That in all cases where judgments or decrees have been obtained, or hereafter shall be obtained, on suits now depending in any of the courts of the commonwealth of Virginia, or of the state of Maryland, where the defendant resides or has property within the district of Columbia, it shall be lawful for the plaintiff in such case upon filing an exemplification of the record and proceedings in such suits, with the clerk of the court of the county where the defendant resides, or his property may be found, to sue out writs of execution thereon, returnable to the said court, which shall be proceeded on, in the same manner as if the judgment or decree had originally been obtained in said court.

How to obtain execution within the district, upon judgments already rendered in courts of Maryland and Virginia.

Sec. 14. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in the courts of Hustings for the towns of Alexandria and Georgetown, shall be, and hereby are continued over to the circuit courts to be holden by virtue of this act, within the district of Columbia, in manner following; that is to say: all such as shall then be depending and undetermined, before the court of Hustings for the town of Alexandria, to the next circuit court hereby directed to be holden in the town of Alexandria; and all such as shall then be depending and undetermined, before the court of Hustings for Georgetown, to the next circuit court hereby directed to be holden in the city of Washington: *Provided nevertheless*, that where the personal demand in such cases, exclusive of costs, does not exceed the value of twenty dollars, the justices of the peace within their respective counties, shall have cognizance thereof.

Suits in the courts of Hustings for Alexandria and Georgetown continued to the circuit court.

Sec. 15. *And be it further enacted*, That all writs and processes whatsoever, which shall hereafter issue from the courts hereby established

Test of writs.

(*a*) An act concerning the District of Columbia, February 27, 1801, chap. 15; an act to increase the salaries of the judges of the circuit court for the District of Columbia, March 3, 1811; an act to increase the salaries of the judges of the circuit court for the District of Columbia, April 20, 1818; an act concerning the orphans' court of Alexandria county, in the District of Columbia, May 19, 1828, chap. 59.

within the district, shall be tested in the name of the chief judge of the district of Columbia.

Saving of the rights of corporations.

Sec. 16. *And be it further enacted,* That nothing in this act contained shall in any wise alter, impeach or impair the rights, granted by or derived from the acts of incorporation of Alexandria and Georgetown, or of any other body corporate or politic, within the said district, except so far as relates to the judicial powers of the corporations of Georgetown and Alexandria.

Approved, February 27, 1801.

Statute II.

March 2, 1801.

[Obsolete.]

Act of May 7, 1800, ch. 41.

Certain suits revived.

Chap. XVI.—*An Act supplementary to an act, intituled "An act to divide the territory of the United States northwest of the Ohio, into two separate governments."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all suits, and process and proceedings, which, on the third day of July, one thousand eight hundred, were pending in any court of either of the counties, which by the act intituled "An act to divide the territory of the United States northwest of the Ohio, into two separate governments," has been included within the Indiana territory; and that all suits, process and proceedings, which, on the aforesaid third day of July, were pending in the general court of the territory of the United States northwest of the Ohio, in consequence of any writ of removal or order for trial at bar, had been removed from either of the counties now within the limits of the Indiana territory aforesaid, shall be and they are hereby revived and continued; and the same proceedings, before the rendering of final judgment and thereafter, may and shall be had, in the same courts, in all suits and process aforesaid, and in all things concerning the same, as by law might have been had in case the said territory of the United States northwest of the Ohio had remained undivided.

Approved, March 2, 1801.

Statute II.

March 2, 1801.

[Repealed.]

Chap. XVII.—*An Act to add to the district of Massac, on the Ohio, and to discontinue the district of Palmyra in the state of Tennessee, and therein to amend the act, intituled "An act to regulate the collection of duties on imports and tonnage."*

District of Massac.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district of Massac, in addition to the territory it already possesses, shall include all waters, shores, and inlets, now included within the district of Palmyra, and all rivers, waters, shores and inlets, lying within the state of Tennessee.

District of Palmyra.

Section 16, Act of March 2, 1799, repealed.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of June next, so much of the "Act to regulate the collection of duties on imports and tonnage," as establishes the district of Palmyra in the state of Tennessee, shall be repealed, except as to the recovery and receipts of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day.

Approved, March 2, 1801.

Statute II.

March 2, 1801.

[Obsolete.]

Chap. XVIII.—*An Act making appropriations for the Military establishment of the United States, for the year one thousand eight hundred and one.*

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

expenses of the military establishment of the United States, for the year one thousand eight hundred and one, the pay and subsistence of the officers and men, bounties and premiums, the clothing, hospital, ordnance, quartermaster's and Indian departments, the defensive protection of the frontiers, the contingent expenses of the war department, for the fabrication of cannon and arms, and purchase of ammunition, and for the payment of military pensions, the sum of two millions, ninety-three thousand and one dollars, be, and is hereby appropriated; that is to say,

Appropriations for the military establishment and the Indian annuities.

For the pay of the army of the United States, four hundred and eighty thousand three hundred and ninety-six dollars.

For the subsistence of the army, three hundred and six thousand three hundred and ninety-five dollars.

For forage, the sum of seven thousand six hundred and eighty dollars.

For horses to replace those which may die, or become unfit for service, the sum of five thousand dollars.

For clothing, the sum of one hundred and forty-one thousand five hundred and thirty dollars.

For bounties and premiums, the sum of forty-two thousand dollars.

For the hospital department, the sum of twenty thousand dollars.

For the ordnance department, the sum of one hundred thousand dollars.

For the quartermaster's department, the sum of one hundred and sixty-five thousand dollars.

For paying annuities to the following nations of Indians, in pursuance of treaties: to the Six Nations, Cherokees, Chickasaws and Creeks, the sum of fifteen thousand dollars; and for presents to the Choctaws, two thousand dollars.

For defraying the expense of the transportation of annuities to the Indian tribes, ten thousand dollars.

For promoting civilization among the Indian tribes, and pay of temporary agents, and rations to Indians at the different military posts, the sum of forty-five thousand dollars.

For the defensive protection of the frontiers of the United States, including the erection and repairs of forts and fortifications, the sum of thirty thousand dollars.

For loss of stores, allowances to officers on being ordered to distant commands, and for special purposes; advertising and apprehending deserters, printing, purchasing maps, and other contingencies, the sum of thirty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions, from the fifth of March, one thousand eight hundred and one, to the fourth of March, one thousand eight hundred and two, the sum of ninety-three thousand dollars.

For the fortification of ports and harbors within the United States, the sum of two hundred thousand dollars. For the fabrication of cannon and small arms, and the purchase of ammunition, being the balance of appropriations unexpended which have been carried to the surplus fund, four hundred thousand dollars.

Sec. 2. *And be it further enacted,* That the foregoing appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Approved, March 2, 1801.

Statute II.

March 3, 1801.

[Repealed.]

April 6, 1802, ch. 19.

Mode of obtaining a stamp

Chap. XIX.—*An Act to amend the act intituled "An act to establish a general Stamp Office."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person or persons shall pay to a collector of the revenue, the duty

to an instrument not stamped.

chargeable by law on a deed, instrument or writing, on which the stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain the endorsement and receipt of such collector, upon such deed, instrument or writing therefor, agreeably to the provisions of an act, intituled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, it shall be lawful for such person or persons to produce such deed, instrument or writing, to the supervisor of the revenue within whose district such person or persons shall reside; which supervisor thereupon shall certify under his hand and seal, and upon some part of the said deed, instrument or writing, that the same, so endorsed, has been produced to him, and that the said endorsement is, in his belief, genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument or writing, shall be to all intents and purposes as valid and available as if the same had been or were stamped, counterstamped, or marked as by law required; any thing in any act to the contrary notwithstanding.

Act of April 23, 1800, ch. 31.

Act of April 23, 1800. Repeal of part of the former act.

Sec. 2. *And be it further enacted*, That so much of the act, intituled "An act to establish a general stamp office," as requires certain duties to be performed by the surveyors of the revenue, shall be, and the same is hereby repealed.

Approved, March 3, 1801.

Statute. II.

March 3, 1801.

[Obsolete.]

The President may cause to be sold certain of the public vessels.

Chap. XX.—*An Act providing for a Naval peace establishment, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized, whenever the situation of public affairs shall in his opinion render it expedient, to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene; and also to lay up all the frigates thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

Six of the frigates to be retained in constant service.

Residue of the frigates laid up.

Sec. 2. *And be it [further] enacted*, That six of the frigates to be retained shall be kept in constant service in time of peace, and shall be officered and manned as the President of the United States may direct, not to exceed, however, two thirds of the present complement of seamen, and ordinary seamen; the residue of the frigates to be retained shall be laid up in convenient ports, and there shall be permanently attached to each frigate so laid up, one sailing-master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten seamen; the sailing-master shall have the general care and superintendence of the ship; and shall generally execute such duties of a purser as may be necessary.

Component parts of a ration after the reduction of the Navy.

Sec. 3. *And be it [further] enacted*, That from and after the day when the reduction of the navy shall take place as aforesaid, the navy ration shall consist of as follows: on Sunday, fourteen ounces of bread, one and a quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits; Monday, fourteen ounces of bread, one pound of pork, half pint of pease, one half pint of distilled spirits; Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits; Wednes-

(a) Act of March 27, 1804, chap. 53; act of April 21, 1806, chap. 35.

day, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits; Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits; Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one half pint of distilled spirits; Saturday, fourteen ounces of bread, one pound of pork, half pint of pease, half pint of vinegar, one half pint of distilled spirits.

Number of officers to be retained.

Sec. 4. *Be it further enacted*, That the President of the United States retain in the navy service in time of peace, nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the six frigates to be kept in service; and that he be authorized to discharge all the other officers in the navy service of the United States, but such of the aforesaid officers as shall be retained in the service shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service.

Four months extra pay allowed to those who are discharged. Repealed April 21, 1806.

Sec. 5. *Be it further enacted*, That all the commissioned and warrant officers, who shall be discharged as aforesaid, shall be entitled to receive four months pay over and above what may be due to them respectively at the time of their discharge.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Chap. XXI.—*An Act concerning the Mint.*(a)

To remain at Philadelphia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mint shall remain in the city of Philadelphia, until the fourth day of March, in the year one thousand eight hundred and three.

Act of March 3, 1803, ch. 36. Act of April 1, 1808, ch. 41. Act of Dec. 2, 1812, ch. 2. Act of Jan. 14, 1818, ch. 4. Act of March 3, 1823, ch. 42.

Certain duties to be performed by the district judge and attorney of Pennsylvania and the commissioner of loans.

Sec. 2. *And be it further enacted*, That during the continuance of the mint at the city of Philadelphia, the duties now enjoined on the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, by the eighteenth section of the act, intituled "An Act establishing a mint, and regulating the coins of the United States," passed the second day of April, one thousand seven hundred and ninety-two, shall be performed by the district judge of Pennsylvania, the attorney for the United States in the district of Pennsylvania, and the commissioner of loans for the state of Pennsylvania.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

[Obsolete.]

Chap. XXII.—*An Act authorizing the Secretary of the Treasury to employ Clerks for completing the abstracts of the valuation of lands and dwelling-houses, and the enumeration of slaves.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to employ clerks, for such compensation as he shall judge reasonable, to complete the abstracts of the valuation of lands and dwelling-houses, and the enume-

(a) The 2d section of the act of March 3, 1823, chap. 42, provides that the duty of attending to the examination of the coins at the mint, shall be performed by the collector of the port of Philadelphia, instead of the commissioner of loans.

By the 32d section of the act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," passed January 18, 1837, chap. 1, the annual trial of the gold and silver coins of the United States, is required to be made before the district judge of Pennsylvania, the attorney of the United States for the district of Pennsylvania, and collector of the port of Philadelphia, and such other persons as the President of the United States shall, for that purpose, designate.

ration of slaves within the United States, under the direction of the commissioners authorized to direct the completing of such abstracts, in those states where clerks cannot be procured by the commissioners, for the compensation allowed by law to clerks for performing that business, agreeably to the provisions of the following acts; that is to say, an act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;" an act, intituled "An act supplementary to the act, intituled 'An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States;'" and an act, intituled "An act to provide for equalizing the valuation of unseated lands."

1798, ch. 70.

1800, ch. 3.

1800, ch. 53.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Act of March 2, 1799, ch. 29. Act of May, 1802, ch. 44.

Right of pre-emption given to certain persons who have contracted with J. C. Symmes, &c.

Chap. XXIII.—*An Act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio.*(a)

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person or persons, and the legal representative or representatives of any person or persons, who, before the first day of January, in the year of our Lord one thousand eight hundred, had made any contract or contracts in writing, or by any note or memorandum thereof in writing, either with John Cleves Symmes, or with any of his associates, or who had made to him or them, any payment of money for the purchase of lands, situate between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of Congress of the twelfth of April, one thousand seven hundred and ninety-two, and not comprehended within the limits of a tract of land, conveyed to John Cleves Symmes and his associates, by letters patent, bearing date the thirtieth of September, one thousand seven hundred and ninety-four, in the territory of the United States northwest of the Ohio, shall be entitled to a preference, in becoming the purchasers, from the United States, of all the lands so contracted for, at the price of two dollars per acre, exclusive of the surveying fees, and other incidental expenses; and payment may be made therefor, to the treasurer of the United States, or the receiver of public monies for the lands of the United States at Cincinnati, in like instalments, and under the same conditions, as directed by the act, intituled "An act to amend the act, intituled 'An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river.'" *Provided however,* that no interest shall be charged upon any of the instalments until they respectively become payable.

1800, ch. 55.

Persons claiming the benefit of this act to give notice to the receiver of public monies at Cincinnati.

Sec. 2. *And be it further enacted,* That every person, claiming the benefit of the first section of this act, shall, on or before the first day of November next, deliver to the receiver of public monies, for the lands of the United States at Cincinnati, a notice in writing, stating the nature and extent of his claim or contract; and if any person shall neglect to give such notice of his claim or contract, or having given the same, shall neglect to make application for the purchase thereof, as herein after directed, or shall fail in making the first payment before the first of January next, all his right of pre-emption, on the terms aforesaid, shall cease and become void.

Duty of the receiver herein.

Sec. 3. *And be it further enacted,* That the aforesaid receiver of public monies, on being paid the fees herein after provided, shall receive every such notice of claim, or statement thereof, and give a receipt

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(a) Act of March 3, 1803, chap. 21, sec. 4; act of March 26, 1804, chap. 35.

therefor, and carefully put and preserve on file every such paper or writing, and lay the same before the commissioners, when met, for settling and adjusting the claims aforesaid.

And also of the two commissioners to be appointed.

Sec. 4. *And be it further enacted*, That the aforesaid receiver of public monies, and two other persons, who shall be appointed by the President of the United States alone shall be commissioners for the purpose of ascertaining the rights of persons claiming the benefits of this act, who, previous to entering on the duties of their appointment, shall respectively take and subscribe the following oath or affirmation, before some person qualified to administer oaths, to wit: "I —— do solemnly swear, or affirm, that I will impartially exercise and discharge the duties imposed on me, by an act of Congress, intituled 'An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio,' to the best of my understanding and ability;" and it shall be the duty of the said commissioners to meet at Cincinnati, between the first and the tenth day of November next, of which meeting three weeks previous notice shall be given by them in a public newspaper printed at Cincinnati; and they, or a majority of them, so met, shall not adjourn to any other place, or for a longer time than three days, until they have finally completed the business of their said appointment; and they, or any two of them, shall have power to hear and decide, in a summary manner, all matters respecting all such claims of which notice may have been filed, pursuant to the third section of this act, also to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination shall be final; and when it shall appear to them, that the claimant is entitled to the right of pre-emption, on the terms aforesaid, they shall give a certificate thereof, stating as accurately as may be, the quantity and local situation of the lands to which he may be entitled, directed to the register of the land-office at Cincinnati, or when the said register may be a claimant, to the surveyor-general, copies of which certificates shall be by them recorded, in a book to be provided for that purpose, and deposited for safe keeping with the register of the land-office.

Duty of the Surveyor General and Register at Cincinnati.

Sec. 5. *And be it further enacted*, That the aforesaid register and surveyor-general, respectively, upon application of any person or persons, who shall produce a certificate of the commissioners aforesaid, to him directed, before the first day of January next, and shall also produce a receipt from the treasurer of the United States, or the aforesaid receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of three dollars for each half section or smaller quantity, and shall pay him the fees in like case provided by the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States, in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river," shall admit such person or persons to become a purchaser or purchasers of the land designated in the said certificate, and shall receive the said certificate and preserve it on file, and make an entry of the application in his book, kept for the purpose, and on any of the three last payments being made in advance, he shall allow the purchaser the like discount as is allowed by the fourth clause of the fifth section of the act last above recited; and on payment in full, and a final settlement had, he shall give his certificate thereof; upon producing which to the Secretary of the Treasury, a patent shall issue in like manner as is provided by the said act last above recited.

Act of May 10, 1800, ch. 55.

Fees allowed to the receiver and commissioners.

Sec. 6. *And be it further enacted*, That the said receiver of public monies shall be entitled to have and receive, to his own use, from the respective claimants, the following fees, that is to say: for filing a notice

and evidence of claim, or statement thereof, twenty-five cents; for giving a copy thereof, twelve and a half cents for every one hundred words. And the said commissioners shall, as a full compensation for their services, be entitled, jointly, to have and receive from the respective claimants, that is to say: for every determination, and entering the result in their book, at the rate of three dollars for every section; for every certificate, and recording the same, at the rate of one dollar for every section.

Mode in which the land shall be surveyed.

Sec. 7. *And be it further enacted*, That all the aforesaid tract of country shall be surveyed by the surveyor-general, as soon as may be after the first day of September next, in the manner herein after directed.

1. So much of the said tract as lies between the northern boundary line, and the aforesaid patent of John Cleves Symmes, and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforesaid lines, for the corners of sections, shall be established by the surveyor-general, and eastwardly and westwardly lines shall be run to intersect the aforesaid northwardly and southwardly lines, in the corresponding marked points.

2. And the residue of the said tract lying north of the aforesaid southern boundary of the seventh entire range, shall be laid off into sections, according to such uniform rule and method, as, in the opinion of the surveyor-general, shall best secure the rights and interest of those who are entitled to pre-emption.

3. Such divisions shall be made of sections, according to the claim of such who obtain pre-emption right, and the contents of each and every section, and such division thereof, shall be ascertained, and the surveyor-general shall prepare and transmit a plan thereof to the aforesaid register, immediately after the said survey shall be completed, and also forward a copy thereof to the Secretary of the Treasury.

Applications to be made as for a section of 640 acres, &c.

Sec. 8. *And be it further enacted*, That all persons, availing themselves of a pre-emption under this act, shall make application for a section, or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.

Duties and allowance of the Surveyor General, Register, and Receiver of public monies.

Sec. 9. *And be it further enacted*, That the duties of the surveyor-general, of the aforesaid register and receiver of public monies, as nearly as may be consistent with this act, shall respectively be the same as directed in and by the last recited act, and the fees and emoluments shall respectively be the same as provided in the said act last recited.

Parts of the land to be sold in a different manner.

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Sec. 10. *And be it further enacted*, That after completing the surveys, agreeably to this act, reserving the lots marked sixteen in each township, or fractional part of a township, in which the same may be, for the purposes expressed in the ordinance of Congress of the twentieth of May, one thousand seven hundred and eighty-five, the residue of the lands, and so many of the aforesaid pre-emptions as shall become forfeited by reason of failures of payment, shall be sold agreeably to the last recited act.

Repeal of former laws within the purview of this.

Sec. 11. *And be it further enacted*, That this act shall have full operation and effect, any thing in any former law to the contrary notwithstanding.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Act of Feb. 27, 1801, ch. 15.

Powers of the circuit court.

Chap. XXIV.—*An Act supplementary to the act intituled "An act concerning the District of Columbia."* (a)

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 for the district of Columbia shall be and they are hereby invested with the same power respecting constables, inspectors, and the inspection of tobacco and flour, surveyors, mills, highways and ferries, for the county of Alexandria, as have heretofore been vested in the county courts of the commonwealth of Virginia; and for the county of Washington, the same power and authority as have been heretofore exercised by the county and levy courts of the state of Maryland; with power to appoint to all other offices necessary for the said district, under the laws of the respective states of Maryland and Virginia. And all officers for whom no special provision is made by this act, or the act to which this is a supplement, shall receive the same fees and emoluments as they have respectively received under the jurisdiction of the respective states.

Fees of certain officers of the territory.

Sec. 2. *And be it further enacted,* That all indictments shall run in the name of the United States, and conclude, against the peace and government thereof. And all fines penalties and forfeitures accruing under the laws of the states of Maryland and Virginia, which by adoption have become the laws of this district, shall be recovered with costs, by indictment or information in the name of the United States, or by action of debt, in the name of the United States and of the informer; one half of which fine shall accrue to the United States, and the other half to the informer; and the said fines shall be collected by or paid to the marshal, and one half thereof shall be by him paid over to the board of commissioners herein after established, and the other half to the informer; and the marshal shall have the same power regarding their collection, and be subject to the same rules and regulations as to the payment thereof, as the sheriffs of the respective states of Maryland and Virginia are subject to in relation to the same.

Form of indictments.

Mode of recovering and distribution of penalties.

Sec. 3. *And be it further enacted,* That all felonies committed within the county of Alexandria shall be punished in the same manner as such crimes were punishable by the laws of Virginia, as they existed prior to the year one thousand seven hundred and ninety-six; and the circuit court for the said county of Alexandria shall possess and exercise the same powers and jurisdiction, civil and criminal, as is now possessed and exercised by the district courts of Virginia.

Punishment of felonies.

Jurisdiction of the circuit court for Alexandria.

Sec. 4. *And be it further enacted,* That the magistrates, to be appointed for the said district, shall be and they are hereby constituted a board of commissioners within their respective counties, and shall possess and exercise the same powers, perform the same duties, receive the same fees and emoluments, as the levy courts or commissioners of county for the state of Maryland possess, perform and receive; and the clerks and collectors, to be by them appointed, shall be subject to the same laws, perform the same duties, possess the same powers, and receive the same fees and emoluments as the clerks and collectors of the county tax of the state of Maryland are entitled to receive.

Magistrates to form a board of county commissioners.

Sec. 5. *And be it further enacted,* That the clerks of the circuit court shall, within their respective districts, be bound to perform the same duties, respecting the recording of deeds and all other services, and shall receive the same fees and emoluments for the same (except in those cases provided for in the ninth section of the act to which this is a supplement) as are now performed and received by the clerks of the counties of the respective states of Maryland and Virginia.

Duties and emoluments of the clerks of courts.

Act of Feb. 27, 1801, ch. 15.

(a) See notes to act of February 27, 1801, chap. 15.

Delivery of fugitives from justice or labour from any state.

Sec. 6. *And be it further enacted*, That in all cases where the constitution or laws of the United States provide that criminals and fugitives from justice, or persons held to labour in any state, escaping into another state, shall be delivered up, the chief justice of the said district shall be, and he is hereby empowered and required to cause to be apprehended and delivered up such criminal, fugitive from justice, or persons fleeing from service, as the case may be, who shall be found within the district in the same manner and under the same regulations as the executive authority of the several states are required to do the same; and all executive and judicial officers are hereby required to obey all lawful precepts or other process issued for that purpose, and to be aiding and assisting in such delivery.

Powers of sheriffs and collectors of certain adjacent counties may be exercised within the district for the collection of certain public dues.

Sec. 7. *And be it further enacted*, That it shall be lawful for the sheriffs and collectors of public dues for the counties of Montgomery and Prince George's in the state of Maryland, and for the sheriffs of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purposes of collecting by distress or otherwise, as they were heretofore authorized to do, all officers' fees, state taxes and county taxes, levies, fines and other public dues, which were due on the first Monday of December, one thousand eight hundred, and still remain uncollected, from persons residing or having property, subject to the payment of such officers' fees, state taxes and county taxes, and levies within the said district; and all disputes or controversies that do or may arise between such sheriff or collector, and the person or persons from whom he or they may claim such public dues, shall be cognizable before and tried by the respective state courts to whom the trial of such controversies heretofore belonged, and not before the court of the district of Columbia.

Sheriffs may make certain arrests.

Sec. 8. *And be it further enacted*, That it shall and may be lawful for the sheriffs of the said counties of Montgomery and Prince George's in the state of Maryland, and for the sheriff of Fairfax county in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks, for the purpose of arresting and conducting to the respective jails under their keeping and care, as they heretofore might have done had the law to which this is a supplement never passed, each and every person within the limits of the district of Columbia, upon whom such sheriff hath heretofore served a writ of capias ad satisfaciendum, capias ad respondendum, attachment or other process, issuing from any state court, which commands and requires such sheriff to have the body of the person before the court from which such writ or process hath issued.

The chief judge and one of the associate justices may make appointments.

Sec. 9. *And be it further enacted*, That where by this act, and the act to which this is a supplement, appointments are authorized to be made by the circuit court of the district, it shall be lawful for the chief judge, with one of the associate justices of the said court, to make such appointments.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Chap. XXV.—*An Act to amend the act altering the district of Bermuda Hundred and City Point.*

Alterations in the districts. 1800, ch. 49.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the master or commander of any ship or vessel arriving within the districts of Petersburg or Richmond, laden with goods, wares and merchandise, belonging or consigned to persons resident within both

the said districts, shall make entry of such ship or vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such ship or vessel, shall actually reside: and the said master or commander shall, at the time of making the entry aforesaid, deliver a duplicate manifest of the cargo as now required by law, to the said collector, whose duty it shall then be, to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such goods, wares or merchandise, shall be authorized by permits from the collector of each district respectively, in which the same shall have been duly entered according to law: *Provided*, that no bona fide importer, owner or consignee of goods, wares or merchandise, residing in either district, shall be admitted to make an entry of such goods, wares or merchandise with the collector of the district, in which such importer, owner or consignee shall not reside: *And provided also*, that all entries for goods, wares or merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such ship or vessel may discharge.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

[Obsolete.]

Duties on goods destroyed by fire remitted.

Chap. XXVI.—*An Act authorizing the remission of duties on certain Teas destroyed by fire, while under the care of the officers of the customs, in Providence, Rhode Island.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the district of Providence, in the state of Rhode Island, be, and he is hereby authorized and directed to remit the duties on such part of a certain quantity of teas, imported into the port of Providence, in the ship called the Resource, on the twenty-ninth day of July, one thousand eight hundred, by Thomas Lloyd Halsey, John Corlis, William F. Megee, and Henry Smith, of the town of Providence, merchants, and on such part of a certain quantity of teas, imported into the said port, in the ship called the Ann and Hope, on the twenty-second day of August, in the same year, by John Innes Clark, of the said town, merchant, as remained deposited to secure the payment of duties, under the care of the officers of the customs, on the twenty-first day of January last, in the aforesaid town of Providence, and shall be proved, to the satisfaction of the said collector, to have been burned and destroyed.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

[Obsolete.]

Specific appropriations.

Chap. XXVII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and one.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of government, and to discharge certain claims and expenses hereafter enumerated, the following sums be and are hereby appropriated, that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensation to the members of the Senate and House of Representatives, their officers and attendants, one hundred and ninety-three thousand four hundred and seventy dollars.

For the contingent expenses of the two houses of Congress, including the payment of certain articles of furniture purchased for the accommodation of Congress, and not provided for by former appropriations, seventeen thousand dollars.

Specific appropriations.

For the compensation granted by law to the Judges of the United States, the Attorney-General, the district attorneys, and marshals, eighty-three thousand four hundred dollars.

For defraying the expense of courts, jurors, and witnesses, and for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand three hundred and nine dollars, eighty-one cents.

For expenses of stationery, printing, translating foreign languages, allowance to persons employed in receiving and transmitting passports and sea letters, and all other contingent expenses in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars, eight cents.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars, ninety-three cents.

For expense of stationery, printing, and all other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and other persons employed in his office, six thousand three hundred and forty-eight dollars, ninety-eight cents.

For expense of stationery, printing, and all other contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and other persons employed in his office, six thousand two hundred and fifty-three dollars, six cents.

For expense of stationery, printing, and all other contingent expenses in the office of the Commissioner of the Revenue, nine hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars, one cent.

For expense of stationery, printing, and all other contingent expenses in the Register's office, two thousand eight hundred dollars.

For compensation to the Superintendent of Stamps, clerks, and persons employed in his office, and for making good a deficiency in former appropriations for the stamp-office, five thousand nine hundred and ninety dollars, twenty-four cents.

For expense of stationery, printing, and all other contingent expenses in the stamp-office, six hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For firewood and candles for the offices of the treasury, including the stamp-office, and other contingencies, four thousand dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and one, one thousand two hundred dollars.

For making good the deficiency of former appropriations, for the expense of removing the books and records of the treasury from Philadelphia to Trenton, in the year one thousand seven hundred and ninety-nine, two thousand six hundred and thirty-nine dollars, seventy-sixty cents.

For the expense of new office furniture for the treasury, at the city of Washington, two thousand dollars.

For flooring the treasury, and incidental expenses for securing the

buildings and records of the treasury, three hundred and fifty-nine dollars, eighty-three cents.

Specific appropriations.

For paying two watchmen for the treasury, six hundred dollars.

For the expense of two buildings for messengers of the treasury, and sinking two wells for the treasury, five thousand one hundred and twenty-two dollars.

For compensation to the several loan-officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, and an allowance to certain loan-officers in lieu of clerk hire, twelve thousand one hundred dollars.

For defraying the authorized expenses of the several loan-offices, two thousand nine hundred dollars.

For compensation to the Secretary of State, clerks, and persons employed in his office, eleven thousand three hundred and sixty dollars.

For the contingent expenses of the office of state, thirteen thousand five hundred dollars.

For compensation to the director of the mint, officers, clerks, and other persons, employed in the mint establishment, seventeen thousand six hundred dollars.

For repairs, and all other contingent expenses in the mint establishment, six thousand three hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and ten dollars.

For the compensation of two additional clerks employed by the Secretary at War in copying papers in the office of the Secretary of the Treasury, to replace those lately burnt in the war-office, one thousand two hundred dollars.

For such additional compensation to the clerks of the several departments of the treasury, of state, of war, of the navy, and of the general post-office, not exceeding for each department, respectively, fifteen per cent. in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, as the secretaries of the said departments and the Postmaster-General, may respectively think reasonable for the present year, to be distributed as the said secretaries and the Postmaster-General, respectively, shall think proper, to the clerks in their departments, respectively, eleven thousand eight hundred and eighty-five dollars.

1799, ch. 40.

For an additional allowance to the chief clerk in the office of the Secretary of the Navy, for his services in the year one thousand eight hundred, the sum of three hundred dollars.

For contingent expenses attending the office of Secretary of War, and to make good the deficiency of former appropriations, five thousand dollars.

For compensation to the accountant of the war department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the accountant's office, one thousand dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for contingent expenses of the same, four thousand four hundred and sixty-six dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand one hundred and ten dollars.

For contingent expense in the office of the Secretary of the Navy, three thousand three hundred dollars.

For compensation to the accountant of the navy department, clerks, and persons employed in his office; and to make good a deficiency in the appropriation of the last year, eleven thousand four hundred and forty-nine dollars, forty-one cents.

Specific appropriations.

For the contingent expenses in the accountant's office, seven hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks and persons employed in the general post-office, nine thousand nine hundred and sixty dollars.

For the contingent expense in the general post-office, two thousand one hundred and twelve dollars, fifty cents.

For compensation to the Surveyor-General, the contingent expenses in his office, and the expense of executing surveys of the public land northwest of the river Ohio, twenty-eight thousand two hundred dollars.

For salaries to the governor, secretary, and judges of the territory northwest of the river Ohio, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries to the governor, secretary, and judges of the Mississippi territory, and the contingent expenses of that government, five thousand five hundred dollars.

For salaries to the governor, secretary, and judges of the Indiana territory, and the contingent expenses of that government, five thousand five hundred dollars.

For the discharge of such demands against the United States unprovided for, as shall be ascertained and admitted in due course of settlement at the treasury, two thousand dollars.

For satisfying annuities and grants to Isaac Van Wart, John Paulding, David Williams, Joseph De Bealeau, Joseph Traversie, James M'Kensie, Joseph Brussels, Elizabeth Bergen, and the children of Major Alexander Trueman, and Colonel John Harding, one thousand seven hundred and fifty-three dollars, thirty-three cents.

For the expenses of intercourse with foreign nations during the present year, and making good the deficiency of the appropriation for the year one thousand eight hundred, for the expense of the mission to France, eighty-five thousand dollars.

For carrying into effect the treaty of amity, commerce and navigation, between the United States, and the King of Great Britain, fifty-eight thousand eight hundred and sixty-four dollars.

For a deficiency of former appropriations for carrying into effect the treaty between the United States and the King of Spain, forty-six thousand five hundred dollars.

For fulfilling the engagements of the United States with the Mediterranean powers, two hundred and fifty-six thousand dollars.

For prosecuting the claims of American citizens for property captured by the belligerent powers, sixty-four thousand dollars.

For the relief of American seamen, thirty thousand dollars.

For defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States, forty thousand dollars.

For the support of lighthouses, beacons, buoys and public piers, and other improvements in navigation, thirty-eight thousand six hundred and twenty-two dollars, seventy cents.

For discharging the expense of the second enumeration of the inhabitants of the United States, the sum of sixty thousand dollars.

For discharging such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted at the treasury, which, according to the usage thereof, require payment in specie, four thousand dollars.

For the expense of returning the votes for President and Vice-President of the United States, one thousand five hundred and twenty-four dollars, fifty cents.

For repairing the building occupied by the treasury department, the sum of two thousand dollars.

For satisfying the claim of Clement Biddle, twenty-nine thousand eight hundred and fifty-six dollars, sixty-three cents.

For erecting a lighthouse at old Point Comfort, the sum of three thousand five hundred dollars.

Sec. 2. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged out of any monies in the treasury, not otherwise appropriated.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Chap. XXVIII.—*An Act directing the mode of estimating certain foreign coins and currencies, and of making out invoices in certain cases.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, the foreign coins and currencies hereinafter mentioned, shall be estimated in the computation of duties, at the following rates; each sicca rupee of Bengal and each rupee of Bombay, at fifty cents; and each star pagoda of Madras, at one hundred and eighty-four cents; any thing in any former act to the contrary notwithstanding.

Act of March 2, 1799, ch. 22, sec. 74.

Sec. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the invoices of all goods, imported into the United States, and subject to a duty ad valorem, shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such goods, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or foreign coins, which now are, or shall be by law made current within the United States, in such foreign place or country.

1799, ch. 22, sec. 36.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Chap. XXIX.—*An Act to augment the salaries of the district judges in the districts of Massachusetts, New York, New Jersey, Delaware and Maryland, respectively.*

[Obsolete.]

Salaries increased.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That instead of the compensation at present allowed to the district judges for the districts of Massachusetts, New York, Delaware, and Maryland, respectively, there shall hereafter be allowed to the district judge for the district of Massachusetts, the yearly salary of sixteen hundred dollars; to the district judge for the district of New York, the yearly salary of sixteen hundred dollars; to the district judges for the districts of New Jersey and Delaware, the yearly salaries of twelve hundred dollars each, and to the district judge for the district of Maryland, the yearly salary of sixteen hundred dollars, to be paid at the treasury of the United States in quarter-yearly payments.

1789, ch. 18.

Sec. 2. *And be it further enacted*, That for the year one thousand eight hundred and one, there shall be appropriated the sum of eight hundred dollars, to satisfy the additional compensation hereby allowed to the district judges, to be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

Chap. XXX.—*An Act in addition to an act intituled "An act making provision for the further accommodation of the household of the President of the United States."*

[Obsolete.]

1797, ch. 6.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secre-

tary of the Treasury be authorized to appoint a proper person, who shall receive the public property belonging to the household of the President of the United States, and, after taking an inventory of the same, shall deliver it, after the third day of March instant, to the President of the United States.

Sec. 2. *And be it further enacted*, That such articles of the furniture belonging to the President's household as may be decayed, out of repair, or unfit for use, and as the President of the United States for the time being, may direct, and all the public property, other than furniture, now belonging to the said household, shall be sold, under the direction of the heads of the several departments of state, of the treasury, of war, and of the navy; and that the proceeds of such sales be expended, in addition to the funds already appropriated for that purpose, under the direction of the same officers, for the purpose of providing furniture for the house erected for the accommodation of the President of the United States.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

[Obsolete.] Specific appropriations.

Chap. XXXI.—*An Act making appropriations for the Navy of the United States, for the year one thousand eight hundred and one.*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the expenses of the navy of the United States, for the year one thousand eight hundred and one, there shall be, and hereby is appropriated the sum of three millions forty-two thousand three hundred and fifty-two dollars and ninety-five cents, that is to say:

For the pay of the officers of the navy of the United States, the sum of three hundred and eighty-two thousand seven hundred and eighty-eight dollars.

For the subsistence of the officers of the navy, the sum of sixty-nine thousand eight hundred and two dollars and sixty cents.

For the pay of the seamen, the sum of eight hundred and sixteen thousand six hundred and sixty dollars.

For provisions, the sum of five hundred and ninety-seven thousand one hundred and one dollars and thirty-seven cents.

For the expenses of medicines, hospitals, and hospital stores, the sum of thirty-one thousand six hundred and forty-seven dollars, and twenty cents.

For the contingent expenses of the navy, including expenditure of military stores, the sum of three hundred and forty-four thousand six hundred dollars.

For salaries to store-keepers, clerks, store rent, labourers, and other contingencies, the sum of thirty-seven thousand eight hundred and fifty dollars.

For the pay of the officers, non-commissioned officers, and privates of the marine corps, the sum of ninety-nine thousand two hundred and thirty-four dollars.

For the subsistence of the officers and privates of the marine corps, the sum of eleven thousand four hundred and eighty-six dollars and ten cents.

For clothing for the marine corps, the sum of thirty-three thousand five hundred and eighty-one dollars, and thirty cents.

For military stores for the marine corps, the sum of nine thousand one hundred and sixty-six dollars, and thirty-eight cents.

For the contingent expenses of the marine corps, including camp equipage, quartermaster, barrack master, hospital stores, stationery, and other contingencies, the sum of thirteen thousand four hundred and thirty-six dollars.

For the expenses attending six seventy-four gun ships, and for completing navy yards, docks, and wharves, the sum of five hundred thousand dollars.

For erecting marine barracks, the sum of twenty thousand dollars.

For maintenance of French prisoners, the sum of thirty thousand dollars.

For making up deficiency of former appropriations for the maintenance of French prisoners, the sum of forty-five thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid out of the unexpended balance of appropriations for the navy, at the close of the last year, and out of any other monies in the treasury not otherwise appropriated.

Approved, March 3, 1801.

Statute II.

March 3, 1801.

[Repealed.]

Act of March, 1802, ch. 8.

Times and places of holding the circuit courts of Maine, New Hampshire and Massachusetts, altered.

Chap. XXXII.—*An Act for altering the times and places of holding certain Courts therein mentioned, and for other purposes.*

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, within the districts of Maine, New Hampshire, Massachusetts and Rhode Island, shall, after the passing of this act, commence and be respectively held on the several days herein after expressed, instead of the times heretofore established by law, that is to say: In and for the district of Rhode Island, at Providence, on every first day of April, and at Newport on every eleventh day of November; in and for the district of Massachusetts, on every eighth day of April and twenty-fifth day of October; in and for the district of New Hampshire, at Portsmouth, on every twenty-third day of April, and at Exeter on every fifteenth day of October; in and for the district of Maine, at Portland, on every first day of May, and at Wiscasset on every sixth day of October, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following.

Continuances to those courts.

Sec. 2. *And be it further enacted*, That all actions, suits, process and other proceedings of what nature or kind soever, depending and undetermined before the circuit courts aforesaid respectively, or that shall be depending and undetermined on the first day of April next, before the district court for the district of Maine, acting as a circuit court, shall be continued to the next circuit courts respectively hereby directed to be holden in and for the districts aforesaid, respectively.

Causes to be proceeded on therein.

Sec. 3. *And be it further enacted*, That all writs and processes which have been, or shall be duly sued out and made returnable to either of the circuit courts aforesaid, or to the district court for the district of Maine, acting as a circuit court, on either of the days on which the same courts were respectively to have been held prior to the passing of this act, and all recognizances that have been or shall be duly taken and made so returnable (said writs and processes having been duly and seasonably served) shall be returned to and proceeded upon in the said next circuit courts respectively, which are next to be holden in and for the districts aforesaid, respectively, as hereby directed; and all property attached by virtue of such writs or processes, shall be held in due form of law to respond the final judgments that shall be obtained upon the same respectively.

Times and places of holding the district courts in North Carolina, altered.

Sec. 4. *And be it further enacted*, That the district courts of the United States, in the state of North Carolina, shall, after the passing of this act, commence and be held on the several days herein after expressed, instead of the times heretofore established by law, that is to say: at Edenton in and for the district of Albemarle on every last Monday of March, third Monday of June, and last Monday of November; at Newbern

in and for the district of Pamptico, on every first Monday of April, fourth Monday of June and first Monday of December; and at Wilmington in and for the district of Cape Fear, on every second Monday of April, first Monday of July and second Monday of December.

Continuance of causes in the district courts of N. Carolina and New Jersey.

Sec. 5. *And be it further enacted,* That all actions, suits, writs, process, pleadings and other proceedings commenced, instituted, depending or existing in the district courts of the districts of New Jersey and North Carolina, at the time of the passing of this act, shall be continued in manner following, that is to say: all such commenced, instituted, depending, or existing in the district court of the district of New Jersey, to the next district court to be holden in the district of East Jersey; and all such commenced, instituted, depending or existing in the district court of the district of North Carolina, shall be continued to the next district court to be holden in the district of Pamptico.

Place of holding the circuit court in Kentucky.

Sec. 6. *And be it further enacted,* That from and after the passing of this act, the circuit court of the United States for the district of Kentucky, shall be holden at Frankfort, within and for said district, on the days already established by law, instead of at Beardstown, any thing in any other law to the contrary notwithstanding.

Chief judge of Columbia to be the judge of Potomac district.

Sec. 7. *And be it further enacted,* That the chief judge of the district of Columbia, shall hold the district courts of the United States in and for the district of Potomac, and shall have, exercise and perform, within the said district of Potomac, all the powers and duties now possessed, exercised and performed by the district judges of the United States within their respective districts.

Approved, March 3, 1801.

Statute II.

Feb. 27, 1801.

[Obsolete.]

Act of July 11, 1798, ch. 70.

Surveyors of the revenue to make certain returns to the supervisors and inspectors of the revenue.

Chap. XXXIII.—*An Act to amend the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of Slaves, within the United States," and to repeal the act, intituled "An act to enlarge the powers of the surveyors of the revenue."*

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each surveyor of the revenue who has been or shall be appointed under the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," after completing the lists of the sums payable, for every dwelling-house and slave within the district to which such surveyor does or shall belong, and delivering the same to the collector of the revenue, and after taking receipts for such lists from the collector, in the manner provided by the act, intituled "An act to lay and collect a direct tax within the United States," shall transmit to the supervisor of the district, or to the inspector of survey, in any district comprehending more than one survey of inspection, to which such surveyor does or may belong, the receipts given by the collector for such lists, together with all the records of the lists, valuations and enumerations, which he has received or shall receive, or which doth or shall exist in his office under authority of the act first mentioned; and it shall be the duty of such supervisor or inspector to receive such receipts, records and papers, and safely to preserve the same.

1798, ch. 75.

Repeal of part of the former act.

1798, ch. 70.

Sec. 2. *And be it further enacted,* That so much of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves," as makes it the duty of the surveyors of the revenue to record the transfers of lands or dwelling-houses, included in the said valuations, and to view and apportion the value of such land or dwelling-houses as shall be divided by sale or partition, and to value and assess new dwelling-houses and lands which are exempted, but which shall cease to be exempted from taxation by the laws of the state, where the same shall be situated, and to cancel or reduce the valuation of dwelling-

houses, which may be damaged or destroyed by fire or other accidents, shall be and the same is hereby repealed.

Sec. 3. *And be it further enacted,* That the act, intituled "An Act to enlarge the powers of the surveyors of the revenue," passed on the thirteenth day of May, in the year one thousand eight hundred, shall be and the same is hereby repealed.

Repeal of a former act. 1800, ch. 60.

Approved, February 27, 1801.

Statute II.

Chap. XXXIV.—*An Act for erecting Lighthouses on New Point Comfort, and on Smith's Point, in the state of Virginia, and on Faulkner's Island in Long Island Sound, in the state of Connecticut, and for placing buoys in Naraganset Bay.*

March 3, 1801.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a lighthouse on New Point Comfort, and another lighthouse on Smith's Point, both in the state aforesaid, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the persons, who may be appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments.

Lighthouses to be erected on New Point Comfort and on Smith's Point.

Sec. 2. *And be it further enacted,* That as soon as a cession shall be made by the state of Connecticut, of the jurisdiction over the land proper for the purpose, the Secretary be, and he is hereby authorized to provide by contract, to be approved by the President of the United States, for building a lighthouse on Faulkner's Island, in Long Island Sound, in the said state of Connecticut, and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons appointed by the President for the superintendence and care of the same, and that the President be authorized to make the said appointments.

A lighthouse to be erected on Faulkner's Island.

Sec. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be placed one buoy on the shoal south of Kinnimicut Point, and one buoy on a ledge called the halfway rock, in the Naraganset Bay, in the state of Rhode Island.

Buoys to be placed in Naraganset Bay.

Sec. 4. *And be it further enacted,* That there be appropriated and paid, out of the monies arising from imports and tonnage, the sum of five thousand dollars for the purpose of erecting the lighthouse as aforesaid on New Point Comfort; the sum of nine thousand dollars for the purpose of erecting the lighthouse as aforesaid on Smith's Point; and the sum of six thousand dollars for erecting the lighthouse as aforesaid on Faulkner's Island in Long Island Sound, and the sum of one hundred and fifty dollars for placing two buoys as aforesaid in the Naraganset Bay, in the state of Rhode Island.

Appropriation.

Approved, March 3, 1801.

Statute II.

Chap. XXXV.—*An Act further to alter and to establish certain Post Roads.*

March 3, 1801.

[Repealed.]

Act of April 28, 1810, ch. 37.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following post roads be discontinued:

From Lancaster to New Holland in Pennsylvania.

From Greenville in Tennessee, by the Warm Springs, to Buncomb Courthouse.

Certain post-roads to be discontinued.

From Elizabeth city in North Carolina, by New Lebanon, to Northwest river bridge.

From Upper Marlborough to Piscataway.

From Henderson Courthouse to Muhlenberg Courthouse.

Post-roads established.

Sec. 2. *And be it further enacted*, That the following be established as post roads:

In Maine.—From Standish to Fryburg.

In New Hampshire.—From Amherst by Francistown, Washington and Claremont, to Windsor in Vermont.

In Vermont.—From Bennington to Brattleborough.

From Newbury by Bradford, Corinth, Washington and Barre, to Montpelier.

In Massachusetts.—From Leominster, through Westminster, Templeton and Athol, to Greenfield.

From Worcester, by Mendon, to Providence, and from Worcester to Lancaster.

In Rhode Island.—From Providence, by Rehoboth and Attleborough, to Taunton, Massachusetts.

In New York.—From Albany, by Duanesburg and Durlock, to Cherry Valley.

From Poughkeepsie, by Sharon, to Litchfield.

In Delaware.—From Georgetown, by Concord and the village of Laurel, to Salisbury.

In Maryland.—From Annapolis to Easton, by Young Hadaways.

From Annapolis to Centreville, by Kent Island.

From the city of Washington to Piscataway.

From Elkton, by Warwick and Bridgetown, to Greensborough, in Caroline county.

From the city of Washington, by Brookville and W. Hobbs's in Frederick county, to Taneytown.

From the city of Washington to Wiley's tavern in Fairfax county, Virginia.

In Pennsylvania.—From Pittsburg, by Georgetown and Canfield, to Warren in the Northwestern territory.

From Berwick to Wilkesbarre.

In Virginia.—From Richmond to Charles City Courthouse.

From Clarkesburg to Marietta.

From Romney to Morganton or Clarkesburg.

From Alexandria, by Thomas's ferry, to Piscataway, in Maryland.

From Halifax Courthouse to Danville.

From Bowling Green, by Broaddus's mill, S. Harrison's and Dunkirk, to New Kent Courthouse.

The post road from Jerusalem to Hicks's ford shall pass by the Cross-keys, and from the Cross-keys to Murfreesborough.

From Petersburg, by Sussex Courthouse, to Southampton Courthouse.

From Jamestown to Farmville.

The mail from Mecklenberg Courthouse, in Virginia, to Christianville, shall be carried by Marshall's and Wilson's store.

In the Northwestern Territory.—From Cincinnati to Detroit.

In Indiana Territory.—From Vincennes, by Kaskaskias, to Kahokia.

In Kentucky.—From Harding Courthouse to Breckenridge Courthouse, to Henderson Courthouse, Eddy Grove and Eddyville, to Fort Massac.

From Breckenridge Courthouse, by Hartford and Vienna, to Muhlenberg Courthouse.

In Tennessee.—From Knoxville, by Sevierville, Newport and the Warm Springs, to Buncomb Courthouse.

From Newport, by Cheek's cross-roads, to Oresville.

In the Mississippi Territory.—From Natchez to the southern boundary line of the United States.

In North Carolina.—The post road from Raleigh to Chatham Courthouse, shall pass through Haywoodsborough.

New post roads established.

The post road from Raleigh to Newbern, shall pass through Greene county.

From Elizabeth City to Indiantown and Tull's creek, to Northwest river bridge.

The post road from Winton to Windsor shall pass through Pitchanding and Colerain.

From Louisburg, by Nash Courthouse, to Tarborough.

From Charlotte Courthouse to York Courthouse, in South Carolina.

From Charlotte to Camden, in South Carolina.

Sec. 3. *And be it further enacted,* That all letters and packets from John Adams, now President of the United States, after the expiration of his term in office, and during his life, shall be received and conveyed by post free of postage.

Privilege of franking extended to John Adams.

Sec. 4. *And be it further enacted,* That this act shall not be construed to affect any existing contracts.

Approved, March 3, 1801.

Resolution *respecting certain property of the United States, in the possession of Thomas Claxton, James Mathers and Thomas Dunn, doorkeepers to Congress.*

March 2, 1801.

Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That Thomas Claxton, James Mathers and Thomas Dunn, be permitted to occupy, free of rent, until otherwise directed by Congress, the houses now in their respective possession, the property of the United States, in the public square in the city of Washington on which the Capitol stands, together with a small piece of ground contiguous to each, for a garden, to be inclosed in such a manner as not to interfere with any of the public streets or avenues passing through the said square.

Approved, March 2, 1801.

ACTS OF THE SEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, 1801, *and ended on the third day of May,* 1802.

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States, and President of the Senate; ABRAHAM BALDWIN, President of the Senate pro tempore, on the 14th of January, 1802, and from the 21st of April, 1802; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

Jan. 14, 1802.

[Obsolete.] Apportionment of representatives.

One member to every thirty-three thousand persons in each state.

N. Hampshire 5.
Mas'chus'ts 17.
Vermont 4.
Rhode Island 2.
Connecticut 7.
New York 17.
New Jersey 6.
Pennsyl'a 18.
Delaware 1.
Maryland 9.
Virginia 22.
N. Carolina 12.
S. Carolina 8.
Georgia 4.
Kentucky 6.
Tennessee 3.

CHAPTER I.—*An Act for the apportionment of Representatives among the several States, according to the second enumeration.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March, one thousand eight hundred and three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each state, computed according to the rule prescribed by the constitution; that is to say: within the state of New Hampshire, five; within the state of Massachusetts, seventeen; within the state of Vermont, four; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, seventeen; within the state of New Jersey, six; within the state of Pennsylvania, eighteen; within the state of Delaware, one; within the state of Maryland, nine; within the state of Virginia, twenty-two; within the state of North Carolina, twelve; within the state of South Carolina, eight; within the state of Georgia, four; within the state of Kentucky, six; and within the state of Tennessee, three members.

APPROVED, January 14, 1802.

STATUTE I.

Jan. 26, 1802.

CHAP. II.—*An Act concerning the Library for the use of both Houses of Congress.*(*b*)

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

(*a*) By the act of April 14, 1792, chap. 23, the ratio of representatives was one member to every thirty-three thousand persons in each state, after the first census.

By the act of January 14, 1802, chap. 1, the ratio of representatives was one member to every thirty-three thousand persons in each state, after the second census.

By the act of December 21, 1811, chap. 9, the ratio of representatives was one member to every thirty-five thousand persons in each state, after the third census.

By the act of March 7, 1822, chap. 10, the ratio of representatives was one member to every forty thousand persons in each state, after the fourth census.

By the act of May 22, 1832, chap. 91, the ratio of representatives was one member to every forty-seven thousand seven hundred persons in each state, after the fifth census.

By the act of June 25, 1842, chap. 21, the ratio of representatives was one member to every seventy thousand six hundred and eighty persons in each state, and one additional member to each state having a fraction greater than one moiety of that number of persons, according to the sixth census.

(*b*) The acts for the establishment and regulation of the Library of Congress, are: An act concerning

maps purchased by direction of the act of Congress, passed the twenty-fourth of April, one thousand eight hundred, together with the books or libraries which have heretofore been kept separately by each house, shall be placed in the Capitol, in the room which was occupied by the House of Representatives, during the last session of the sixth Congress.

Certain books and maps to be deposited together in a room in the Capitol.

Sec. 2. *And be it further enacted,* That the President of the Senate and Speaker of the House of Representatives, for the time being, be, and they hereby are empowered to establish such regulations and restrictions in relation to the said library, as to them shall seem proper, and from time to time, to alter or amend the same: *Provided,* that no regulation shall be made repugnant to any provision contained in this act.

Certain regulations in relation to the library to be formed by the President of the Senate and Speaker of the House of Representatives.

Sec. 3. *And be it further enacted,* That a librarian to be appointed by the President of the United States solely, shall take charge of the said library, who, previous to his entering upon the duties of his office, shall give bond, payable to the United States, in such a sum, and with such security as the President of the Senate and Speaker of the House of Representatives, for the time being, may deem sufficient, for the safe keeping of such books, maps and furniture as may be confided to his care, and the faithful discharge of his trust, according to such regulations as may be, from time to time, established for the government of the said library; which said bond shall be deposited in the office of the secretary of the Senate.

A librarian to be appointed, who shall give bond, &c.

Bond to be deposited in the office of Secretary of the Senate.

Sec. 4. *And be it further enacted,* That no map shall be permitted to be taken out of the said library by any person; nor any book, except by the President and Vice President of the United States, and members of the Senate and House of Representatives, for the time being.

No maps to be taken out of the library.

Who may take out books.

Sec. 5. *And be it further enacted,* That the keeper of the said library shall receive for his services, a sum not exceeding two dollars per diem, for every day of necessary attendance; the amount whereof, together with the necessary expenses incident to the said library, after being ascertained by the President of the Senate and Speaker of the House of Representatives, for the time being, shall be paid out of the fund annually appropriated for the contingent expenses of both Houses of Congress.

Pay of the librarian, &c.

To be paid out of the contingent fund of Congress.

Sec. 6. *And be it further enacted,* That the unexpended balance of the sum of five thousand dollars appropriated by the act of Congress aforesaid, for the purchase of books and maps for the use of the two houses of Congress, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives.

Manner of purchasing books for the library under a joint committee of the Senate and House of Representatives.

Approved, January 26, 1802.

Statute I.

Feb. 6, 1802.

[Obsolete.]

Chap. IV.—*An Act for the protection of the Commerce and Seamen of the United States, against the Tripolitan Cruisers.*

Whereas the regency of Tripoli, on the coast of Barbary, has commenced a predatory warfare against the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful

President may employ such of the armed vessels of the United States as he

the library for the use of both houses of Congress, January 26, 1802, chap. 2; an act in addition to an act entitled, "An act concerning the library of both houses of Congress," May 1, 1810, chap. 50; an act to authorize the purchase of the library of Thomas Jefferson, late President of the United States, January 30, 1815, chap. 27; an act providing for the settlement of certain accounts against the library of Congress, for extending the privilege of using books therein, and for establishing the salary of the librarian, April 16, 1816, chap. 46; an act fixing the compensation of the secretary of the Senate, and clerk of the House of Representatives, of the clerks employed in their offices, and of the librarian, April 18, 1818, chap. 64. Resolution granting permission to the judges of the Supreme Court of the United States to use the books in the library of Congress, March 2, 1812. An act to increase and improve the law department of the library of Congress, July 14, 1832, chap. 221.

may judge requisite for the protection of the commerce and seamen on the Atlantic and Mediterranean.

fully to equip, officer, man, and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States, for protecting effectually the commerce and seamen thereof on the Atlantic ocean, the Mediterranean and adjoining seas.

Acts of hostility and precaution authorized.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid, to subdue, seize and make prize of all vessels, goods and effects, belonging to the Bey of Tripoli, or to his subjects, and to bring or send the same into port, to be proceeded against, and distributed according to law; and also to cause to be done all such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require.

Captured vessels to be brought into port, and proceeds of prizes distributed.

Commissions against Tripoli to be issued to private armed vessels.

Sec. 3. *And be it further enacted*, That on the application of the owners of private armed vessels of the United States, the President of the United States may grant to them special commissions, in the form which he shall direct, under the seal of the United States; and such private armed vessels, when so commissioned, shall have the like authority for subduing, seizing, taking, and bringing into port, any Tripolitan vessel, goods or effects, as the before-mentioned public armed vessels may by law have; and shall therein be subject to the instructions which may be given by the President of the United States for the regulation of their conduct; and their commissions shall be revocable at his pleasure. *Provided*, that before any commission shall be granted, as aforesaid, the owner or owners of the vessel for which the same may be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars; or, if such vessel be provided with more than one hundred and fifty men, in the penal sum of fourteen thousand dollars, with condition for observing the treaties and laws of the United States, and the instructions which may be given, as aforesaid; and also, for satisfying all damages and injuries which shall be done, contrary to the tenor thereof, by such commissioned vessel; and for delivering up the commission, when revoked by the President of the United States.

Bonds of the owner and commander to be previously given.

Captured property may be condemned and distributed according to agreements.

Sec. 4. *And be it further enacted*, That any Tripolitan vessel, goods or effects, which shall be so captured and brought into port by any private armed vessel of the United States, duly commissioned, as aforesaid, may be adjudged good prize, and thereupon shall accrue to the owners and officers, and men of the capturing vessel, and shall be distributed according to the agreement which shall have been made between them, or, in failure of such agreement, according to the discretion of the court having cognizance of the capture.

Period for which seamen may be engaged to serve.

Sec. 5. *And be it further enacted*, That the seamen may be engaged to serve in the navy of the United States for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment, their services may be dispensed with.

Approved, February 6, 1802.

Statute I.

Feb. 18, 1802.

Chap. V.—*An Act extending the privilege of franking and receiving letters, free of postage, to any person admitted, or to be admitted to take a seat in Congress, as a delegate; and providing compensation for such delegate.*

Privilege of sending and receiving letters free of postage to be enjoyed by delegates from territories to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person admitted, or who may hereafter be admitted to take a seat in Congress, as a delegate, shall enjoy the privilege of sending and receiving letters, free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to estab-

Travelling ex-

lish the post-office of the United States;" and that every such delegate so admitted to a seat, be, and he is hereby authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government prior to the passage of this act: and that every such delegate shall receive for his travelling expenses and attendance in Congress, the same compensation as is or may be allowed, by law, to the members of the Senate and House of Representatives of the United States, to be certified and paid in the same manner.

penses and attendance on Congress to be the same as members of the Senate and House of Representatives. 1799, ch. 43, sec. 17.

Approved, February 18, 1802.

Statute I.

Feb. 23, 1802.

[Obsolete.]

Specific appropriations.

Chap. VI.—*An Act making certain partial Appropriations for the year one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty thousand dollars be, and the same hereby is appropriated towards defraying the expense of the pay of the army, during the year one thousand eight hundred and two.

Sec. 2. *And be it further enacted,* That the following sums be, and the same hereby are appropriated to the purposes herein recited, respectively, that is to say: for the contingent expenses of the department of the treasury, to make good the deficiency of former appropriations for the same, the sum of sixteen hundred and thirteen dollars, and fifty-seven cents.

For the printing of the public accounts, to make good the deficiency of former appropriations for the same, the sum of fourteen hundred dollars.

Towards the contingent expenses of the department of the treasury, during the year one thousand eight hundred and two, the sum of one thousand dollars.

Towards the contingent expenses of the House of Representatives, during the year one thousand eight hundred and two, the sum of three thousand dollars.

Sec. 3. *And be it further enacted,* That the accounting officers of the treasury department be, and they hereby are authorized, in the settlement of the accounts of the several officers herein after mentioned, to make the following allowances for clerk hire, during the year one thousand eight hundred and one, in addition to the allowances now established by law, that is to say:

To the accountant of the navy department, one thousand nine hundred dollars, and thirty-one cents.

To the purveyor of public supplies, seven hundred dollars.

To the superintendent of stamps, three hundred and seventy-seven dollars, and seventy-eight cents.

To the commissioner of loans of Pennsylvania, one thousand five hundred dollars.

Provided however, That the expense, thus allowed, shall have been actually incurred: *And provided also,* that the whole amount paid to each above-mentioned officer, respectively, for his compensation, and that of his clerks and persons employed in his office, for the year aforesaid, shall not exceed the sums heretofore appropriated, by law, to those objects, respectively, during the said year.

Expenses allowed not to exceed the sums appropriated by law.

Sec. 4. *And be it further enacted,* That the aforesaid sums shall be paid and discharged out of any monies in the treasury of the United States, not otherwise appropriated.

Approved, February 23, 1802.

Statute I.
March 8, 1802.

[Obsolete.]
Repeal of the acts of last session, relative to the judiciary.
Act of Feb. 13, 1801, ch. 4, repealed.
Act of March 3, 1801, ch. 32, repealed.

Revival of former acts.
Act of March 23, 1804, ch. 31.(b)

Continuance of suits to the circuit and district courts re-established by this act.

Writs and process issued under the acts repealed, to be returned to the next circuit or district court re-established by this act.

Chap. VIII.—*An Act to repeal certain acts respecting the organization of the Courts of the United States; and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress passed on the thirteenth day of February one thousand eight hundred and one, intituled "An act to provide for the more convenient organization of the courts of the United States," from and after the first day of July next, shall be, and is hereby repealed.

Sec. 2. *And be it further enacted,* That the act passed on the third day of March, one thousand eight hundred and one, intituled "An act for altering the times and places of holding certain courts therein mentioned and for other purposes," from and after the said first day of July next, shall be, and is hereby repealed.

Sec. 3. *And be it further enacted,* That all the acts, and parts of acts, which were in force before the passage of the aforesaid two acts, and which by the same were either amended, explained, altered, or repealed, shall be, and hereby are, after the said first day of July next, revived, and in as full and complete force and operation, as if the said two acts had never been made.

Sec. 4. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, depending or existing in any of the circuit courts of the United States, or in any of the district courts of the United States, acting as circuit courts, or in any of the additional district courts, which were established by the aforesaid act of Congress, passed on the thirteenth day of February, one thousand eight hundred and one, shall be, and hereby are, from and after the said first day of July next, continued over to the circuit courts, and to the district courts, and to the district courts acting as circuit courts respectively, which shall be first thereafter holden in and for the respective circuits and districts, which are revived and established by this act, and to be proceeded in, in the same manner as they would have been, had they originated prior to the passage of the said act, passed on the thirteenth day of February, one thousand eight hundred and one.

Sec. 5. *And be it further enacted,* That all writs and process, which have issued, or may issue before the said first day of July next, returnable to the circuit courts, or to any district court acting as a circuit court, or any additional district court established by the aforesaid act passed the thirteenth day of February, one thousand eight hundred and one, shall be returned to the next circuit court, or district court, or district court acting as a circuit court, re-established by this act: and shall be proceeded on therein, in the same manner as they could, had they been originally returnable to the circuit courts, and district courts acting as circuit courts, hereby revived and established.

Approved, March 8, 1802.

Statute I.
March 16, 1802.

Military peace establishment.
Act of March 3, 1815, ch. 78.
Act of March 3, 1817, ch. 106.
Act of April 14, 1818, ch. 56.
Act of March 2, 1821, ch. 12.

Chap. IX.—*An Act fixing the military peace establishment of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military peace establishment of the United States from and after the first of June next, shall be composed of one regiment of artillerists and two regiments of infantry, with such officers, military agents, and engineers, as are herein after mentioned.

Sec. 2. *And be it further enacted,* That the regiment of artillerists shall consist of one colonel, one lieutenant-colonel, four majors, one ad-

(a) See act of April 29, 1802, chap. 31, "An act to amend the judicial system of the United States."
(b) An act altering the sessions of the district courts of the United States for the district of Virginia, Rhode Island, and for the district of West Tennessee, March 23, 1804, chap. 31.

jutant, and twenty companies, each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, four musicians, eight artificers, and fifty-six privates; to be formed into five battalions: *Provided always*, that it shall be lawful for the President of the United States to retain, with their present grade, as many of the first lieutenants, now in service, as shall amount to the whole number of lieutenants required; but that in proportion as vacancies happen therein, new appointments be made to the grade of second lieutenants until their number amount to twenty: and each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one sergeant-major, two teachers of music, and ten companies; each company to consist of one captain, one first and one second lieutenant, one ensign, four sergeants, four corporals, four musicians, and sixty-four privates.

How composed.

One regiment of artillerists—its complement of officers, privates, &c.

To be formed into battalions:

Certain lieutenants may be retained in service, with their present grade—new appointments in case of vacancies.

Two regiments of infantry, their complements of officers and privates, &c.

Sec. 3. *And be it further enacted*, That there shall be one brigadier-general, with one aid-de-camp, who shall be taken from the captains or subalterns of the line; one adjutant and inspector of the army, to be taken from the line of field officers; one paymaster of the army, seven paymasters and two assistants, to be attached to such districts as the President of the United States shall direct, to be taken from the line of commissioned officers, who, in addition to their other duties, shall have charge of the clothing of the troops; three military agents, and such number of assistant military agents as the President of the United States shall deem expedient, not exceeding one to each military post; which assistants shall be taken from the line; two surgeons; twenty-five surgeons' mates, to be attached to garrisons or posts, and not to corps.

One brigadier-general, &c. to be appointed.

Paymasters.

Military agents.

Sec. 4. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier-general, two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatsoever, except such stationery as may be requisite for the use of his department; to the adjutant and inspector of the army, thirty-eight dollars in addition to his pay in the line, and such stationery as shall be requisite for his department; to the paymaster of the army, one hundred and twenty dollars, without any other emolument, except such stationery as may be requisite in his department and the use of the public office now occupied by him; to the aid-de-camp, in addition to his pay in the line, thirty dollars; to each paymaster attached to districts, thirty dollars, and each assistant to such paymaster, ten dollars, in addition to his pay in the line; to each military agent, seventy-six dollars and no other emolument; to each assistant military agent, eight dollars, in addition to his pay in the line, except the assistant military agents at Pittsburg and Niagara, who shall receive sixteen dollars, each, in addition to their pay in the line; to each colonel, seventy-five dollars; to each lieutenant-colonel, sixty dollars; to each major, fifty dollars; to each surgeon, forty-five dollars; to each surgeon's mate, thirty dollars; to each adjutant, ten dollars, in addition to his pay in the line; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each ensign, twenty dollars; to each cadet, ten dollars; to each sergeant-major, nine dollars; to each sergeant, eight dollars; to each corporal, seven dollars; to each teacher of music, eight dollars; to each musician, six dollars; to each artificer, ten dollars; and to each private, five dollars.

Monthly pay to the officers, non-commissioned officers, privates, &c.

Sec. 5. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a colonel, six rations; a lieutenant-colonel, five rations; a major, four rations; a captain, three rations; a lieutenant, two rations; an ensign, two rations; a surgeon

Rations to be furnished in proportion to rank.

three rations; a surgeon's mate, two rations; a cadet, two rations or money in lieu thereof at the option of the said officers and cadets at the posts respectively, where the rations shall become due; and if at such post supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question: and each non-commissioned officer, musician and private, one ration; to the commanding officers of each separate post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post; to the women who may be allowed to any particular corps not exceeding the proportion of four to a company, one ration each; to such matrons and nurses as may be necessarily employed in the hospital, one ration each; and to every commissioned officer who shall keep one servant, not a soldier of the line, one additional ration.

Component parts of a ration.

Sec. 6. *And be it further enacted,* That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles to every hundred rations.

Certain officers to receive money in lieu of forage, when not furnished by the public, and how much.

Sec. 7. *And be it further enacted,* That the following officers shall, whenever forage is not furnished by the public, receive at the rate of the following sums per month, in lieu thereof: each colonel, twelve dollars; each lieutenant-colonel, eleven dollars; each major, ten dollars; each adjutant, six dollars; each surgeon, ten dollars; and each surgeon's mate, six dollars.

The troops to be furnished with uniform clothing.

Sec. 8. *And be it further enacted,* That every non-commissioned officer, musician and private of the artillery and infantry, shall receive annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaithers: and the Secretary of War is hereby authorized to cause to be furnished to the paymasters of the respective districts, such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.

The Secretary of War may supply surplus clothing, to be furnished the men at contract prices.

The new corps to be arranged out of the corps now in service.

Sec. 9. *And be it further enacted,* That the President of the United States cause to be arranged, the officers, non-commissioned officers, musicians and privates of the several corps of troops now in the service of the United States, in such a manner as to form and complete, out of the same, the corps aforesaid; and cause the supernumerary officers, non-commissioned officers, musicians and privates to be discharged from the service of the United States from and after the first day of April next, or as soon thereafter as circumstances may permit.

Supernumeraries to be discharged, and when.

The corps to be governed by the articles and rules of war now in force—and such others as may be made;—sentences of general courts martial, with their proceedings, to be laid before the President, in certain cases.

Sec. 10. *And be it further enacted,* That the officers, non-commissioned officers, musicians and privates of the said corps, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter, by law, established: *Provided nevertheless,* that the sentence of general courts martial, extending to the loss of life, the dismission of a commissioned officer, or which shall respect the general officer, shall, with the whole of the proceedings of such cases, respectively, be laid before the President of the United States, who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper

Compensation to recruiting officers for each recruit, of a par-

Sec. 11. *And be it further enacted,* That the commissioned officers who shall be employed in the recruiting service, to keep up by voluntary enlistment, the corps as aforesaid, shall be entitled to receive for every

effective able-bodied citizen of the United States, who shall be duly enlisted by him for the term of five years, and mustered, of at least five feet six inches high, and between the ages of eighteen and thirty-five years, the sum of two dollars: *Provided nevertheless*, that this regulation, so far as respects the height and age of the recruit, shall not extend to musicians or to those soldiers who may re-enlist into the service: *And provided also*, that no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent of his parent, guardian or master first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act,—for every such offence, he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

ticular description.

This regulation not to extend to musicians and soldiers re-enlisted;—no one to be enlisted but with the consent of the person having the legal care of him.

Penalty for infringing this provision.

Sec. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able-bodied citizen, recruited as aforesaid, to serve for the term of five years, a bounty of twelve dollars; but the payment of six dollars of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve.

Bounty to a recruit.

Payment, part to be deferred.

Sec. 13. *And be it further enacted*, That the said corps shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

Arrears of pay not exceed two months if avoidable.

Sec. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, in the corps composing the peace establishment shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as may be directed by the President of the United States for the time being: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Officers and privates may be placed on the pension list in certain cases, at specified rates.

Not to be exceeded.

Inferior disabilities to entitle to proportionate allowances.

Sec. 15. *And be it further enacted*, That if any commissioned officer in the military peace establishment of the United States, shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to and receive half the monthly pay, to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the time, shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the decease of such child or children.

Provision for the widow, or children under sixteen, of a commissioned officer, who dies from wounds received in the service of the U. States.

In case of the death or marriage of the widow to enure to the benefit of the children: determinable with their deaths.

Sec. 16. *And be it further enacted*, That the paymaster shall perform the duties of his office, agreeably to the direction of the President of the United States, for the time being; and before he enters on the duties of the same, shall give bonds, with good and sufficient sureties, in such sums as the President shall direct, for the faithful discharge of his said office; and shall take an oath to execute the duties thereof with fidelity: and it shall, moreover, be his duty to appoint from the line, with the approbation of the President of the United States, the several paymasters to districts and assistants prescribed by this act; and he is hereby authorized to require the said paymaster to districts, and assistants, to enter

Paymaster to act according to the directions of the President.

To give bond, with sureties for the faithful discharge of his office.

To take an oath of office

To appoint certain paymasters from the line, with the President's approbation.

Authorized to require them to give bonds with sureties.

Duties of military agents prescribed.

They shall account with the department of war.

into bonds, with good and sufficient surety, for the faithful discharge of their respective duties.

Sec. 17. *And be it further enacted*, That it shall be the duty of the military agents, designated by this act, to purchase, receive, and forward to their proper destination, all military stores, and other articles for the troops in their respective departments, and all goods and annuities for the Indians, which they may be directed to purchase, or which shall be ordered into their care by the department of war. They shall account with the department of war, annually, for all the public property which may pass through their hands, and all the monies which they may expend in discharge of the duties of their offices, respectively: previous to their entering on the duties of their offices, they shall give bonds, with sufficient sureties, in such sums as the President of the United States shall direct, for the faithful discharge of the trust reposed in them; and shall take an oath faithfully to perform the duties of their respective offices.

Additional penalty to non-commissioned officers, &c. for desertion.

They may be tried and punished, if apprehended after the term for which enlisted.

Persons concerned in procuring or assisting in the desertion of soldiers, or who shall purchase their uniform clothing, may be fined or imprisoned at the discretion of certain courts.

Sec. 18. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Sec. 19. *And be it further enacted*, That every person who shall procure or entice a soldier in the service of the United States to desert, or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, or be imprisoned any term not exceeding one year.

Oath to be taken by officers, musicians and privates.

Sec. 20. *And be it further enacted*, That every officer, non-commissioned officer, musician and private, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against their enemies or opposers, whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

In case of a general court martial the President may appoint a judge advocate.

An additional allowance to the judge advocate.

Brigadier-general to appoint in cases that the President does not.

Provision to commissioned officers for extra expenses in travelling to and sitting on general courts martial.

Sec. 21. *And be it further enacted*, That whenever a general court martial shall be ordered, the President of the United States may appoint some fit person to act as judge advocate, who shall be allowed, in addition to his other pay, one dollar and twenty-five cents for every day he shall be necessarily employed in the duties of the said court; and in cases where the President shall not have made such appointment, the brigadier-general or the president of the court may make the same.

Sec. 22. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day, to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Non-commis-

Sec. 23. *And be it further enacted*, That no non-commissioned officer, musician or private shall be arrested, or subject to arrest, or to be taken

in execution for any debt under the sum of twenty dollars, contracted before enlistment, nor for any debt contracted after enlistment.

sioned officers and privates to be free from arrests for debts under twenty dollars, contracted before enlistment, and for all while in service.

Sec. 24. *And be it further enacted,* That whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

Allowance to officers and soldiers, upon being discharged except by way of punishment.

Sec. 25. *And be it further enacted,* That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of their discharge—to each officer whose term of service in any military corps of the United States shall not have exceeded three years, three months' pay; to all other officers so deranged, one month's pay of their grades, respectively, for each year of past service in the army of the United States, or in any regiment or corps now or formerly in the service thereof.

Additional allowance to officers deranged by this act.

Sec. 26. *And be it further enacted,* That the President of the United States is hereby authorized and empowered, when he shall deem it expedient, to organize and establish a corps of engineers, to consist of one engineer, with the pay, rank and emoluments of a major; two assistant engineers, with the pay, rank and emoluments of captains; two other assistant engineers, with the pay, rank and emoluments of first lieutenants; two other assistant engineers, with the pay, rank and emoluments of second lieutenants; and ten cadets, with the pay of sixteen dollars per month, and two rations per day: and the President of the United States is, in like manner, authorized, when he shall deem it proper, to make such promotions in the said corps, with a view to particular merit, and without regard to rank, so as not to exceed one colonel, one lieutenant-colonel, two majors, four captains, four first lieutenants, four second lieutenants, and so as that the number of the whole corps shall, at no time, exceed twenty officers and cadets.

President may organize a corps of engineers.

Of whom it shall consist.

Pay of cadets.

President may make promotions therein within certain limitations.

Sec. 27. *And be it further enacted,* That the said corps, when so organized, shall be stationed at West Point in the state of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of the said corps, shall be subject, at all times, to do duty in such places, and on such service, as the President of the United States shall direct.

Corps of engineers to be stationed at West Point, and to form a military academy, but to go to and do duty in other places as the President shall direct.

Sec. 28. *And be it further enacted,* That the principal engineer, and in his absence the next in rank, shall have the superintendence of the said military academy, under the direction of the President of the United States; and the Secretary of War is hereby authorized, at the public expense, under such regulations as shall be directed by the President of the United States, to procure the necessary books, implements and apparatus for the use and benefit of the said institution.

The principal engineer, and in his absence the next in rank, to superintend the military academy.

The secretary of war to procure the necessary books, &c.

Sec. 29. *And be it further enacted,* That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

Repeal of laws within the purview of this.

Saving clause.

Approved, March 16, 1802.

Statute I.

March 16, 1802.

Chap. XI.—*An Act for the accommodation of persons concerned in certain Fisheries therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passing of this act, it shall be lawful for the collector of the customs for

Collector of the customs at Edenton to permit the landing

of salt at fisheries and other places in his district.

the district of Edenton to permit any vessel having on board salt only, after due report and entry, and security given for the duties, to proceed under the inspection of an officer of the customs to any fishery, or other landing place within the district, (to be designated in the permit) and there discharge the same; subject, however, in all other respects, to the regulations, restrictions, penalties and provisions established by an act passed the second of March, in the year one thousand seven hundred and ninety-nine, intituled "An act to regulate the collection of duties on imports and tonnage."

In other respects the usual regulations to be observed.

Act of 1799, ch. 22, sec. 53, 56.

Inspectors or other officers of the customs entitled to accommodations from the vessels.

Sec. 2. *And be it further enacted,* That every inspector or other officer of the customs, while performing duty on board any such vessel, elsewhere than in the port to which such officer may properly belong, shall be entitled to receive from the master, or commander thereof, such provisions and other accommodations (free from expense) as are usually supplied to passengers, or as the state and condition of the vessel will admit.

And to pecuniary compensations if more than fifteen days be spent therein.

Sec. 3. *And be it further enacted,* That if by reason of the delivery of any cargo of salt, in manner aforesaid, more than fifteen working days (computing from the date of entry) shall, in the whole, be spent therein, the wages or compensation of such inspector, or other officer of the customs who may be employed on board any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and until paid, it shall not be lawful for the collector to grant a clearance, or to permit such vessel to depart from the district.

Approved, March 16, 1802.

Statute I.

March 16, 1802.

[Obsolete.]

Chap. XII.—*An Act to amend an act, intituled "An act to lay and collect a direct tax within the United States."*

Collectors to provide lists of lands taxable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collectors in each district shall prepare and transmit to their respective supervisors, correct lists of all lands within their respective collection districts, which by the act passed the fourteenth day of July, one thousand seven hundred and ninety-eight, intituled "An act to lay and collect a direct tax within the United States," they now are or hereafter shall be authorized to advertise for sale, specifying therein the persons in whose names the assessments were originally made, and the sums due thereon respectively; of which lists it shall be the duty of the supervisor, in all cases, to cause correct transcripts to be made out, and to cause to be inserted for five weeks successively, in one or more newspapers published within his district, one of which shall be the gazette in which are published by authority, the laws of the state within whose limits the said district may be comprised, if there be any such gazette, a notification, that such transcripts are lodged at his office, and are open to the free inspection of all parties concerned; and also notifying, that the tax due upon the said lands may be paid to the collector within whose division the aforesaid lands are contained, or to the supervisor of the district, at any time within the space of six months from the date of such notification, and the time when, and places where sales will be made of all lands upon which any part of the direct tax shall remain due after the expiration of the time aforesaid.

Act of July 9, 1798, ch. 75.

Transcripts of which to be published, and how.

Payment within six months.

Lands to be sold on failure of payment.

Sec. 2. *And be it further enacted,* That in case of failure on the part of the owner or owners of the aforesaid lands to pay within the aforesaid time, the full amount of tax due thereon, the collectors under the direction, and with the approbation of their respective supervisors, shall immediately proceed to sell, at public sale, at the times and places mentioned in the advertisement of the supervisor, so much of the lands afore-

said as may be sufficient to satisfy the same, together with all the costs and charges of preparing lists, advertising and notifying as aforesaid, and of sale.

Tax and costs a lien on land till discharged.

Sec. 3. *And be it further enacted,* That the aforesaid tax, including all costs and charges as aforesaid, shall be and remain a lien upon all lands and other real estate on which the same has been assessed, until the tax due upon the same, including all costs and charges, shall have been collected, or until a sale shall have been effected, according to the provision of this act, or of the act to which this is a supplement.

Tracts parcelled may pay in proportion.

Sec. 4. *And be it further enacted,* That in all cases wherein any tract of land may have been assessed in one assessment, which at the time when such assessment was made, was actually divided into two, or more distinct parcels, each parcel having one or more distinct proprietor or proprietors, it shall be the duty of the collector, to receive in manner aforesaid, from any proprietor or proprietors thus situated, his or their proportion of the tax due upon such tract; and thereupon, the land of the proprietor or proprietors upon which the tax shall have been thus paid, shall be for ever discharged from any part of the tax due under the original assessment.

Provision for sale of lands of persons not named correctly.

Sec. 5. *And be it further enacted,* That in any case in which it may have happened that lands actually belonging to one person, may have been, or hereafter shall be assessed in the name of another, and no sale of the same shall yet have been made, the same proceedings shall be had for the sale of the aforesaid lands, in order to raise the tax assessed in relation to the same, as is provided by the eleventh section of the act to which this is a supplement, in the case of lands assessed, the owner whereof is unknown; and such sale shall transfer and pass to the purchaser, a good and effectual title.

1798, ch. 75.

Right of redemption secured under regulations.

Sec. 6. *And be it further enacted,* That the right of redemption reserved to the owners of lands and tenements sold under this act, or the act to which this is a supplement, shall, in no wise, be affected or impaired: *Provided always,* that the owners of lands which shall thus be sold after the passing of this act, in order to avail themselves of that right, shall make payment or tender of payment within two years from the time of sale, for the use of the purchaser, his heirs or assigns, of the amount of the said tax, costs and charges, with interest for the same, at the rate of twenty-five per cent. per annum.

Secretary of the Treasury authorized to augment compensation of officers.

Sec. 7. *And be it further enacted,* That the Secretary of the Treasury shall be and hereby is authorized and empowered, under the direction of the President of the United States, to augment the compensation fixed by law, for the commissioner or for the principal and assistant assessors or either of them, in any division where it shall be found necessary for carrying into effect the act intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," so however, as that the commissioner shall in no case receive more than five dollars per day, nor the principal or assistant assessor in any case receive more than three dollars per day, which additional compensation shall be subject to the same rules of settlement as are established by the act last aforesaid.

1798, ch. 70.

Approved, March 16, 1802.

Statute I.

March 30, 1802.

Act of April 29, 1816, ch. 165.
Act of March, 1817, ch. 43.

Chap. XIII.—*An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.*(a)

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

(a) Regulations of intercourse and trade with the Indians. The 105th section of the act of March 2, 1799, chap. 22, provides that no duties shall be levied on peltries and goods of Indians, brought into the United States.

Act of May 6, 1822, ch. 54.
Boundaries to be established according to treaties, to be marked.
Beginning thereof.
Indian boundary described.

line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked in all such places as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of the Cayahoga river on Lake Erie, and running thence up the same to the portage between that and the Tuscaroras branch of the Muskingum; thence, down that branch, to the crossing place above Fort Laurence; thence westwardly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Laromie's store, and where commences the portage, between the Miami of the Ohio and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash; thence southwestwardly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawa river; thence down the said river Ohio to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence southeastwardly on the said ridge, to a point, from whence a southwest line will strike the mouth of Duck river; thence, still eastwardly on the said ridge, to a point forty miles above Nashville; thence northeast to Cumberland river; thence up the said river to where the Kentucky road crosses the same; thence to the Cumberland mountain, at the point of Campbell's line; thence in a southwestwardly direction along the foot of the Cumberland mountain to Emory's river; thence down the same to its junction with the river Clinch; thence down the river Clinch to Hawkins's line; thence along the same to a white oak, marked one mile tree; thence south fifty-one degrees west, three hundred and twenty-eight chains, to a large ash tree on the bank of the river Tennessee, one mile below southwest point; thence up the northeast margin of the river Tennessee (not including islands) to the Wild Cat Rock, below Tellico block-house; thence in a direct line to the Militia spring, near the Maryville road leading from Tellico; thence from the said spring to the Chilhowee mountain by a line so to be run as will leave all the farms on Nine Mile creek to the northward and eastward of it, and to be continued along the Chilhowee mountain until it strikes Hawkins's line; thence along the said line to the great Iron mountain; and from the top of which a line to be continued in a southeastwardly course to where the most southern branch of Little river crosses the divisional line to Tugaloo river; thence along the South Carolina Indian boundary to and over the Ocunna mountain, in a southwest course to Tugaloo river; thence in a direct line to the top of Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the

The acts which are no longer in force, have been: An act to regulate trade and intercourse with the Indian tribes, July 22, 1790, chap. 33.—Expired. An act to regulate trade and intercourse with the Indian tribes, March 1, 1793.—Repealed by act of May 19, 1796, chap. 30. An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, May 19, 1796, chap. 25.—Expired. An act for the preservation of peace with the Indian tribes, January 17, 1800, chap. 5.—Expired. An act supplementary to the "act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," April 22, 1800, chap. 30.—Expired.

The acts now in operation and force, are: An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, March 30, 1802, chap. 13; an act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 15; an act supplementary to the act passed the thirtieth of March, one thousand eight hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, April 29, 1816, chap. 165; an act to provide for the punishment of certain crimes and offences committed within the Indian boundaries, March 3, 1817, chap. 92; an act to amend an act entitled, "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirteenth March, one thousand eight hundred and two, May 6, 1822, chap. 54; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, June 30, 1834, ch. 161. Also ch. 162.

Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river St. Mary's: *Provided always*, that if the boundary line between the said Indian tribes and the United States shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner as said provisions apply, by force of this act, to the boundary line herein before recited.

Boundary terminates.

Indian boundary may be varied by treaties and the act to apply.

Sec. 2. *And be it further enacted*, That if any citizen of, or other person resident in, the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.(*a*)

Line not to be crossed.

Penalty for trespass.

Sec. 3. *And be it further enacted*, That if any such citizen or other person, shall go into any country which is allotted, or secured by treaty as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States, commanding at the nearest post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned not exceeding three months.(*b*)

No one to go into the Indian country without a passport.

By whom passports to be granted.

Penalty for going into the Indian territory without a passport.

Sec. 4. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state, against a citizen of the United States: or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

Offences in the Indian territory punishable.

Penalties.

Indians not to be remunerated if they use violence.

Sec. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall

No settlement or survey to be made.

(*a*) The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. Worcester *v.* The State of Georgia, 6 Peters' Rep. 515.

(*b*) The act of the 30th March, 1802, having described what should be considered as the Indian country at that time, as well as at any future time, when purchases of territory should be made from the Indians, the carrying of spirituous liquors into the territory so purchased after March, 1802, although the same should, at the time, be frequented and inhabited by the Indians exclusively, could not be an offence within the meaning of the before mentioned act of Congress, so as to subject the goods of the trader found within those territories, to seizure and forfeiture. The American Fur Company *v.* The United States, 2 Peters, 358.

Penalties.

Military force may be employed against intruders.

survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary, to remove from lands, belonging or secured by treaty, as aforesaid, to any Indian tribe, any such citizen, or other person, who has made, or shall hereafter make, or attempt to make a settlement thereon.

Murder of Indians punishable with death.

Sec. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians, belonging to any nation or tribe of Indians, in amity with the United States, such offender, on being thereof convicted, shall suffer death.

Traders who reside must have a license.

Licenses not to exceed two years.

Bond to be given by licensed traders.

License may be recalled for misconduct.

Sec. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, to such trader, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations, or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

Goods of unlicensed traders forfeited.

Further penalty.

Sec. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town or hunting camp, of any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

Articles which shall not be purchased from Indians.

Penalty.

Sec. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Horses not to be bought or sold without license.

Fifteen days notice before sale of a horse, and description given.

Sec. 10. *And be it further enacted*, That no such citizen or other person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other

natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

Penalties.

Sec. 11. *And be it further enacted,* That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse to or from any Indian, excepting for and on account of the United States; and any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Agents of the public not to trade.

Sec. 12. *And be it further enacted,* That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation, or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided nevertheless,* that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

No purchases from Indians but under treaties.

Misdemeanor to attempt procuring them in any other manner.

How punishable.

Exception as to states making purchases in a certain manner.

Sec. 13. *And be it further enacted,* That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided,* that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

President authorized to use means of civilizing the Indians.

Means limited.

Sec. 14. *And be it further enacted,* That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return

Means of redress prescribed for transgression of Indians.

of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: and in the mean time, in respect to the property so taken, stolen or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

Party injured loses his remedy if he seeks private revenge or redress.

But this does not exempt the Indian offending from legal apprehension in U. States.

How property is to be paid for.

Sec. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with full power and authority to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts; and in all cases where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding: and in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the superior courts of such districts have in their ordinary sessions; and when the offender shall be apprehended, or brought for trial into any of the United States, except Kentucky or Tennessee, it shall be lawful for the President of the United States, to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district in which such offender may have been apprehended or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner as such circuit court might or could do. And the district courts of Kentucky, Tennessee and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment in the same manner, as the circuit courts of the United States.

What courts have jurisdiction in these cases.

Persons crossing the line and going into the Indian country contrary to this act, how to be dealt with.

Sec. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States to apprehend every person who shall, or may be found in the Indian country over and beyond the said boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest, convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against in due course of law: *Provided*, that no person, apprehended by military force as aforesaid,

shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit; and every officer and soldier who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court martial shall direct: *Provided*, that the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state, who, if the offence is bailable, shall take proper bail if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated as any other recognizance for bail in any court of the United States; and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act.

Military not to use violence.

Sec. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

Violators of this law, if found within the U. S. how punishable.

Sec. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be one half to the use of the informant, and the other half to the use of the United States; except where the prosecution shall be first instituted on behalf of the United States; in which case the whole shall be to their use.

How penalties are to be fixed.

To whose benefit.

Sec. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district to Mero district, or to prevent the citizens of Tennessee from keeping in repair the said road, under the direction or orders of the governor of said state, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement, or to the settlement on Obed's river, (so called,) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said traces, or either of them, as the case may be, after which, the penalties of this act shall be incurred by every person travelling or being found on said traces, or either of them, to which the prohibition may apply, within the Indian boundary, without a passport.

Trade and intercourse with Indians under circumstances described not forbidden by this act.

Sec. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the

President to cause boundaries to be ascertained and marked.

United States and any Indian tribe, which now are, or hereafter may be established by treaty.

He may take measures to prevent the sale of spirituous liquors to the Indians.

Sec. 21. *And be it further enacted*, That the President of the United States be authorized to take such measures, from time to time, as to him may appear expedient to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes, any thing herein contained to the contrary thereof notwithstanding.

This act to be in force from its date.

Proceedings under not to be affected by act of Feb. 19, 1799, ch. 8.

Sec. 22. *And be it further enacted*, That this act shall be in force from the passage thereof; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled "An act to amend an act, intituled An act giving effect to the laws of the United States within the district of Tennessee," is not to operate.(*a*)

Approved, March 30, 1802.

(*a*) The decisions of the courts of the United States, on the subject of the Indians, have been:

It was doubted whether a state can be seised in fee of lands subject to the Indian title, and whether a decision that they were seised in fee, might not be construed to amount to a decision that their grantee might maintain an ejectment for them, notwithstanding that title. The majority of the court is of opinion that the nature of the Indian title, which is certainly to be respected by all courts until it be legitimately extinguished, is not such as to be absolutely repugnant to a seisin in fee on the part of the state. Fletcher *v.* Peck, 6 Cranch, 87; 2 Cond. Rep. 308.

The acts of assembly of North Carolina, passed between the years 1783 and 1789, avoid all entries, surveys, and grants of land set apart for the Cherokee Indians, and no title can be acquired to those lands. Danforth's Lessee *v.* Thomas, 1 Wheat. 155; 3 Cond. Rep. 524.

The boundaries of the reservation made by the laws of North Carolina, have been altered by treaties with the Indians; but it seems that the more extinguishment of their title does not subject the land to entry, unless expressly authorized by the legislature. *Ibid.*

The condition of the Indians, in relation to the United States, is perhaps unlike that of any other two people in existence. In general, nations not owing a common allegiance, are foreign to each other. The term foreign nation, is with strict propriety applicable by either to the other. But the relation of the Indians to the United States, is marked by peculiar and cardinal distinctions, which exist no where else. The Cherokee Nation *v.* The State of Georgia, 5 Peters, 1.

The Indians are acknowledged to have an unquestionable, and heretofore an unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to the government. It may well be doubted, whether those tribes which reside within the acknowledged boundaries of the United States, can with strict accuracy be denominated foreign nations. They may more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title, independent of their will, which must take effect in point of possession, when their right of possession ceases; meanwhile they are in a state of pupilage. Their relations to the United States resemble that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father. *Ibid.*

The treaties and laws of the United States, contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. Worcester *v.* The State of Georgia, 6 Peters, 515.

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial; with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate, than the first discoverer of the coast of the particular region claimed: and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and, consequently, admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves; having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to other nations of the earth. They are applied to all in the same sense. *Ibid.*

One uniform rule seems to have prevailed in the British provinces in America, by which Indian lands were held and sold, from their first settlement, as appears by their laws; that friendly Indians were protected in the possession of the lands they occupied, and were considered as owning them by a perpetual right of possession in the tribe or nation inhabiting them, as their common property, from generation to generation, not as the right of the individuals located on particular spots. Subject to this right of possession, the ultimate fee was in the crown, and its grantees; which could be granted by the crown or colonial legislatures, while the lands remained in possession of the Indians; though possession could not be taken without their consent. Mitchell *v.* United States, 9 Peters, 711.

Individuals could not purchase Indian lands without permission or license from the crown, colonial governors, or according to the rules prescribed by colonial laws; but such purchases were valid with such license, or in conformity with the local laws: and by this union of the perpetual right of occupancy with the ultimate fee, which passed from the crown by the license, the title of the purchaser became complete. *Ibid.*

Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession, as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way, and for their own purposes, were as much respected, until they abandoned them, made a cession to the government, or an authorized sale to individuals. In

Statute I.
April 2, 1802.

[Obsolete.]
Appropriation.

Chap. XV.—*An Act making a partial appropriation for the support of government, during the year one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, shall be, and the same hereby is appropriated towards defraying the expenditure of the civil list, including the contingent expenses of the several departments, during the year one thousand eight hundred and two.

Approved, April 2, 1802.

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either case their rights became extinct, the lands could be granted disencumbered of the right of occupancy, or enjoyed in full dominion by the purchasers from the Indians. Such was the tenure of Indian lands by the laws of Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia. *Ibid.*

Grants made by the Indians at public councils, since the treaty at Fort Stanwick's, have been made directly to the purchasers, or to the state in which the land lies, in trust for them, or with directions to convey to them; of which there are many instances of large tracts so sold and held; especially in New York. *Ibid.*

It was an universal rule, that purchases made at Indian treaties, in the presence, and with the approbation of the officer under whose direction they were held by the authority of the crown, gave a valid title to the lands; it prevailed under the laws of the states after the revolution, and yet continues in those where the right to the ultimate fee is owned by the states, or their grantees. It has been adopted by the United States, and purchases made at treaties held by their authority, have been always held good by the ratification of the treaty, without any patent to the purchasers from the United States. This rule in the colonies was founded on a settled rule of the law of England, that by his prerogative, the king was the universal occupant of all vacant lands in his dominions, and had the right to grant them at his pleasure, or by his authorized officers. *Ibid.*

When the United States acquired and took possession of the Floridas, the treaties which had been made with the Indian tribes, before the acquisition of the territory by Spain and Great Britain, remained in force over all the ceded territory, as the laws which regulated the relations with all the Indians who were parties to them, and were binding on the United States, by the obligation they had assumed by the Louisiana treaty, as a supreme law of the land, which was inviolable by the power of Congress. They were also binding as the fundamental law of Indian rights; acknowledged by royal orders, and municipal regulations of the province, as the laws and ordinances of Spain in the ceded provinces, which were declared to continue in force by the proclamation of the governor in taking possession of the provinces; and by the acts of Congress, which assured all the inhabitants of protection in their property. It would be an unwarranted construction of these treaties, laws, ordinances and municipal regulations, to decide that the Indians were not to be maintained in the enjoyment of all the rights which they could have enjoyed under either, had the provinces remained under the dominion of Spain. It would be rather a perversion of their spirit, meaning and terms, contrary to the injunction of the law under which the court acts, which makes the stipulations of any treaty, the laws and ordinances of Spain, and these acts of Congress, so far as either apply to this case, the standard rules for its decision. *Ibid.*

The treaties with Spain and England, before the acquisition of Florida by the United States, which guarantied to the Seminole Indians their lands according to the right of property with which they possessed them, were adopted by the United States; who thus became the protectors of all the rights they had previously enjoyed, or could of right enjoy under Great Britain or Spain, as individuals or nations, by any treaty, to which the United States thus became parties in 1803. *Ibid.*

The Indian right to the lands as property, was not merely of possession, that of alienation was concomitant; both were equally secured, protected and guarantied by Great Britain and Spain, subject only to ratification and confirmation by the license, charter or deed from the governor representing the king. Such purchases enabled the Indians to pay their debts, compensate for their depredations on the traders resident among them to provide for their wants; while they were available to the purchasers as payment of the considerations which at their expense had been received by the Indians. It would have been a violation of the faith of the government to both, to encourage traders to settle in the province, to put themselves and property in the power of the Indians, to suffer the latter to contract debts, and when willing to pay them by the only means in their power, a cession of their lands, withhold an assent to the purchase, which by their laws or municipal regulations, was necessary to vest a title. Such a course was never adopted by Great Britain, in any of her colonies, nor by Spain in Louisiana or Florida. *Ibid.*

The laws made it necessary, when the Indians sold their lands, to have the deeds presented to the governor for confirmation. The sales by the Indians transferred the kind of right which they possessed; the ratification of the sale by the governor, must be regarded as a relinquishment of the title of the crown to the purchaser; and no instance is known where permission to sell has been "refused, or the rejection of an Indian sale." *Ibid.*

The colonial charters, a great portion of the individual grants by the proprietary and royal governments, and a still greater portion by the states of the Union after the revolution, were made for lands within the Indian hunting grounds. North Carolina and Virginia to a great extent paid their officers and soldiers of the revolutionary war by such grants, and extinguished the arrears due the army by similar means. It was one of the great resources which sustained the war, not only by those states, but by other states. The ultimate fee, encumbered with the right of Indian occupancy, was in the crown previous to the revolution, and in the states of the Union afterwards, and subject to grant. This right of occupancy was protected by the political power, and respected by the courts, until extinguished, when the patentee took the unencumbered fee. So the supreme court and the state courts have uniformly held. Clark *v.* Smith, 13 Peters, 195.

Statute I.

April 3, 1802.

[Obsolete.]

Specific appropriation for the expenses of establishing the boundary line between the U. States and Upper Canada.

Chap. XVI.—*An Act making appropriation for defraying the expense of a negotiation with the British government, to ascertain the boundary line between the United States and Upper Canada.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding ten thousand dollars be, and the same is hereby appropriated, payable out of any money in the treasury not otherwise appropriated, to defray the expense which shall be incurred in negotiating with the government of Great Britain, for ascertaining and establishing the boundary line between the United States and the British province of Upper Canada; when the President of the United States shall deem it expedient to commence such negotiation.

Approved, April 3, 1802.

Statute I.

April 3, 1802.

[Obsolete.]

Specific appropriation.

Chap. XVII.—*An Act making an appropriation for defraying the expenses which may arise from carrying into effect the convention made between the United States and the French Republic.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the payment of such demands as may be justly due for French vessels and property captured, and which must be restored or paid for, pursuant to the convention between the United States and the French republic, there be appropriated a sum not exceeding three hundred and eighteen thousand dollars, to be paid, under the direction of the President of the United States, out of any public money in the treasury, not otherwise appropriated.

Approved, April 3, 1802.

Statute I.

April 6, 1802.

[Obsolete.]

Repeal of the acts imposing duties on certain things after 30th June, 1802.

Provisions of these acts still to be in force with respect to the recovery of what may be due under them.

The office of superintendent of stamps abolished, and when.

The commissioner of revenue to perform certain duties under this act.

Collectors of the internal duties to be continued till their collections are complete, unless sooner discontinued by the President.

Chap. XIX.—*An Act to repeal the Internal Taxes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, the internal duties on stills and domestic distilled spirits, on refined sugars, licenses to retailers, sales at auction, carriages for the conveyance of persons, and stamped vellum, parchment and paper, shall be discontinued, and all acts and parts of acts relative thereto shall, from and after the said thirtieth day of June next, be repealed: *Provided,* that for the recovery and receipt of such duties as shall have accrued, and on the day aforesaid remain outstanding, and for the payment of drawbacks or allowances on the exportation of any of the said spirits or sugars legally entitled thereto, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said day, the provisions of the aforesaid acts shall remain in full force and virtue.

Sec. 2. *And be it further enacted,* That the office of superintendent of stamps shall cease and be discontinued from and after the thirtieth day of April, one thousand eight hundred and two; after which day the commissioner of the revenue shall perform all the duties by law enjoined on the said superintendent of stamps, which may be required in pursuance of this act; that the office of collectors of the internal duties shall continue in each collection district, respectively, until the collection of the duties above mentioned shall have been completed in such district, and no longer, unless sooner discontinued by the President of the United States, who shall be and hereby is empowered, whenever the collection of the said duties shall have been so far completed in any district as to render, in his opinion, that measure expedient, to discontinue any of the said collectors, and to unite into one collection district any two or more

collection districts, lying and being in the same state: that the office of supervisor shall continue in each state or district, respectively, until the collection of the duties above mentioned, together with the collection of the direct tax, shall have been completed in such state or district, and no longer; unless sooner discontinued by the President of the United States, who shall be and hereby is empowered, whenever the collection of the said duties and tax shall have been so far completed in any state or district, as in his opinion, to render that measure expedient, to discontinue any of the said offices; in which case the collectors thereafter employed in the collection of the said duties and tax in such state or district shall be appointed and removeable by the President alone, and shall be immediately accountable to the officers of the treasury department, under such regulations as may be established by the Secretary of the Treasury: that for the promoting of the collection of any of the above-mentioned duties or tax which may be outstanding after the said thirtieth day of June next, the President of the United States shall be, and he hereby is empowered at any time thereafter, to make such allowance as he may think proper, in addition to that now allowed by law to any of the collectors of the said duties and tax, and the same from time to time to vary: *Provided*, that such additional allowance shall, in no instance, exceed, in the aggregate, five per cent. of the gross amount of the duties and tax, outstanding on that day: and the office of commissioner of the revenue shall cease and be discontinued whenever the collection of the duties and tax above mentioned shall be completed, unless sooner discontinued by the President of the United States, who shall be, and hereby is empowered, whenever the collection of the said duties and tax shall have been so far completed as, in his opinion, to render that measure expedient, to discontinue the said office, in which case the immediate superintendence of the collection of such parts of the said duties and taxes as may then remain outstanding, shall be placed in such officer of the treasury department as the secretary, for the time being, may designate: *Provided, however*, that all bonds, notes or other instruments which have been charged with the payment of a duty, and which shall, at any time prior to the said thirtieth day of June, have been written or printed upon vellum, parchment or paper, not stamped or marked according to law, or upon vellum, parchment or paper stamped or marked at a lower rate of duty than is, by law, required for such bond, note or other instrument, may be presented to any collector of the customs within the state; and where there is no such collector, to the marshal of the district, whose duty it shall be, upon the payment of the duty with which such instrument was chargeable, together with the additional sum of ten dollars, for which duty and additional sum, the said collector or marshal shall be accountable to the treasury of the United States, to endorse upon some part of such instrument his receipt for the same; and thereupon, the said bond, note or other instrument shall be, to all intents and purposes, as valid and available to the person holding the same as if it had been or were stamped, counterstamped, or marked as by law required; any thing in any act to the contrary, notwithstanding.

Supervisors to continue in office in the same manner.

Certain collectors may be appointed by the President, and made removeable at his pleasure.

They are to be accountable to the treasury department.

President may make an additional allowance for the collection of outstanding duties.

Allowance limited to five per cent.

Office of commissioners of the revenue to be discontinued and when; it may be sooner discontinued by the President.

Provision in case of its discontinuance.

Stamped bonds, &c. not stamped according to law, may be rendered valid, and how.

Sec. 3. *And be it further enacted*, That owners of stills, whose licenses to distil shall not have expired on the thirtieth day of June next, shall, at their option, pay either the whole duty which would have accrued on their stills on account of such licenses, or the duty which would have accrued on said stills, on the day aforesaid, if they had taken licenses ending on that day; that owners of snuff-mills, whose licenses had not expired on the first day of June, one thousand seven hundred and ninety-six, shall be allowed a deduction from the duties incurred on the same, proportionate to the time thus remaining unexpired on such licenses: that the several banks, which may have agreed to pay the annual

Owners of stills, &c. to pay according to their option, in certain cases.

Owners of snuff mills.

Banks to pay one per cent. per annum, in lieu of stamp duties until 30th June, 1822.

Retailers of wines and spirits.

composition of one per cent. on their dividends, in lieu of the stamp duty on the notes issued by them, shall pay only at the rate of one per cent. per annum, on such dividends, to the thirtieth day of June next: that retailers of wines and spirits, who may take licenses after the passing of this act, shall pay for such licenses only in proportion to the time which may intervene between the obtaining of such licenses and the thirtieth day of June next: and that the owners of carriages for the conveyance of persons, who may enter the same after the passing of this act, and before the thirtieth day of June next, shall pay the duty for the same only to the said thirtieth day of June.

Supervisor of the Northwest district allowed an annual salary, in addition to his commission for clerk hire.

Sec. 4. *And be it further enacted*, That the supervisor of the Northwest district shall, in addition to the same commissions on the product of all the internal duties collected in his district, as heretofore have been allowed to the supervisor of Ohio, be allowed an annual salary of five hundred dollars, and at the rate of three hundred dollars per annum for clerk hire.

Extra allowances for clerk hire to certain supervisors.

Sec. 5. *And be it further enacted*, That the following extra allowances for clerk hire, shall be made for one year, to the supervisors of the following districts, as a full compensation for the additional duties arising from the settlement of accounts of certain inspectors of the internal revenues, whose offices have been suppressed by the President of the United States, that is to say, to each of the supervisors of Massachusetts, Pennsylvania, Maryland, North Carolina and South Carolina, the sum of eight hundred dollars, and to the supervisor of Virginia, the sum of five hundred dollars.

Annual entries of stills to be no longer made.

Sec. 6. *And be it further enacted*, That so much of any act, as directs an annual entry of stills to be made, be, and the same hereby is repealed.

Certain certificates to be furnished by collectors, designated by the Secretary of the Treasury.

And the inspectors to whom delivered, to account to them for all such.

Sec. 7. *And be it further enacted*, That the certificates accompanying foreign distilled spirits, wines and teas, which are now furnished by the supervisors to the inspectors of the ports shall, from and after the aforesaid thirtieth day of June, be furnished by such collectors of the customs, as may be designated by the Secretary of the Treasury. And it shall be the duty of the inspectors to account with such collectors, for the application of such certificates, in like manner, and under the same regulations, as heretofore they have accounted with the supervisors.

Allowance to the collectors for preparing and delivering cerificates.

Sec. 8. *And be it further enacted*, That for preparing and issuing the certificates, the collectors performing that duty shall be entitled to, and receive the same compensation as heretofore has been allowed to the supervisors, respectively.

Stamped paper on hand, upon which a duty has been paid, may be given up, and the money paid, refunded.

Sec. 9. *And be it further enacted*, That all persons who shall, on or after the thirtieth day of June next, have any blank vellum, parchment or paper, which has been stamped by the superintendent of stamps and counterstamped by the commissioner of the revenue, and on which a duty has been paid to the use of government, shall be entitled to receive from such collector or collectors of the customs, or other revenue officer in the respective states or districts as may be designated for that purpose by the Secretary of the Treasury, the value of the said stamps, after deducting, in all cases, seven and an half per cent., and the said officers are hereby authorized to pay the same: *Provided*, the said blank vellum, parchment or paper, be presented within four months after the thirtieth day of June next.

Approved, April 6, 1802.

Statute I.

April 6, 1802.

Land on which lighthouse on Gurnet Point stood, to be purchased.

Chap. XX.—*An Act authorizing the erection of certain Lighthouses; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under the direction of the Secretary of the Treasury, there shall be purchased, for the use of

the United States, the land whereon lately stood the lighthouse on Gurnet Point, and so much land adjoining thereto, as may be sufficient for vaults and any other purpose necessary for the better support of the said lighthouse.

Secretary of the Treasury authorized to procure one or more lanterns.

Lighthouse on the Gurnet to be rebuilt.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, at his discretion, to procure a new lantern or lanterns, with suitable distinctions, and to cause convenient vaults to be erected; and the said lighthouse, on the Gurnet, at the entrance on Plymouth harbor, to be rebuilt.

Secretary of the Treasury authorized to cause a lighthouse to be rebuilt.

On what condition.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to cause to be rebuilt, of such height as he may deem expedient, the lighthouse now situated on the eastern end of New Castle Island, at the entrance of Piscataqua river, either on the land owned by the United States, or on Pollock Rock: *Provided*, that if built on Pollock Rock, the legislature of New Hampshire shall vest the property of the said rock in the United States, and cede the jurisdiction of the same.

A lighthouse to be erected on Lynde's Point.

To appoint a keeper.

On what condition to be rebuilt.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Lynde's Point, at the mouth of Connecticut river, in the state of Connecticut, and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse can be purchased at a reasonable price, and the legislature of the state of Connecticut shall cede the jurisdiction over the same to the United States.

Lighthouses to be built between Long Island and the main.

Keepers to be appointed.

On what conditions to be built.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury be directed to cause proper lighthouses to be built, and buoys to be placed, in the situations necessary for the navigation of the Sound between Long Island and the main; and be, to that effect, authorized to cause, by proper and intelligent persons, a survey to be taken of the said Sound, as far as may be requisite; and to appoint keepers and otherwise provide for such lighthouses, at the expense of the United States: *Provided*, that sufficient land for the accommodation of the respective lighthouses can be purchased at a reasonable price; and that the legislatures of Rhode Island, Connecticut, and New York, shall, respectively, cede the jurisdiction over the same to the United States.

A lighthouse to be built at the entrance of St. Mary's river.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on the south point of Cumberland Island, at the entrance of St. Mary's river within the state of Georgia; and that, under the direction of the said secretary, there shall be purchased, if the same cannot otherwise be obtained, sufficient land for the erection of the said lighthouse, and accommodations for the better support thereof: *Provided*, that the legislature of Georgia shall cede the jurisdiction over the same to the United States.

Appropriations to reimburse certain merchants.

Sec. 7. *And be it further enacted*, That there shall be, and hereby are appropriated, for the reimbursement of the merchants of Plymouth and Duxbury, for monies expended by them in erecting a temporary light on the Gurnet, a sum not exceeding two hundred and seventy dollars; for the rebuilding the lighthouse on the said Gurnet, a sum not exceeding two thousand five hundred dollars; for the rebuilding of the lighthouse on the eastern end of New Castle Island a sum not exceeding four thousand dollars; and for the erection of the said lighthouse on said Lynde's Point, a sum not exceeding two thousand five hundred dollars; for the erection of the lighthouse on Cumberland south point, a sum not exceeding four thousand dollars; and for taking the survey, and for erecting lighthouses and placing buoys in the Sound, a sum not

exceeding eight thousand dollars, to be paid out of any monies which may be in the treasury, not otherwise appropriated.

Sum appropriated for public piers in the river Delaware.

Sec. 8. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury, under the direction of the President of the United States, to cause to be expended, in repairing and erecting public piers, in the river Delaware, a sum not exceeding thirty thousand dollars; and that the same be paid out of any monies in the treasury, not otherwise appropriated: *Provided,* that the jurisdiction of the site where any such piers may be erected, shall be first ceded to the United States, according to the conditions in such case by law provided.

On what conditions.

Approved, April 6, 1802.

Statute I.

April 6, 1802.

[Obsolete.]

Compensation for taking the census to be apportioned.

1800, ch. 12.

Chap. XXI.—*An Act for the relief of the Marshals of certain districts therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed to apportion to the several marshals of the districts of Virginia, Maryland, and Pennsylvania, respectively, who have been employed or concerned in taking the late census, the compensation allowed by the "Act providing for the second census or enumeration of the inhabitants of the United States," according to the service each may have performed.

Approved, April 6, 1802.

Statute I.

April 14, 1802.

[Obsolete.]

Specific appropriation.

Chap. XXII.—*An Act to authorize an advance of money to Samuel Dexter.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to advance out of any money in the treasury, not otherwise appropriated, the sum of five hundred dollars to Samuel Dexter, for the purpose of assisting him in defraying the expenses of the suit of Joseph Hodgson against him in the circuit court of the district of Columbia, he, the said Dexter, to be accountable for the same.

Approved, April 14, 1802.

Statute I.

April 14, 1802.

Act relative to the improvement of the Appomatox, assented to.

Chap. XXIII.—*An Act declaring the assent of Congress to an act of the General Assembly of Virginia therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given and declared to an act of the general assembly of Virginia, intituled "An act to amend and reduce into one, the several acts of assembly for improving the navigation of Appomatox river, from Broadway to Pocahontas bridge."

Approved, April 14, 1802.

April 14, 1802.

[Obsolete.]

Former act revived and continued.

March 2, 1799, ch. 38.

For what time.

Chap. XXV.—*An Act to revive, and continue in force, an act, intituled "An act to augment the salaries of the officers therein mentioned," passed the second day of March, one thousand seven hundred and ninety-nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act, intituled "An act to augment the salaries of the officers therein mentioned," be, and the same is hereby revived, and continued in force, for and during the term of two years, from the commencement of the present year.

Approved, April 14, 1802.

STATUTE I.

April 14, 1802.

1800, ch. 64.

CHAP. XXVI.—*An Act to amend an act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."*

Part of a former law not to operate upon unregistered ships, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures," shall not be deemed to operate upon unregistered ships or vessels owned by the citizens of the United States, at the time of passing the said act, in those cases where such ship or vessel, at that time, possessed a sea letter, or other regular document issued from a custom-house of the United States, proving such ship or vessel to be American property.

In certain cases.

SEC. 2. *And be it further enacted,* That whenever satisfactory proof shall be made to the Secretary of the Treasury, that any unregistered ship or vessel was, in fact, the property, in whole, of a citizen or citizens of the United States, on the thirteenth day of May, in the year one thousand eight hundred, that the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be issued to such ship or vessel, a certificate, which shall entitle such unregistered ship or vessel to the same privileges which are herein before granted to unregistered ships or vessels owned by citizens of the United States, and carrying a sea letter, or other regular document issued from a custom-house of the United States, before the passing of the said act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."

Upon proof, the Secretary of the Treasury to cause a certificate to be issued to an unregistered ship or vessel, entitling her to certain privileges.

APPROVED, April 14, 1802.

STATUTE I.

April 14, 1802.

Act of March 26, 1804, ch. 47. Act of July 30, 1813, ch. 36. Act of March 22, 1816, ch. 32. Act of May 26, 1824, ch. 186.

CHAP. XXVIII.—*An Act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed on that subject.*(*a*)

An alien may become a citizen of the United States.

On what conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—

First, That he shall have declared, on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least, before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

To declare on oath or affirmation in the supreme or superior court, or district or circuit court of some of the states or of the U. States, three years before his admission, his intention to renounce forever his allegiance to any sovereign or state of which he is a subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at

(*a*) See notes to act of March 26, 1790, chap. 13, vol. i. page 103.

To swear or affirm that he will support the Constitution of the U. States.

That he shall have resided in the U. States five years before he shall be admitted a citizen.

Shall prove that he is a man of good moral character and attached to the Constitution of the U. States.

Shall renounce every title of nobility held by him.

On what conditions an alien may be naturalized, who resided in the U. States after the 29th January, 1795

least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: *Provided*, that the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court: *Provided*, that no alien who shall be a native citizen, denizen or subject of any country, state or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: *Provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject: and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission: all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: and provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

Proceedings to be recorded by the clerk of the court.

Provision in favour of persons residing in the U. States between the 29th January, 1795, and the 18th June, 1798.

Mode of naturalization prescribed.

Free white persons arriving in the U. States to be registered.

Form of register.

Sec. 2. *Provided also, and be it further enacted*, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry, and obtain certificates, in the following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master or mistress, to the clerk of the district court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state; and such report shall ascertain the name, birthplace, age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual

concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this act, to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

What courts are to be considered as capable of naturalizing aliens.

Sec. 3. *And whereas*, doubts have arisen whether certain courts of record in some of the states, are included within the description of district or circuit courts: *Be it further enacted*, that every court of record in any individual state, having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

Children of persons naturalized under certain laws to be citizens of the United States.

Sec. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, that no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the state in which such person was proscribed.

Privilege of citizenship not to extend to children of persons who have never resided in the U. States.

Or to persons proscribed, &c.

Repeal of former acts.

Sec. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization, be, and the same are hereby repealed.

Approved, April 14, 1802.

Statute I.

April 26, 1802.

Act of March 1, 1800, ch. 13. Act of March 3, 1803, ch. 30.

How the holders of certain warrants for military services, or register's certificates, may register or locate the same.

Chap. XXX.—*An Act in addition to an act, intituled "An act, in addition to 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."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, and until the first day of January next, it shall be lawful for the holders or proprietors of warrants heretofore granted in consideration of military services, or register's certificates of fifty acres, or more, granted, or hereafter to be granted agreeable to the third section of an act intituled "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," approved the first day of March one thousand eight hundred, to register and locate the same, in the same manner, and under the same restrictions, as might have been done before the first day of January last: *Provided*, that persons holding register's certificates for a less quantity than one hundred acres, may locate the same on such parts of fractional townships, as shall, for that purpose, be divided by the Secretary of the Treasury into lots of fifty acres each.

Provision with respect to certain register's certificates.

Secretary of War to receive claims to lands, and for duplicates of warrants, suggested to have been lost.

To report the same to Congress, with his opinion.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of War to receive claims to lands for military services, and claims for duplicates of warrants issued from his office, or from the land-office of Virginia, or of plats and certificates of surveys founded on such warrants, suggested to have been lost or destroyed, until the first day of January next, and no longer; and immediately thereafter, to report the same to Congress, designating the numbers of claims of each description, with his opinion thereon.

Approved, April 26, 1802.

Statute I.

April 29, 1802.

Chap. XXXI.—*An Act to amend the Judicial System of the United States.*(*a*)

Supreme court to be holden at Washington, by any four justices.

Sessions to commence on the first Monday of February annually.

Business to be continued over if a quorum does not attend.

One of the justices may make rules, &c.

Part of act of September 24, 1789, ch. 20, providing for a session of the Supreme Court in August, repealed.

Associate justice living in the fourth circuit, to attend at the city of Washington.

When.

For what purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the Supreme Court of the United States shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have one session in each and every year, to commence on the first Monday of February annually, and that if four of the said justices shall not attend within ten days after the time hereby appointed for the commencement of the said session, the business of the said court shall be continued over till the next stated session thereof.(*b*) *Provided always,* that any one or more of the said justices attending as aforesaid shall have power to make all necessary orders touching any suit, action, writ of error, process, pleadings or proceedings, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings. And so much of the act, intituled "An act to establish the judicial courts of the United States," passed the twenty-fourth day of September, seventeen hundred and eighty-nine, as provides for the holding a session of the supreme court of the United States on the first Monday of August, annually, is hereby repealed.

1839, ch. 35.

To be attended also by the clerk.

Sec. 2. *And be it further enacted,* That it shall be the duty of the associate justice resident in the fourth circuit formed by this act, to attend at the city of Washington on the first Monday of August next, and on the first Monday of August each and every year thereafter, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings or proceedings, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings:(*c*) and that all writs and process may be returnable to the said court on the said first Monday in August, in the same manner as to the session of the said court, herein before directed to be holden on the first Monday in February, and may also bear teste on the said first Monday in August, as though a session of the said court was holden on that day, and it shall be the duty of the clerk of the supreme court to attend the said justice on the said first Monday of August, in each and every year, who shall make due entry of all such matters and things as shall or may be ordered as aforesaid by the said justice, and at each and every such August session, all actions, pleas, and other proceedings relative to any cause, civil or criminal, shall be continued over to the ensuing February session.

(*a*). See notes to the act to establish the judicial courts of the United States, September 24, 1789, chap. 20, page 73. An act in addition to an act to amend the judicial system of the United States, March 3, 1803, chap. 40.

(*b*) Act of March 3, 1837, chap. 32; an act supplementary to an act to amend the judicial system of the United States.

By the act of May 4, 1826, chap. 37, the sessions of the supreme court were directed to commence on the first Monday in January annually: and by the act of June 17, 1844, the sessions are to commence on the first Monday of December annually.

(*c*) By the 7th section of the act of February 28, 1839, chap. 38, the provision which required the attendance of a justice of the supreme court at Washington on the first Monday in August, was repealed

Sec. 3. *And be it further enacted,* That all actions, suits, process, pleadings and other proceedings, of what nature or kind soever, civil or criminal, which were continued from the supreme court of the United States, which was begun and holden on the first Monday of December last, to the next court to have been holden on the first Monday of June, under the act which passed on the thirteenth day of February, one thousand eight hundred and one, intituled, "An act to provide for the more convenient organization of the courts of the United States," and all writs, process and proceedings, as aforesaid, which are or may be made returnable to the same June session, shall be continued, returned to, and have day, in the session to be holden by this act, on the first Monday of August next; and such proceedings shall be had thereon, as is herein before provided.

Certain proceedings made returnable to August session.

Act of February 13, 1801, ch. 4.

Sec. 4. *And be it further enacted,* That the districts of the United States (excepting the districts of Maine, Kentucky, and Tennessee) shall be formed into six circuits, in manner following:

Districts formed into circuits.

Circuits formed.

The districts of New Hampshire, Massachusetts and Rhode Island, shall constitute the first circuit;

First circuit.

The districts of Connecticut, New York and Vermont, shall constitute the second circuit;

Second circuit.

The districts of New Jersey and Pennsylvania shall constitute the third circuit;

Third circuit.

The districts of Maryland and Delaware shall constitute the fourth circuit;

Fourth circuit.

The districts of Virginia and North Carolina shall constitute the fifth circuit; and

Fifth circuit.

The districts of South Carolina and Georgia shall constitute the sixth circuit.(*a*)

Sixth circuit.

And there shall be holden annually in each district of the said circuits, two courts, which shall be called circuit courts. In the first circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of New Hampshire, shall commence on the nineteenth day of May, and the second day of November, annually; in the district of Massachusetts, on the first day of June, and the twentieth day of October, annually; in the district of Rhode Island, on the fifteenth day of June, and the fifteenth day of November, annually.

Two circuit courts to be held in each district.

Altered by act of June 17, 1844.

First circuit, of whom the court is to consist, and the time of its session.

1812, ch. 45.

In the second circuit, the said circuit court shall consist of the senior associate justice of the supreme court residing within the fifth circuit, and the district judge of the district, where such court shall be holden: and the sessions of the said court in the district of Connecticut, shall commence on the thirteenth day of April, and the seventeenth day of September, annually; in the district of New York, on the first day of April, and the first day of September, annually; in the district of Vermont, on the first day of May, and the third day of October, annually.

Second circuit court, its sessions where to be held.

Act of March 3, 1803, ch. 40. Act of March 9, 1808, ch. 29, sec. 1.

(*a*) The acts of Congress which regulate the original jurisdiction of the circuit courts, are: An act to establish the judicial courts of the United States, September 24, 1789, chap. 20; an act in addition to an act to prohibit the carrying on the slave trade from the United States to any foreign place or country, May 10, 1800, sec. 4; an act to vest more effectually in the state courts, and in the district courts of the United States, jurisdiction in the cases therein mentioned, March 3, 1815. Turner *v.* The Bank of North America, 4 Dall. 8; 1 Cond. Rep. 205.

The inferior courts of the United States, are all of limited jurisdiction, but they are not on that account inferior courts, in the technical sense of those words, whose judgments taken alone, are to be disregarded. If the jurisdiction be not alleged in the proceedings, they are erroneous, but they are not nullities. M'Cormick et al. *v.* Sullivant et al., 10 Wheat. 192; 6 Cond. Rep. 71.

The justices of the supreme court have by practice and acquiescence under it, for a period of several years, commencing with the organization of the judicial system, sat as circuit judges: this practical exposition is too strong to be shaken or controlled. Stuart *v.* Laird, 1 Cranch, 299; 1 Cond. Rep. 316.

The circuit court has jurisdiction on a bill in equity, filed by the United States, against the debtor of their debtor, they claiming a priority under the fifty-fifth section of the act of March 2, 1799, notwithstanding the local law of the state allows a creditor to proceed against the debtor of his debtor by a peculiar process. The United States *v.* Howland et al., 4 Wheat. 108; 4 Cond. Rep. 404.

Third circuit court, its sessions.

Act of March 3, 1803, ch. 32.

In the third circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of New Jersey, shall commence on the first day of April, and the first day of October, annually; in the district of Pennsylvania, on the eleventh day of April, and the eleventh day of October, annually.

Fourth circuit court, its sessions.

In the fourth circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of Delaware, shall commence on the third day of June, and the twenty-seventh day of October, annually; in the district of Maryland, on the first day of May, and the seventh day of November, annually; to be holden hereafter at the city of Baltimore only.

Fifth circuit court, its sessions.

Act of February 4, 1807, ch. 5.

In the fifth circuit, the circuit court shall consist of the present chief justice of the supreme court, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of Virginia, shall commence on the twenty-second day of May, and the twenty-second day of November, annually; in the district of North Carolina, on the fifteenth day of June, and the twenty-ninth day of December, annually.

Sixth circuit court, its sessions.

1807, ch. 16.

At Charleston.

Columbia.

Savannah.

Louisville.

Provisions if the judges do not attend.

One judge may adjourn the court.

In the sixth circuit, the said circuit court shall consist of the junior associate justice of the supreme court, in the fifth circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of South Carolina, shall commence at Charleston on the twentieth day of May, and at Columbia on the thirtieth day of November, annually; in the district of Georgia, on the sixth day of May at Savannah, and on the fourteenth day of December hereafter at Louisville, annually: *Provided*, that when only one of the judges hereby directed to hold the circuit courts, shall attend, such circuit court may be held by the judge so attending; and that when any of the said days shall happen on a Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and the circuit courts constituted by this act, shall be held at the same place or places in each district of every circuit, as by law they were respectively required to be held previous to the thirteenth day of February, one thousand eight hundred and one, excepting as is herein before directed. And none of the said courts shall be holden until after the first day of July next, and the clerk of each district court shall be also clerk of the circuit court in such district, except as is herein after excepted.

1808, ch. 29.

Clerks of district to be clerks of circuit courts.

With an exception.

Justices of the supreme court to allot themselves among the circuits.

Allotment to be entered on record.

If they fail to do it, the President may make the allotment.

Allotment to be binding until another is made.

Powers of the circuit courts.

In writs of error and appeal, the opinion of the justice of the supreme court to prevail.

Sec. 5. *And be it further enacted*, That on every appointment which shall be hereafter made of a chief justice or associate justice, the said chief justice and associate justices shall allot themselves among the aforesaid circuits as they shall think fit, and shall enter such allotment on record. And in case no such allotment shall be made by them at their session next succeeding such appointment, and also, after the appointment of any judge, as aforesaid, and before any allotment shall have been made, it shall and may be lawful for the President of the United States to make such allotment as he shall deem proper, which allotment made in either case, shall be binding until another *allotment* shall be made; and the circuit courts constituted by this act, shall have all the power, authority and jurisdiction within the several districts of their respective circuits that before the thirteenth day of February, one thousand eight hundred and one, belonged to the circuit courts of the United States, and in all cases which, by appeal or writ of error, are or shall be removed from a district to a circuit court, judgment shall be rendered in conformity to the opinion of the judge of the supreme court presiding in such circuit court.

Sec. 6. *And be it further enacted,* That whenever any question shall occur before a circuit court, upon which the opinions of the judges shall be opposed, the point upon which the disagreement shall happen, shall, during the same term, upon the request of either party, or their counsel, be stated under the direction of the judges, and certified under the seal of the court, to the supreme court, at their next session to be held thereafter; and shall, by the said court, be finally decided.(*a*) And the decision

In case of disagreement in opinion of the judges of the circuit court, that of the supreme court upon the point stated to be conclusive.

(*a*) The decisions of the Supreme Court of the United States, upon the provisions of this section, are:

The law which empowers the supreme court to take cognizance of questions adjourned from a circuit court, gives jurisdiction over the single point on which the judges were divided; not over the whole cause. Wayman et al. *v.* Southard et al., 10 Wheat. 1; 6 Cond. Rep. 1.

Where the court is equally divided, the decree of the court below is of course affirmed, so far as the point of division goes. The Antelope, 10 Wheat. 66; 6 Cond. Rep. 30.

The supreme court has no jurisdiction in a case in which the judges of the circuit court have divided in opinion upon a motion for a rule to show cause why the taxation of the costs of the marshal on an execution should not be reversed and corrected. Bank of the United States *v.* Green and others, 6 Peters, 26.

Where the court is equally divided in opinion upon a writ of error the judgment of the inferior court is affirmed. Etting *v.* The Bank of the United States, 11 Wheat. 59; 6 Cond. Rep. 216.

Where a case is certified to the supreme court upon a division of opinion of the judges of the circuit court, and the points upon which they were so divided, are too imperfectly stated to enable the supreme court to pronounce any opinion upon them, it will neither award a venire facias de novo, nor certify any opinion to the court below, but will merely certify that they are too imperfectly stated. Perkins *v.* Hart's Ex'rs, &c., 11 Wheat. 237; 6 Cond. Rep. 287.

It appeared on a certificate from the circuit court of the United States of Pennsylvania, that the judges of the court were divided on a motion in arrest of judgment. Held, that judgment must be given on the verdict. United States *v.* Worrall, 2 Dall. 338.

Where a case is certified from a circuit court of the United States, the judges of the circuit court having differed in opinion upon questions of law which arose on the trial of the cause; the supreme court cannot be called upon to express an opinion on the whole facts of the case, instead of upon particular points of law, growing out of the same. Adams, Cunningham & Co. *v.* Jones, 12 Peters, 207.

The intention of Congress, in passing the act authorizing a division of opinion of the judges of the circuit courts of the United States to be certified to the supreme court was, that a division of the judges of the circuit court, upon a single and material point, in the progress of the cause, should be certified to the supreme court for its opinion; and not the whole cause. When a certificate of division brings up the whole cause, it would be, if the court should decide it, in effect, the exercise of original, rather than appellate jurisdiction. White *v.* Turk et al., 12 Peters, 238.

This case came up to the supreme court, from the circuit court, upon a division of opinion between the judges of the court. It was decided by the supreme court, that the question certified would, alone, be considered; each party being left to bring up the whole case from the circuit court, by a writ of error. Ogle *v.* Lee, 2 Cranch, 33.

The question certified from the circuit court of North Carolina, was, "whether the act of assembly, (of North Carolina,) entitled, an act concerning proving wills, and to prevent frauds in the management of intestates' estates, passed in 1715, recited in the plea of the defendants, was, under all the circumstances stated, and the various acts passed by the legislature of North Carolina, a bar to this action." The certificate stated, that the 9th section of the act had been pleaded by the defendant, in bar to the action. The certificate of the division was granted on the motion of the plaintiff, by his counsel; and at his request, a statement of the facts, "made under the direction of the judges," was certified. The certificate, thus made out, set forth all the laws of North Carolina, which operated on the question certified; and stated the questions which arose in the cause, on which the opinions of the judges were divided. The court decided in favour of the plaintiff. Ogden, Adm'r of Cornell *v.* Blackledge, Ex'r of Sater, 2 Cranch, 272; 1 Cond. Rep. 411.

The certificate of division of opinion by the judges of the circuit court of Virginia, stated, "In this cause it occurred as a question, whether Hepburn and Dundas, the plaintiffs in this cause, who are citizens and residents in the District of Columbia; and are so stated in the pleadings; can maintain an action in the supreme court against the defendant, who is a citizen and inhabitant of the district and the commonwealth of Virginia, and is also stated so to be in the pleadings: or whether, for want of jurisdiction, the said suit ought to be dismissed." It was certified that the circuit court had no jurisdiction in the case. Hepburn and Dundas *v.* Ellzey, 2 Cranch, 445; 1 Cond. Rep. 444.

This case was certified from the circuit court of Pennsylvania, the judges being divided in opinion upon the question, "whether, in the state of the pleadings, the judgment ought to be rendered for the plaintiffs." The supreme court said—Judgment, therefore, on the pleadings, must be rendered for the plaintiffs. Mr. Chief Justice Marshall, who delivered the opinion of the court, said: "By the twenty-sixth section of the judicial act, it is directed that, in cases of this description, the court shall render judgment for so much as is due according to equity. And when the sum for which judgment is to be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury. In this case, it is the opinion of a majority of the court, that the judgment ought to be rendered for so much as remains due of the sum of one hundred and seventy thousand guilders, calculating interest thereon from the 1st of March, 1803; and if either of the parties request it, that a jury be empannelled to ascertain the value of this sum in money of the United States." United States *v.* Gurney and others, 4 Cranch, 333; 2 Cond. Rep. 132.

This case was certified on division of opinion of the judges of the circuit court, on a motion in arrest of judgment, the question being, whether the assignee of a part of a patent right, cannot maintain an action on the case, for a violation of the patent right. 6 Cranch, 324.

In this case, the question certified, on which the judges of the circuit were divided in opinion, was

Decision of the supreme to be remitted to the circuit court and to be of effect.

of the supreme court, and their order in the premises, shall be remitted to the circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order: *Provided*, that nothing herein contained shall prevent the cause from proceeding, if, in

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whether a writ of habere facias possessionem should be issued; the defendant, in the circuit court of Maryland, having obtained, in a state court, an order for the injunction of the proceedings in the circuit court. The supreme court directed that the writ be issued. M'Kim *v.* Voorhies, 7 Cranch, 279; 2 Cond. Rep. 492.

The defendant was indicted in the circuit court of Vermont, under embargo laws, for loading carriages with pearl ashes, with intent to export them. The jury found him guilty; and that the ashes were worth two hundred and eighty dollars. The defendant moved in arrest of judgment, for defect in the finding; and on the question presented by the motion, the judges were divided in opinion; which division was certified to the supreme court. United States *v.* John Tyler, 7 Cranch, 285; 2 Cond. Rep. 492.

The question certified to the supreme court, from the circuit court of West Tennessee, was on the construction of the act of the legislature of Tennessee, relative to possession of lands. Patton's Lessee *v.* Easton, 1 Wheat. 476; 3 Cond. Rep. 631.

The supreme court of the United States has no jurisdiction of causes brought before it, on a certificate of division of opinion of the judges of the circuit court, *for the District of Columbia.* The appellate jurisdiction extends, only, to the final judgment and decrees of that court. Ross *v.* Triplett, 3 Wheat. 600; 4 Cond. Rep. 351.

The question referred to the supreme court, by a certificate of division between the judges of the circuit court, on facts stated by the court, was, whether the circuit court of Kentucky could take jurisdiction of a case, when one of the grants for the land in controversy was issued out by the state of Virginia, the other by the state of Kentucky, both grants being founded upon warrants and locations made under the laws of Virginia. Colson *v.* Lewis, 2 Wheat. 377; 4 Cond. Rep. 168.

The facts of the case being found by a special verdict, and the judges being divided in opinion on questions arising on the verdict, the questions were certified to the supreme court. Somerville's Ex'rs *v.* Hamilton, 4 Wheat. 230; 4 Cond. Rep. 436.

The difference of opinion of the judges of the circuit court of Delaware, was, whether certain depositions taken under a commission issued from the circuit court of Delaware, could be read in evidence. This difference was certified to the supreme court, and the question decided. Sergeant's Lessee *v.* Biddle et al., 4 Wheat. 508; 4 Cond. Rep. 522.

On an indictment for manslaughter, the defendant was found guilty, subject to the opinion of the court, whether the circuit court of Pennsylvania had jurisdiction in a case where the offence was committed on board an American ship, lying in the river Tigris, off Wampoa, in the empire of China. On the question of jurisdiction, the judges were divided in opinion, and the division was certified to the supreme court; and was decided in favour of the defendant. United States *v.* Wiltberger, 5 Wheat. 76; 4 Cond. Rep. 593.

The jury found a special verdict, in the circuit court of Virginia, on a trial of an indictment for piracy; and on a motion to arrest the judgment, the question whether the acts charged against the defendant, and found by the jury, was a piracy by the law of nations, so as to be punishable under the act of Congress of 3d March, 1819, was presented; and the judges of the circuit court were divided in opinion; and thereupon, the question was certified to the supreme court. United States *v.* Smith, 5 Wheat. 153; 4 Cond. Rep. 619.

The prisoners were found guilty in the circuit court of Massachusetts, for murder on the high seas, out of the jurisdiction of a particular state. The counsel of the prisoners moved the court for a new trial for the misdirection of the court on points of law which arose during the trial. The judges of the court being opposed in opinion upon questions presented with the motion; the indictment, and a statement of the evidence, were certified to the supreme court. United States *v.* Holmes et al., 5 Wheat. 412; 4 Cond. Rep. 708.

The defendant was indicted in the circuit court of South Carolina, charging him with wickedly and maliciously concealing a murder committed on the high seas, of which he had knowledge. The judge charged the jury, that the concealment, under the circumstances, was sufficient to convict the defendant, and the jury found him guilty. On a motion to arrest the judgment, and for a new trial, the judges were opposed in opinion on the motion, which was certified to the supreme court. The supreme court said, a motion for a new trial is not a part of the proceedings of the case. The question must be one which arises in a cause depending before the court, relative to a proceeding belonging to the cause. A motion for a new trial has never before been brought to this court on a division of opinion in the circuit court. United States *v.* Daniel, 6 Wheat. 542; 5 Cond. Rep. 170.

On a trial of a writ of right in the circuit court of Kentucky, the judges of the court differed in opinion on questions as to the constitutionality of certain laws of Kentucky, giving to occupying claimants of land, the value of their improvements. The questions were certified to the supreme court. Green *v.* Biddle, 8 Wheat. 1; 5 Cond. Rep. 369.

The question certified from the circuit court of Maryland, in this case, was on a motion to instruct the jury, that, on the whole evidence, the plaintiffs cannot sustain their demand. All the evidence given on the trial of the cause was before the supreme court. The supreme court certified their opinion to the circuit court. Willinks *v.* Hollingsworth, 6 Wheat. 240; 5 Cond. Rep. 79.

This was a case certified from the circuit court of New Jersey. The question on which the court was divided was, whether on the special pleadings and demurrer, an alteration in the bond of a collector of taxes, made without the knowledge of his surety, by which the collector was appointed for nine instead of eight townships, discharged the surety from liability for taxes collected after the alteration was made. Miller *v.* Stewart, 9 Wheat. 680; 5 Cond. Rep. 727.

This cause was certified from the circuit court of the district of Kentucky, upon a division of opinion between the judges of that court, on several questions which occurred, on a motion made by the plaintiff, to quash the marshal's return on an execution issued on a judgment obtained in that court on a replevin bond; and also to quash the replevin bond taken on the execution, for the causes assigned in the motion. The court divided in opinion on the points stated in the motion, and the same were certified to the supreme court. Wayman et al. *v.* Southard, 10 Wheat. 1; 6 Cond. Rep. 1.

the opinion of the court, farther proceedings can be had without prejudice to the merits: and provided also, that imprisonment shall not be allowed, nor punishment in any case be inflicted, where the judges of the said court are divided in opinion upon the question touching the said imprisonment or punishment.

Imprisonment, &c. not to be inflicted when the court is divided.

The defendants, Kelly and others, were indicted in the circuit court of Pennsylvania, for feloniously endeavouring to make a revolt on the high seas, on board of a merchant vessel of the United States. They were found guilty; and their counsel moved to arrest the judgment, on the ground, "that the act of Congress does not define the offence of making a revolt, and that it was not competent to the court to give a judicial definition of a crime heretofore unknown." The opinions of the judges of the circuit court were divided on this motion, and the same was certified to the supreme court. United States *v.* Kelly et al., 11 Wheat. 417; 6 Cond. Rep. 370.

An action of general indebitatus assumpsit, was brought in the circuit court of Ohio, for work, labour and services in exploring and surveying lands, showing and selling them, investigating titles, and paying taxes, &c. The plaintiff also filed an additional bill of particulars, stating other services. The jury found a verdict for the plaintiff, "if, on points reserved, the court should be of opinion that the law is for the plaintiff; if not, for the defendant." The opinions of the judges being opposed, the cause was removed to the supreme court, upon a certificate of disagreement upon points stated, and the special verdict. The points were, that the whole evidence and certain letters, show a subsisting and open agreement at the time of action brought; that the whole evidence constitutes a special agreement, &c.; that the plaintiff cannot recover on two items of the account, &c. The supreme court held the points imperfectly stated, and refused to give a certificate of their opinion. Perkins *v.* Hart's Ex'r, 11 Wheat. 237; 6 Cond. Rep. 287.

In this case, the judges of the circuit court of West Tennessee, after a judgment rendered in the court, divided in opinion as to the amount of the surety bond to be given by the party who applied for a writ of error: whereupon the division was certified to the supreme court. The court were of opinion, that it had no jurisdiction of the question on which the opinions of the judges of the circuit court were opposed; the division of opinion having arisen after a decision of the cause, in the court below. It was certified, accordingly, to the circuit court. Devereaux *v.* Marr, 12 Wheat. 212; 6 Cond. Rep. 522.

In this case, an action of debt was brought in the circuit court of Rhode Island, on two bonds given, conditioned that N. H. should remain a true prisoner within the limits of the prison. The defendant pleaded a discharge from imprisonment by an act of the legislature of Rhode Island. The judges of the circuit court were opposed in opinion, as to the validity of the discharge; and the same was certified to the supreme court. Mason *v.* Haile, 12 Wheat. 370; 6 Cond. Rep. 535.

An action was instituted in the circuit court of the United States for the southern district of New York, against the drawer, upon nine several bills of exchange, and a verdict was taken for the plaintiffs, subject to the opinion of the court, on a case agreed. The judges of the circuit court being divided in opinion upon certain points, the same was certified to the supreme court. The case stated formed a part of the record sent up to the supreme court. The supreme court directed the opinion of the court to be certified on each of the points, on which the judges of the circuit court had been divided in opinion; and which were argued before it. Schimmelpennich et al. *v.* Bayard et al., 1 Peters, 264.

This case came before the court on a certificate of a division of opinion between the judges of the circuit court of the southern district of New York; the court having divided in opinion on a motion for execution, after a verdict against the sureties of a postmaster, for the plaintiff. The circuit court directed the questions which arose on the motion, and on which they had differed, to be certified to the supreme court. Dox et al. *v.* The Postmaster General, 1 Peters, 318.

An action was instituted in the circuit court of Kentucky on a promissory note, by the Bank of the United States: and the defendants filed a plea, setting forth circumstances which brought up the question of usury, in the discounting of the note. The plaintiffs demurred; and the judges of the circuit court differed in opinion on the questions raised by the pleadings: 1. Whether the facts set forth in the plea, made out a case of usury. 2. Whether, if there was usury in the case, the note is invalid, so that no recovery can be had thereon. 3. Whether, if not wholly void, a part of the note can be recovered. Bank of the United States *v.* Owens and others, 2 Peters, 527.

Action on a bill of exchange. A judgment was confessed on a case stated, subject to the opinion of the court, whether the court had jurisdiction of the suit. The judges differed in opinion, and the question on which they divided was certified to the supreme court. Buckner *v.* Finley and Van Lear, 2 Peters, 586.

A writ of right was brought in the circuit court of the southern district of New York, and the judges of the court were opposed in opinion on questions presented in the trial of the cause, on the pleadings, and on the merits. The record contained all the pleadings, and the evidence given on the trial; and the questions on which the judges were opposed were certified to the supreme court. Inglis *v.* The Trustees of the Sailor's Snug Harbor, 3 Peters, 99.

The questions on which the judges of the circuit court of North Carolina were opposed in opinion, arose in an action instituted against the defendant, to recover damages for neglecting to institute a suit against the indorser of a promissory note, until after the remedy was barred by the statute of limitations. The question certified to the supreme court, arose on the finding of the jury for the plaintiff, subject to the opinion of the court, whether the statute of limitations was not a bar to the plaintiff's action against the defendant. Wilcox et al. *v.* The Ex'rs of Plummer, 4 Peters, 172.

On inspecting the record, it was perceived that the judges of the circuit court of Rhode Island, instead of dividing on one or more points, had divided on the whole case, and had directed the whole case to be certified to the supreme court. Considering this as irregular, the supreme court directed the cause to be remanded to the circuit court, that further proceedings may be had therein according to law. Saunders *v.* Gould, 4 Peters, 392.

A bill was filed on the equity side of the circuit court of Virginia, and the judges were opposed in opinion on questions arising in the case, as to the appropriation and distribution of the assets of the

North Carolina district divided into three districts.

Sec. 7. *And be it further enacted*, That the district of North Carolina shall be divided into three districts, one to consist of all that part thereof which, by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax, which district shall be called the dis-

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estate of a testator. These questions were certified to the supreme court. Backhouse *v.* Patton, 5 Peters, 160.

In an action on a bond to the United States, the judges of the circuit court of Maryland were divided in opinion as to the right of the plaintiffs to recover against the defendants as sureties for a debt due to the United States, by the Bank of Somerset. United States *v.* Robertson, 5 Peters, 641.

An action of debt was brought on a promissory note in the circuit court for the district of West Tennessee, and the judges of the court were opposed in opinion on questions which arose on the plaintiff's demurrers to the defendant's pleas; and also whether the averment of the citizenship of some of the parties to the suit was sufficient. A certificate of this division of opinion was, by the direction of the circuit court, made to the supreme court, according to law. Kirkman *v.* Hamilton, 6 Peters, 20.

The judges of the circuit court of North Carolina were opposed in opinion, on a question, whether the priority to which the United States are entitled in case of a general assignment made by a debtor, comprehends a bond for duties executed anterior to the assignment, but not payable until after the same. The question was certified to the supreme court. United States *v.* The State Bank of North Carolina, 6 Peters, 29.

In this case the defendant was indicted and convicted of robbing the United States' mail, and being pardoned by the President of the United States, a question arose in the circuit court of the United States, whether the defendant should plead the pardon. On this question the judges of the court were opposed in opinion, and the question was certified to the supreme court, for its decision. United States *v.* Wilson, 7 Peters, 150.

This case was submitted to the circuit court, on a statement of facts agreed upon by the counsel of the plaintiff, and the district attorney of the United States. The whole of the agreed facts were sent up with the record. Upon the trial and statement of facts in the cause, certain questions had occurred, on which the opinions of the judges were opposed; and the points of disagreement were certified to the supreme court for their decision. The court decided on all the questions certified, with one exception. Harris *v.* Elliott, 10 Peters, 25.

An action of assumpsit was commenced by the plaintiff against the collector of the port of New York, to recover a sum paid to him for duties on certain goods; the goods not being liable, under the law, to the duties charged by the collector. On the trial of the cause, the judges of the circuit court of the southern district of New York were opposed in opinion, as to the construction of the act of Congress, by which the duties were claimed; and being so opposed in opinion, the question as to the construction of the law was certified to the supreme court for decision. Elliott *v.* Swartwout, 10 Peters, 137.

An action of detinue was instituted in the circuit court of West Tennessee, to recover a slave. During the progress of the suit, the defendant died; and his personal representative moved to dismiss the suit, on the ground that it did not survive. On this motion, the judges of the court were divided in opinion; and the same was certified, for its decision, to the supreme court. Davis *v.* Braden, 10 Peters, 286.

A question, whether a plaintiff in ejectment shall be permitted to enlarge the term in the demise, is one within the discretion of the court, to which the motion for the purpose is submitted; and it cannot be certified to the supreme court, if the judges of the circuit court are divided in opinion. Lanning's Lessee *v.* Vaughan et al., 10 Peters, 366.

Questions respecting the practice of the circuit court in equity cases, which depend on the sound discretion of the court, in the application of the rules which regulate the course of equity proceedings, to the circumstances of such particular case; are not questions which can be certified, on a division of opinion of the circuit court. Packer *v.* Nixon, 10 Peters, 408.

The questions certified to the supreme court were, whether, on certain facts which were in evidence in the cause, the deed was admissible in evidence, under the acts of the legislatures of North Carolina and Tennessee; and whether certain evidence, which was given on the trial, did or did not conduce to prove that the defendants purchased under a particular person. On these questions, the judges of the circuit court of Tennessee were opposed in opinion; and the same were certified, and answered by the supreme court. Denn, Lessee of Scott *v.* Reid et al., 10 Peters, 524.

An action of debt was instituted on an act of the legislature of New York, to recover certain penalties, for bringing into the state of New York certain paupers, in violation of the provisions of the act. The declaration set out the law of New York, and the breach of its provisions, by the defendant. The defendant demurred to the declaration, and the plaintiff joined in the demurrer. The judges of the circuit court of the southern district of New York were opposed in opinion on the question; whether the act of the legislature of New York, mentioned in the declaration, assumes to regulate commerce between the port of New York and foreign ports. This was certified to the supreme court. City of New York *v.* Milne, 11 Peters, 102.

The defendant was indicted for forging a bill of the Bank of the United States; and the judges of the circuit court of the United States for the Pennsylvania district, being opposed in opinion, whether the same was a bill of the Bank of the United States, according to the eighteenth section of the act, granting a charter to the bank; the same, with the indictment, was certified to the supreme court for its decision. United States *v.* Brewster, 7 Peters, 164.

The opinions of the judges of the circuit court of Pennsylvania were opposed in opinion, on a question arising on a demurrer, by the United States, to a plea of autre fois acquit, to an indictment for passing a counterfeit bank note of the Bank of the United States; and the same was certified to the supreme court. United States *v.* Randenbush, 8 Peters, 288.

The judges of the circuit court of Massachusetts were opposed in opinion on five points which arose on the trial, before a jury, of the cause; and they were, with all the evidence, certified to the supreme court for its decision. Carrington et al. *v.* The Merchants' Ins. Co., 8 Peters, 495.

trict of Albemarle, and a district court in and for the same shall be holden at Edenton by the district judge of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of North Carolina which by the laws of the said state now forms the districts of Newbern and Hillsborough, together with all that part of the district of Wilmington which lies to the northward and eastward of New river; for which district of Pamptico, a district court shall be holden at Newbern by the district judge last aforesaid on the second Tuesday in April, on the second Tuesday in August, and on the second Tuesday in December in each and every year; and one other to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and for which a district court shall be holden at Wilmington by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December, in each and every year; which said district courts hereby directed to be holden shall respectively have and exercise within their several districts, the same powers, authority and jurisdiction, which are vested by law in the district courts of the United States.

Names of the districts.

Act of February 4, 1807, ch. 5, sec. 2.

Vol. i. p. 217, 253, 518.

District of Cape Fear court to be holden at Wilmington.

Act of February 4, 1807, ch. 5, sec. 2.

Sec. 8. *And be it further enacted,* That the circuit court and district courts for the district of North Carolina shall appoint clerks for the said courts respectively, which clerks shall reside and keep the records of the said courts at the places of holding the courts whereto they shall respectively belong, and shall perform the same duties and be entitled to and receive the same emoluments and fees, respectively, which are by law established for the clerks of the circuit and district courts of the United States respectively.

Circuit and district courts for North Carolina to appoint their clerks.

Where they shall reside and keep their records.

Their duties, fees and emoluments.

Sec. 9. *And be it further enacted,* That all actions, causes, pleas, process and other proceedings relative to any cause, civil or criminal, which shall be returnable to, or depending in the several circuit or district courts of the United States on the first day of July next, shall be and are hereby declared to be respectively transferred, returned and continued to the several circuit and district courts constituted by this act, at the times herein before and herein after appointed for the holding of each of the said courts, and shall be heard, tried and determined therein in the same manner and with the same effect, as if no change had been made in the said courts. And it shall be the duty of the clerk of each and every court hereby constituted, to receive and to take into his safe keeping the writs, process, pleas, proceedings and papers of all those causes and actions which by this act shall be transferred, returned or continued to such court, and also all the records and office papers of every kind respectively belonging to the courts abolished by the repeal of the act, intituled "An act to provide for the more convenient organization of the courts of the United States," and from which the said causes shall have been transferred as aforesaid.

Continuance of suits depending in the circuit courts on the first day of July, 1802.

The clerks to take charge of all writs, &c.

Sec. 10. *And be it further enacted,* That all suits, process, pleadings and other proceedings, of what nature or kind soever, depending in the circuit court in the district of Ohio, and which shall have been, or may hereafter be commenced within the territory of the United States northwest of the river Ohio, in the said court, shall, from and after the first day of July next, be continued over, returned, and made cognizable, in the superior court of the said territory next thereafter to be holden, and all actions, suits, process, pleadings, and other proceedings as aforesaid depending in the circuit court of the said district, and which shall have been or may hereafter be commenced within the Indiana territory in said court, shall, from and after the first day of July next, be continued over, returned and made cognizable in the superior court of the said Indiana territory, next thereafter to be holden.

Suits depending in the circuit court in the district of Ohio, and in the territory of Indiana to be continued over.

Vol. i. 624.

Cognizance of proceedings under commissions of bankruptcy in certain cases.
Act of February 13, 1801, ch. 4.

Sec. 11. *And be it further enacted*, That in all cases in which proceedings shall, on the said first day of July next, be pending under a commission of bankruptcy issued in pursuance of the aforesaid act, intituled "An act to provide for the more convenient organization of the courts of the United States," the cognizance of the same shall be, and hereby is transferred to, and vested in, the district judge of the district within which such commission shall have issued, who is hereby empowered to proceed therein in the same manner and to the same effect, as if such commission of bankruptcy had been issued by his order.

Salaries of the district judges of Kentucky and Tennessee.
Vol. i. p. 496.
Act of September 24, 1789, ch. 20. Act of January 31, 1797, ch. 2.

Sec. 12. *And be it further enacted*, That from and after the first day of July next, the district judges of Kentucky and Tennessee shall be and hereby are severally entitled to a salary of fifteen hundred dollars, annually, to be paid quarter-yearly at the treasury of the United States.

Certain marshals and attornies may be continued.
Act of February 13, 1801, ch. 4.
President to discontinue others.

Sec. 13. *And be it further enacted*, That the marshals and attornies of the United States, for the districts which were not divided, or within the limits of which, new districts were not erected, by the act intituled "An act to provide for the more convenient organization of the courts of the United States," passed the thirteenth day of February, one thousand eight hundred and one, shall continue to be marshals and attornies for such districts respectively, unless removed by the President of the United States, and in all other districts which were divided or within the limits of which new districts were erected by the last recited act, the President of the United States be and hereby is empowered from and after the first day of July next to discontinue all such supernumerary marshals and district attornies of the United States in such districts respectively as he shall deem expedient, so that there shall be but one marshal and district attorney to each district; and every marshal and district attorney who shall be continued in office, or appointed by the President of the United States in such districts, shall have and exercise the same powers, perform the same duties, give the same bond with sureties, take the same oath, be subject to the same penalties and regulations as are, or may be prescribed by law, in respect to the marshals and district attornies of the United States. And every marshal and district attorney who shall be so discontinued as aforesaid shall be holden to deliver over all papers, matters and things in relation to their respective offices, to such marshals and district attornies respectively who shall be so continued or appointed as aforesaid in such district, in the same manner as is required by law in cases of resignation or removal from office.

Act of February 13, 1801, ch. 4.
Marshal's powers and duties.
Marshals and attornies discontinued, to deliver over papers, &c.

General commissioners of bankruptcy.
Proceedings upon a petition for a commission of bankruptcy.
Act of April 4, 1800, ch. 19. sec. 2.
Allowance to the commissioners and clerk.
To be apportioned out of the bankrupt's property.
Who may be, or are commissioners already appointed.
In certain cases to finish the business of their appointments.

Sec. 14. *And be it further enacted*, That there shall be appointed by the President of the United States, from time to time, as many general commissioners of bankruptcy, in each district of the United States, as he may deem necessary: and upon petition to the judge of a district court for a commission of bankruptcy he shall proceed as is provided in and by an act, intituled "An act to establish an uniform system of bankruptcy throughout the United States," and appoint, not exceeding three of the said general commissioners as commissioners of the particular bankrupt petitioned against; and the said commissioners, together with the clerk, shall each be allowed as a full compensation for their services, when sitting and acting under their commissions, at the rate of six dollars per day for every day which they may be employed in the same business, to be apportioned among the several causes on which they may act on the same day, and to be paid out of the respective bankrupt's estates: *Provided*, that the commissioners, who may have been, or may be appointed in any district before notice shall be given of the appointment of commissioners for such district by the President in pursuance of this act, and who shall not then have completed their business, shall be authorized to proceed and finish the same, upon the terms of their original appointment.

Sec. 15. *And be it further enacted*, That the stated session of the district court, for the district of Virginia, heretofore directed to be holden in the city of Williamsburg shall be holden in the town of Norfolk from and after the first day of July next, and the stated sessions of the district court for the district of Maryland, shall hereafter be holden in the city of Baltimore only, and in the district of Georgia, the stated sessions of the district court shall be held in the city of Savannah only.

District court of Virginia to be held at Norfolk.

For Maryland, at Baltimore.

For Georgia, at Savannah.

Sec. 16. *And be it further enacted*, That for the better establishment of the courts of the United States within the state of Tennessee, the said state shall be divided in two districts, one to consist of that part of said state, which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee, the other to consist of the remaining part of said state, and to be called the district of West Tennessee.

State of Tennessee divided into two districts.

Sec. 17. *And be it further enacted*, That the district judge of the United States, who shall hereafter perform the duties of district judge, within the state of Tennessee, shall annually hold four sessions, two at Knoxville, on the fourth Monday of April, and the fourth Monday of October, in and for the district of East Tennessee, and two at Nashville, on the fourth Monday of May, and the fourth Monday of November, in and for the district of West Tennessee.

District judge of Tennessee to hold four annual sessions.

Where.

Act of February 24, 1807, ch. 16, sec. 4.

Sec. 18. *And be it further enacted*, That there shall be a clerk for each of the said districts of East and West Tennessee, to be appointed by the judge thereof, who shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, which are established by law for the clerks of the district courts of the United States, respectively.

Clerks to be appointed for East and West Tennessee.

Where to reside—their duties and emoluments.

Sec. 19. *And be it further enacted*, That there shall be appointed, in and for each of the districts of East and West Tennessee, a marshal, whose duty it shall be to attend the district courts hereby established, and who shall have and exercise within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to the same allowance, as a full compensation for all extra services, as hath heretofore been allowed to the marshal of the district of Tennessee, by a law, passed the twenty-eighth day of February, one thousand seven hundred and ninety-nine, and shall receive the same compensation and emoluments, and in all respects be subject to the same regulations as are now prescribed by law, in respect to the marshals of the United States, heretofore appointed: *Provided*, that the marshals of the districts of East and West Tennessee, now in office, shall, during the periods for which they have been appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside.

Marshals for East and West Tennessee—their powers, duties, and emoluments.

Act of February 28, 1799, ch. 19, sec. 4.

The present marshals to continue in office, unless removed by the President.

Sec. 20. *And be it further enacted*, That there shall be appointed for each of the districts of East and West Tennessee, a person learned in the law, to act as attorney for the United States within such district; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute in such district, all delinquencies, for crimes and offences, cognizable under the authority of the United States, and all civil actions or suits, in which the United States shall be concerned; and shall be entitled to the same allowance, as a full compensation for all extra services, as hath heretofore been allowed to attornies of the district of Tennessee, by a law passed the twenty-eighth day of February, one thousand seven hundred and ninety-nine, and shall receive such compensation, emoluments and fees, as by law are or shall be allowed to the district attornies of the United States, respectively: *Provided*, that the district attornies of East and West

Attornies for East and West Tennessee.

Their duties and emoluments.

The present district attornies to continue in office, unless removed by the President.

Tennessee, now in office, shall severally and respectively be attornies for those districts within which they reside, until removed by the President of the United States.

Proceedings, &c., depending in the sixth circuit in certain courts continued over to others.

Sec. 21. *And be it further enacted*, That all actions, suits, process, pleadings and proceedings, of what nature or kind soever, which shall be depending or existing in the sixth circuit of the United States within the circuit courts of the districts of East and West Tennessee, shall be and hereby are continued over to the district courts established by this act in manner following, that is to say: All such as shall on the first day of July next, be depending and undetermined, or shall then have been commenced, and made returnable before the circuit court of East Tennessee, to the next district court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined, or shall have been commenced and made returnable before the circuit court of West Tennessee, to the next district court, hereby directed to be holden, within and for the district of West Tennessee, and all the said suits shall then be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been if the law, authorizing the establishment of the sixth circuit of the United States, had not been repealed.

Terms of the district court of Maine.

Annual session to be holden on the last Tuesday in May.

Sec. 22. *And be it further enacted*, That the next session of the district court for the district of Maine, shall be holden on the last Tuesday in May next; and that the session of the said court heretofore holden on the third Tuesday of June annually, shall thereafter be holden, annually, on the last Tuesday in May.

To what time proceedings therein are returnable.

Sec. 23. *And be it further enacted*, That all writs and process which shall have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court on the third Tuesday in June next, shall be returned and held continued to the said last Tuesday of May next.

District court of the U. States to be held in the district of Columbia.

Act of February 27, 1801, ch. 15.

Sec. 24. *And be it further enacted*, That the chief judge of the district of Columbia shall hold a district court of the United States, in and for the said district, on the first Tuesday of April, and on the first Tuesday of October in every year; which court shall have and exercise, within the said district, the same powers and jurisdiction which are by law vested in the district courts of the United States.(*a*)

Testimony of witnesses in chancery suits may be taken in writing.

Sec. 25. *And be it further enacted*, That in all suits in equity, it shall be in the discretion of the court, upon the request of either party, to order the testimony of the witnesses therein to be taken by depositions; which depositions shall be taken in conformity to the regulations prescribed by law for the courts of the highest original jurisdiction in equity, in cases of a similar nature, in that state in which the court of the United States may be holden: *Provided however*, that nothing herein contained shall extend to the circuit courts which may be holden in those states, in which testimony in chancery is not taken by deposition.(*b*)

Cases in which it shall not be taken in writing.

Clerk for the district court of Norfolk.

His place of residence, duties and emoluments.

Sec. 26. *And be it further enacted*, That there shall be a clerk for the district court of Norfolk, to be appointed by the judge thereof, which clerk shall reside and keep the records of the said court at Norfolk aforesaid, and shall perform the same duties, and be entitled to, and receive the same fees and emoluments which are established by law for the clerks of the district courts of the United States.

Terms of the district court of Vermont.

Sec. 27. *And be it further enacted*, That from and after the first day of July next, there shall be holden, annually, in the district of Vermont, two stated sessions of the district court, which shall commence

(*a*) See note to act of February 27, 1801, chap. 15.

(*b*) In appeals to the supreme court from the circuit courts in chancery cases, the parol testimony which is heard in the court below ought to appear on the record. Conn *v.* Penn, 5 Wheat. 424; 4 Cond. Rep. 716.

on the tenth day of October, at Rutland, and on the seventh day of May, at Windsor, in each year; and when either of the said days shall happen on a Sunday, the said court, hereby directed to be holden on such day, shall be holden on the day next thereafter.

Repealing clause concerning the former sessions of this court.

Act of March 22, 1816, ch. 31.

See vol. i. p. 197.

Sec. 28. *And be it further enacted*, That the act, intituled "An act altering the time of holding the district court in Vermont," and so much of the second section of the act, intituled "An act giving effect to the laws of the United States within the state of Vermont," as provides for the holding four sessions, annually, of the said district court, in said district, from and after the first day of July next, be and hereby are repealed.

When a grand jury for the district court of Vermont is to be summoned.

And a petit jury.

Sec. 29. *And be it further enacted*, That the clerk of the said district court shall not issue a process to summon, or cause to be returned, to any session of the said district court, a grand jury, unless by special order of the district judge, and at the request of the district attorney; nor shall he cause to be summoned or returned, a petit jury to such sessions of the said district court, in which there shall appear to be no issue proper for the trial by jury, unless by special order of the judge as aforesaid.

Circuit court of the district of Vermont to give certain things in charge to the grand juries.

And it shall be the duty of the circuit court in the district of Vermont, at their stated sessions, to give in charge to the grand juries, all crimes, offences and misdemeanors, as are cognizable, as well in the said district court, as the said circuit court, and such bills of indictment as shall be found in the circuit court, and cognizable in the said district court, shall, at the discretion of the said circuit court, be transmitted by the clerk of the said court, pursuant to the order of the said circuit court, with all matters and things relating thereto, to the district court next thereafter to be holden, in said district, and the same proceedings shall be had thereon in said district court, as though said bill of indictment had originated and been found in the said district court. And all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable in either of the said courts, shall be to the circuit court next thereafter to be holden in said district.

Special juries to be no longer returned by the clerks.

Marshals to do it in certain cases.

Sec. 30. *And be it further enacted*, That from and after the passing of this act, no special juries shall be returned by the clerks of any of the said circuit courts; but that in all cases in which it was the duty of the said clerks to return special juries before the passing of this act, it shall be the duty of the marshal for the district where such circuit court may be held, to return special juries, in the same manner and form, as, by the laws of the respective states, the said clerks were required to return the same.

Approved, April 29, 1802.

Statute I.

April 29, 1802.

[Obsolete.]

Appropriations for the extinguishment of the public debt.

See vol. i. p. 138, 218, 279, 338, 370, 410, 432, 488, 512, 562. Debts to individual states, vol. i. p. 49, 178, 616.

Chap. XXXII.—*An Act making provision for the redemption of the whole of the Public Debt of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the duties on merchandise and tonnage as, together with the monies, other than surpluses of revenue, which now constitute the sinking fund, or shall accrue to it by virtue of any provisions heretofore made, and together with the sums annually required to discharge the annual interest and charges accruing on the present debt of the United States, including temporary loans heretofore obtained, and also future loans which may be made for reimbursing, or redeeming, any instalments, or parts of the principal of the said debt, will amount to an annual sum of seven millions three hundred thousand dollars, be, and the same hereby is yearly appropriated to the said fund; and the said sums are hereby declared

to be vested in the commissioners of the sinking fund, in the same manner as the monies heretofore appropriated to the said fund, to be applied by the said commissioners to the payment of interest and charges, and to the reimbursement or redemption of the principal of the public debt, and shall be and continue appropriated until the whole of the present debt of the United States, and the loans which may be made for reimbursing or redeeming any parts or instalments of the principal of the said debt shall be reimbursed and redeemed: *Provided*, that after the whole of the said debt, the old six per cent. stock, the deferred stock, the seventeen hundred and ninety-six six per cent. stock and three per cent. stock excepted, shall have been reimbursed or redeemed, any balance of the sums annually appropriated by this act, which may remain unexpended at the end of six months next succeeding the end of the calendar year to which such annual appropriation refers, shall be carried to the surplus fund, and cease to be vested by virtue of this act in the commissioners of the sinking fund, and the appropriation, so far as relates to such unexpended balance, shall cease and determine.

Balances of unexpended appropriation, how disposed of.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury annually, and in each year, to cause to be paid to the commissioners of the sinking fund the said sum of seven millions three hundred thousand dollars, in such payments, and at such times, in each year as the situation of the treasury will permit: *Provided*, that all such payments as may be necessary to enable the said commissioners to discharge, or reimburse, any demands against the United States, on account of the principal or interest of the debt, which shall be actually due, in conformity to the engagements of the said states, shall be made at such time and times, in each year as will enable the said commissioners faithfully and punctually to comply with such engagement.

Appropriations, amount of, to be paid each and every year by the Secretary of the Treasury to the commissioners of the sinking fund.

Sec. 3. *And be it further enacted*, That all reimbursements of the capital, or principal of the present debt of the United States, including future loans which may be made for reimbursing or redeeming any instalments, or parts of the same, and all payments on account of the interest and charges accruing upon the said debt shall be made under the superintendence of the commissioners of the sinking fund. And it shall be the duty of the said commissioners to cause to be applied and paid out of the said fund, yearly and every year, at the treasury of the United States, the several and respective sums following, to wit: first, such sum and sums as by virtue of any act or acts, they have heretofore been directed to apply and to pay: secondly, such sum and sums as may be annually wanted to discharge the annual interest and charges accruing on any other part of the present debt of the United States, including the interest and charges which may accrue on future loans which may be made for reimbursing or redeeming any instalments, or parts of the principal of the said debt: thirdly, such sum and sums as may annually be required to discharge any instalment or part of the principal of the present debt of the United States, and of any future loans which may be made for reimbursing, or discharging the same, which shall be actually due and demandable, and which shall not by virtue of this, or any other act, be renewed or prolonged, or reimbursed, out of the proceeds of a new loan: and also it shall be the duty of the said commissioners to cause to be applied the surplus of such fund as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption, by payment, or purchase, of the present debt of the United States, including loans for the reimbursement thereof, temporary loans heretofore obtained from the Bank of the United States, and those demands against the United States, under any treaty, or convention, with a foreign power, for the payment of which the faith of the United States has been, or may hereafter be pledged by Congress: *Provided, however*, that the whole, or any part, of such demands, arising under a

Reimbursement of the capital of the present debt of the United States, including future loans that may be made, and payments on account of interest, &c. to be under the direction of the commissioners of the sinking fund.

Specific appriations to be applied under the direction of the commissioners.

treaty, or convention, with a foreign power, and of such temporary loans, may, at any time, be reimbursed, either out of the sinking fund, or, if the situation of the treasury will permit, out of any other monies which have been, or may hereafter be, appropriated to that purpose.

Demands under treaties, &c. may be satisfied out of other monies.

Sec. 4. *And be it further enacted*, That the commissioners of the sinking fund be, and they hereby are empowered, with the approbation of the President of the United States, to borrow on the credit of the United States, either in America, or abroad, by obtaining a prolongation of former loans, or otherwise, the sums requisite for the payment of the instalments or parts of principal of the Dutch debt, which become due in the years one thousand eight hundred and three, one thousand eight hundred and four, one thousand eight hundred and five, and one thousand eight hundred and six: and that a sum equivalent to that to be thus borrowed, or reloaned, shall be laid out by the commissioners of the sinking fund, in the purchase or redemption of such parts of the present debt of the United States, and other demands against them, as the commissioners of the sinking fund may lawfully pay, agreeably to the provisions herein before made, and as the said commissioners shall in their judgment deem most expedient, so as to effect the payment annually of seven million three hundred thousand dollars, towards the final discharge of the whole debt, agreeably to such provision: *Provided*, That the United States shall have a right to reimburse any loan thus made within six years after the date of the same, and that the rate of interest thereupon shall not exceed five per centum per annum, nor the charges thereupon the rate of five per centum on the capital borrowed: *And provided always*, that the power herein given shall not be construed to repeal, diminish, or affect the power given to the said commissioners, by the tenth section of the act intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," to borrow certain sums for the discharge of the instalments of the capital, or principal, of the public debt, in the manner, and on the terms prescribed by the said section; nor the power given to them by an act intituled "An act making provision for the payment of certain debts of the United States," to borrow certain sums and to sell the shares of the Bank of the United States, belonging to the United States, in the manner, on the terms, and for the purposes authorized by the said act; and provided, further, that nothing herein contained shall be construed to revive any act or part of an act, authorizing the loan of money, and which hath heretofore expired.

Commissioners authorized to borrow under the direction of the President for the purpose of obtaining a prolongation of the payment of the Dutch debt.

The loans to be made to be reimbursable within six years.

Rate of interest, and of charges.

Power given not to affect the powers given by former acts.

Not to revive any act for the loan of money, which has expired.

Sec. 5. *And be it further enacted*, That for the purpose of more effectually securing the reimbursement of the Dutch debt, the commissioners of the sinking fund may, and they hereby are empowered, with the approbation of the President of the United States, to contract, either with the Bank of the United States, or with any other public institution, or with individuals, for the payment, in Holland, of the whole, or any part, of the principal of the said Dutch debt, and of the interest and charges accruing on the same, as the said demands become due, on such terms as the said commissioners shall think most advantageous to the United States; or to employ either the said bank, or any other public institution, or any individual or individuals, as agent or agents, for the purpose of purchasing bills of exchange, or any other kind of remittances, for the purpose of discharging the interest and principal of said debt, and to allow to such agent or agents a compensation not exceeding one fourth of one per cent. on the remittances thus purchased or procured by them under the direction of the said commissioners, and as much of the duties on tonnage and merchandise as may be necessary for that purpose is hereby appropriated towards paying the extra allowance or commission resulting from such transaction, or transactions, and also to pay any deficiency arising from any loss incurred upon any remittance pur-

Commissioners authorized to employ the bank of the U. States as an agent, for the payment of the Dutch debt, &c.

Compensation to agent.

chased or procured under the direction of the said commissioners, for the purpose of discharging the principal and interest of the said debt.

Authorized to employ an agent in Europe relative to the said business.

Sec. 6. *And be it further enacted,* That the commissioners of the sinking fund be, and they hereby are empowered, with the approbation of the President of the United States, to employ, if they shall deem it necessary, an agent in Europe for the purpose of transacting any business relative to the discharge of the Dutch debt, and to the loans authorized by this, or any other act, for the purpose of discharging the same, and also to allow him a compensation not exceeding three thousand dollars a year, to be paid out of any monies in the treasury not otherwise appropriated.

His compensation.

Nothing in this act to affect the provisions of former acts pledging the faith of the U. States.

Sec. 7. *And be it further enacted,* That nothing in this act contained shall be construed to repeal, alter, or affect any of the provisions of any former act pledging the faith of the United States to the payment of the interest, or principal, of the public debt; and that all such payments shall continue to be made at the time heretofore prescribed by law; and the surplus only of the appropriations made by this act beyond the sums payable by virtue of the provisions of any former act, shall be applicable to the reimbursement, redemption, or purchase of the public debt in the manner provided by this act.

Restrictions and regulations established by former acts, shall apply to the commissioners under this.

Account of the sales of stocks, &c. to be laid before Congress.

1795, ch. 45.

Sec. 8. *And be it further enacted,* That all the restrictions and regulations heretofore established by law, for regulating the execution of the duties enjoined upon the commissioners of the sinking fund, shall apply to and be in as full force for the execution of the analogous duties enjoined by this act, as if they were herein particularly repeated and re-enacted. *Provided, however,* that the particular annual account of all sales of stock, of loans, and of payments, by them made, shall, hereafter, be laid before Congress on the first week of February, in each year; and so much of any former act as directed such account to be laid before Congress within fourteen days after their meeting, is hereby repealed.

Approved, April 29, 1802.

Statute I.

April 29, 1802.

[Obsolete.]

Appropriation for the children of officers, seamen and marines lost in the ship Insurgent, and brigantine Pickering.

Chap. XXXIII.—*An Act for the relief of the widows and orphans of certain persons who have died in the naval service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the widows, if any such there be, and in case there be no widow, the child or children of the officers, seamen and marines, who were in the service of the United States, and lost in the ship Insurgent and brigantine Pickering, shall be entitled to, and receive out of any money in the treasury not otherwise appropriated, a sum equal to four months pay of their respective husbands or fathers, as aforesaid.

Approved, April 29, 1802.

Statute I.

April 29, 1802.

[Obsolete.]

Salaries of the Secretary of the Senate, Clerk of the House of Representatives &c.

1806, ch. 23.

Chap. XXXV.—*An Act to regulate and fix the compensations of the officers of the Senate and House of Representatives.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers of the Senate and House of Representatives herein after mentioned, shall be, and hereby are entitled to receive in lieu of their compensations as fixed by law, the following sums; that is to say: the secretary of the senate, and clerk of the House of Representatives, two thousand dollars, each; their principal clerks one thousand three hundred dollars, each; and each of their engrossing clerks, one thousand dollars per annum.

Of the sergeant-at-arms of the Senate.

Sec. 2. *And be it further enacted,* That the sergeant-at-arms of the Senate, who also performs the duty of doorkeeper, and the sergeant-at-

arms of the House of Representatives, shall be, and hereby are entitled to receive eight hundred dollars per annum, each.

Sec. 3. *And be it further enacted*, That the doorkeeper of the House of Representatives shall be, and hereby is entitled to receive five hundred dollars per annum, and two dollars per day, during each session of Congress; and the assistant doorkeeper of the Senate and House of Representatives, four hundred and fifty dollars per annum, each, and two dollars each, per day, during each session of Congress.

Of the doorkeeper and assistant doorkeeper of the House of Representatives.

Sec. 4. *And be it further enacted*, That the compensations to the secretary of the Senate and clerk of the House of Representatives, and to their clerks, and to the other officers herein named, shall commence with the present year.

Commencement of the salaries.

Approved, April 29, 1802.

Statute I.

April 29, 1802.

[Repealed.]

Chap. XXXVI.—*An Act supplementary to an act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who shall, from and after the first day of January next, claim to be the author or proprietor of any maps, charts, book or books, and shall thereafter seek to obtain a copyright of the same agreeable to the rules prescribed by law, before he shall be entitled to the benefit of the act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned," he shall, in addition to the requisites enjoined in the third and fourth sections of said act, if a book or books, give information by causing the copy of the record, which, by said act he is required to publish in one or more of the newspapers, to be inserted at full length in the title-page or in the page immediately following the title of every such book or books; and if a map or chart, shall cause the following words to be impressed on the face thereof, viz: "*Entered according to act of Congress, the day of* 18 (here insert the date when the same was deposited in the office) *by A. B. of the state of* (here insert the author's or proprietor's name and the state in which he resides.)

Additional requisites prescribed for persons claiming to be authors or proprietors of maps, charts or books.

1790, ch. 15.

Sec. 2. *And be it further enacted*, That from and after the first day of January next, every person, being a citizen of the United States, or resident within the same, who shall invent and design, engrave, etch or work, or from his own works and inventions, shall cause to be designed and engraved, etched or worked, any historical or other print or prints, shall have the sole right and liberty of printing, re-printing, publishing and vending such print or prints, for the term of fourteen years from the recording the title thereof in the clerk's office, as prescribed by law for maps, charts, book or books: *Provided*, he shall perform all the requisites in relation to such print or prints, as are directed in relation to maps, charts, book or books, in the third and fourth sections of the act to which this is a supplement, and shall moreover cause the same entry to be truly engraved on such plate, with the name of the proprietor, and printed on every such print or prints as is herein before required to be made on maps or charts.

Same rules prescribed with respect to persons who shall invent, and design, engrave, etch, or work historical or other prints.

Sec. 3. *And be it further enacted*, That if any print-seller or other person whatsoever, from and after the said first day of January next,

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(a) See notes to "an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors, during the time therein mentioned," May 31, 1790, chap. 15, vol. i. page 124.

Penalties for engraving, etching or working, or copying and selling a print or prints, without the consent of the owner or owners, in writing.

4 Wash. C. C. R. 48.

within the time limited by this act, shall engrave, etch or work, as aforesaid, or in any other manner copy or sell, or cause to be engraved, etched, copied or sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, re-print, or import for sale, or cause to be printed, re-printed, or imported for sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof, first had and obtained, in writing, signed by him or them respectively, in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed, without the consent of the proprietor or proprietors, shall publish, sell, or expose to sale or otherwise, or in any other manner dispose of any such print or prints, without such consent first had and obtained, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print or prints are or shall be copied or printed) to the proprietor or proprietors of such original print or prints, who shall forthwith destroy the same; and further, that every such offender or offenders shall forfeit one dollar for every print which shall be found in his, her, or their custody; either printed, published, or exposed to sale, or otherwise disposed of, contrary to the true intent and meaning of this act, the one moiety thereof to any person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered in any court having competent jurisdiction thereof.

A moiety of the forfeiture to any one who shall sue for the same.

Penalties for publishing maps, charts, books or prints, but in the way prescribed by law.

Sec. 4. *And be it further enacted,* That if any person or persons from and after the passing of this act, shall print or publish any map, chart, book or books, print or prints, who have not legally acquired the copyright of such map, chart, book or books, print or prints, and shall, contrary to the true intent and meaning of this act, insert therein or impress thereon that the same has been entered according to act of Congress, or words purporting the same, or purporting that the copyright thereof has been acquired; every person so offending shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, having cognizance thereof. *Provided always,* that in every case for forfeitures herein before given, the action be commenced within two years from the time the cause of action may have arisen.

Limitation of action in cases of forfeiture.

Approved, April 29, 1802.

Statute I.

April 30, 1802.

[Obsolete.]

Act of March 2, 1799, ch. 22.

Additional compensation to the collector at Richmond.

Discontinued 1804, ch. 58.

Salary to the collector at Petersburg discontinued.

Emoluments of custom-houses limited.

Chap. XXXVII.—*An Act to amend "An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage; and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June, in the present year, there shall be paid, annually, to the collector of the customs for the district of Richmond, in addition to the fees and emoluments otherwise allowed by law, the sum of two hundred and fifty dollars.

Sec. 2. *And be it further enacted,* That from and after the said thirtieth day of June, the salary heretofore allowed by law to the collector of the customs for the district of Petersburg be, and the same hereby is discontinued.

Sec. 3. *And be it further enacted,* That from and after the said thirtieth day of June, whenever the annual emoluments of any collector of the customs, after deducting therefrom the expenditures incident to his office, shall amount to more than five thousand dollars; or those of a naval officer, after like deduction, to more than three thousand five hun-

dred dollars, or those of a surveyor, after a like deduction, to more than three thousand dollars, the surplus shall be accounted for, and be paid by them, respectively, to the treasury of the United States: *Provided always*, that nothing in this act contained shall be construed to extend to fines, forfeitures and penalties, under the revenue laws of the United States.

But the provisions of this act not to extend to fines, &c.

Approved, April 30, 1802.

Statute I.

April 30, 1802.

[Obsolete.]

Part of the act for regulating foreign coins, &c.

Act of August 4, 1790, ch. 35. sec. 40. Act of Feb. 9, 1793, ch. 5. Act of April 10, 1806, ch. 22.

Chap. XXXVIII.—*An Act to suspend, in part, the act intituled "An act regulating foreign coins; and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act for regulating foreign coins, and for other purposes," as is contained within the second section thereof, be, and the same hereby is suspended, for and during the space of three years, from and after the end of the present session of Congress.

Approved, April 30, 1802.

Statute I.

April 30, 1802.

[Expired.]

A former act revived and continued in force.

Act of April 18, 1796, ch. 13. 1803, ch. 14.

Chap. XXXIX.—*An Act to revive and continue in force, an act intituled "An act for establishing trading houses with the Indian tribes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act for establishing trading houses with the Indian tribes," approved on the eighteenth of April, one thousand seven hundred and ninety-six, shall be, and the same is hereby revived and continued in force, until the fourth day of March next, and no longer.

Approved, April 30, 1802.

Statute I.

April 30, 1802.

Act of August 7, 1789, ch. 8. Act of May 8, 1792, ch. 42.

The inhabitants of the eastern division of the territory west of the Ohio to form a constitution and become a state.

Act of March 3, 1803, ch. 21.

Boundaries thereof.

Act of February 19, 1803, ch. 7. Act of July 14, 1832, ch. 240. Act of June 15, 1836, ch. 98.

Chap. XL.—*An Act to enable the people of the Eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original States, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper, and the said state, when formed, shall be admitted into the Union, upon the same footing with the original states, in all respects whatever.

Sec. 2. *And be it further enacted,* That the said state shall consist of all the territory included within the following boundaries, to wit: bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of the Great Miami, aforesaid, and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line, aforesaid: *Provided,* that Congress shall be at liberty at any time hereafter, either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami, aforesaid, to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid state, or dispose of it otherwise, in conformity to the fifth article of compact between the

Territory east thereof at the disposal of Congress.

1805, ch. 5.

original states, and the people and states to be formed in the territory northwest of the river Ohio.

What part of territory attached to Indiana.

Sec. 3. *And be it further enacted,* That all that part of the territory of the United States, northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state, subject nevertheless to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects whatever, with all other citizens residing within the Indiana territory.

Qualifications of electors for choosing a convention.

Sec. 4. *And be it further enacted,* That all male citizens of the United States, who shall have arrived at full age, and resided within the said territory at least one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having in other respects, the legal qualifications to vote for representatives in the general assembly of the territory, be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be, that is to say: from the county of Trumbull, two representatives; from the county of Jefferson, seven representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington, four representatives; from the county of Ross, seven representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams, three representatives; from the county of Hamilton, twelve representatives, two of the twelve to be elected in what is now known by Clermont county, taken entirely from Hamilton county; and the elections for the representatives aforesaid, shall take place on the second Tuesday of October next, the time fixed by a law of the territory, intituled "An act to ascertain the number of free male inhabitants of the age of twenty-one, in the territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same," for electing representatives to the general assembly, and shall be held and conducted in the same manner as is provided by the aforesaid act, except that the qualifications of electors shall be as herein specified.

Election districts.

Convention to meet at Chilicothe in November, 1802.

Sec. 5. *And be it further enacted,* That the members of the convention, thus duly elected, be, and they are hereby authorized to meet at Chilicothe on the first Monday in November next; which convention, when met, shall first determine by a majority of the whole number elected, whether it be or be not expedient at that time to form a constitution and state government for the people, within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are authorized to form a constitution and state government, or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance; and shall form for the people of the said state, a constitution and state government; provided the same shall be republican, and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio.

Constitution must be republican.

Sec. 6. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

To have one representative in Congress till next census.

Sec. 7. *And be it further enacted*, That the following propositions be, and the same are hereby offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

Propositions offered to the convention.

1811, ch. 9.

First, That the section, number sixteen, in every township, and where such section has been sold, granted or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

Second, That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the military tract, with the sections of land which include the same, shall be granted to the said state for the use of the people thereof, the same to be used under such terms and conditions and regulations as the legislature of the said state shall direct: *Provided*, the said legislature shall never sell nor lease the same for a longer period than ten years.

Third, That one twentieth part of the nett proceeds of the lands lying within the said state sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said state, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass: *Provided always*, that the three foregoing propositions herein offered, are on the conditions that the convention of the said state shall provide, by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the state, whether for state, county, township or any other purpose whatever, for the term of five years from and after the day of sale.

Approved, April 30, 1802.

Statute I.

May 1, 1802.

Chap. XLI.—*An Act to abolish the Board of Commissioners in the City of Washington; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of June next, the offices of the commissioners appointed in virtue of an act passed on the sixteenth day of July in the year seventeen hundred and ninety, intituled "An act to establish the temporary and permanent seat of the government of the United States," shall cease and determine; and the said commissioners shall deliver up unto such person as the President shall appoint, in virtue of this act, all plans, draughts, books, records, accounts, deeds, grants, contracts, bonds, obligations, securities, and other evidences of debt in their possession which relate to the city of Washington, and the affairs heretofore under their superintendence or care.

Commission to cease on first of June, 1802.

Act of July 16, 1790, ch. 28.

To transfer records to a superintendent.

Sec. 2. *And be it further enacted*, That the affairs of the city of Washington, which have heretofore been under the care and superintendence of the said commissioners, shall hereafter be under the direction of a superintendent, to be appointed by, and to be under the control of the President of the United States; and the said superintendent is hereby invested with all powers, and shall hereafter perform all duties

A superintendent to be appointed by the President.

Powers same as commissioners.

1803, ch. 29.

which the said commissioners are now vested with, or are required to perform by, or in virtue of any act of Congress, or any act of the general assembly of Maryland, or any deed or deeds of trust from the original proprietors of the lots in the said city, or in any other manner whatsoever.

Commissioners shall settle accounts immediately.

Sec. 3. *And be it further enacted*, That the said commissioners shall forthwith settle with the accounting officers of the treasury their accounts for all monies received and expended by them in their capacity as commissioners, and shall immediately thereafter pay to the said superintendent any balance which may be found against them upon such settlement.

Superintendent to pay all obligations contracted by his predecessor.

Sec. 4. *And be it further enacted*, That the said superintendent shall pay all the debts heretofore contracted by the commissioners in their capacity as such, the payments of which are not herein after specially provided for, out of any monies received by him arising out of the city funds.

Lots shall be sold to pay debt to Maryland.

Sec. 5. *And be it further enacted*, That the said superintendent shall, under the direction of the President of the United States, sell so many of those lots in the city of Washington which are pledged for the repayment of a loan of two hundred thousand dollars, made by the state of Maryland, in the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven, to the commissioners for the use of the said city, as may be sufficient to pay the interest already accrued on the said loan, and the interest and instalments thereof, as they may respectively become due: *Provided*, that if in the opinion of the President of the United States, the sale of a sufficient number of the said lots, to meet the objects aforesaid, cannot be made without an unwarrantable sacrifice of the property, then so much money as may be necessary to provide for the deficiency is hereby appropriated and shall be paid out of any money in the treasury of the United States not otherwise appropriated.

In default of sale, the debt to be paid from public treasury.

Lots to be resold which had not been paid for.

Sec. 6. *And be it further enacted*, That the said superintendent shall, prior to the first day of November next, sell, under the directions of the President of the United States, all the lots in the said city, which were sold antecedent to the sixth day of May, in the year one thousand seven hundred and ninety-six, and which the said commissioners are authorized by law to re-sell, in consequence of a failure on the part of the purchasers, to comply with their contracts; and the monies arising thereupon shall be applied, on or before the first day of November next, to the payment of the sum of fifty thousand dollars and the interest thereon to the state of Maryland, which said sum was formerly loaned by the said state to the commissioners for the use of the city of Washington: *Provided*, that if a sufficient sum to meet the objects last aforesaid, shall not be produced by the sale of the whole of the lots aforesaid, then so much money as may be necessary to provide for the deficiency is hereby appropriated, and shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

The amount of sales to be applied to the payment of a sum due to Maryland.

Provision in case of a deficiency.

After debts already contracted are discharged monies advanced out of the treasury to be reimbursed by superintendent.

Sec. 7. *And be it further enacted*, That after the debts already contracted by the commissioners shall have been discharged, all monies advanced out of the treasury in pursuance of this act, shall be reimbursed by the said superintendent, by paying into the treasury all monies arising from the city funds, until the whole sum advanced, with the interest thereon, shall be repaid.

Part of a former act relating to the appointment of a board of commissioners repealed.

Sec. 8. *And be it further enacted*, That so much of the act, intituled "An act to establish the temporary and permanent seat of government of the United States," passed on the sixteenth day of July, in the year seventeen hundred and ninety, as relates to the appointment of commissioners shall be, and the same is hereby repealed.

Books of subscription to be

Sec. 9. *And be it further enacted*, That it shall and may be lawful to open books in the city of Washington, for receiving and entering

subscriptions for opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, under the management of Thomas Tingey, Daniel Carroll of Duddington, Thomas Law, and Daniel Carroll Brent, which subscriptions shall be made personally, or by power of attorney; the said books shall be opened for receiving subscriptions, and continue open until the sum of eighty thousand dollars shall be filled up, in shares of one hundred dollars each; and that each person shall, at the time of subscribing, pay down ten dollars, being one tenth of each share; and after fourteen days previous notice, by advertisement, there shall be a meeting of the subscribers, and they are hereby declared to be incorporated into a company, by the name of the "Washington Canal Company," and may sue and be sued, as such, and make all necessary by-laws and regulations for the proper management of the business thereof. And such of the subscribers as shall be present at the said meeting, or a majority of them, are hereby impowered and required to elect a president and four directors for conducting the said undertaking, and managing the said company's business for, and during such time not exceeding three years, as the said subscribers, or a majority of them, shall think fit. Each member shall be allowed one vote for every share, by him or her held at the time in the said company, and any proprietor by a writing under his or her hand, executed in presence of two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

opened for completing the canal from the Potomac to the Eastern Branch.

Under whose direction.

Sum to be raised, amount of shares.

Act of May 31, 1832, ch. 112.

Subscribers incorporated;

Empowered to choose a president and four directors.

Shares to entitle the holders to an equal number of votes.

A proxy may act.

Sec. 10. *And be it further enacted*, That the shares in said company shall be deemed personal, and not real property, and transferable in such manner as the company shall direct.

Shares to be personal property.

Sec. 11. *And be it further enacted*, That the president and directors so elected, and their successors, or a majority of them, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canals, erect such locks, and perform such other works as they shall judge necessary for opening the canal aforesaid, and the forks thereof;—and out of the monies arising from the subscriptions, wharfage and tolls, to pay for the same, and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

Powers of the president and directors when elected.

Sec. 12. *And be it further enacted*, That the treasurer of the company shall give bond, with such penalty and such security as the said president and directors, or a majority of them, shall direct.

Treasurer to give bonds with security.

Sec. 13. *And be it further enacted*, That the said president and directors, so elected, and their successors, or a majority of them assembled, shall have full power and authority to demand and receive of the proprietors, the remaining nine tenths of the shares, from time to time, as they may be required, by previous advertisement at least one month in the Washington, Georgetown, and Alexandria gazettes; and if any of the said proprietors shall refuse or neglect to pay their proportions within one month after the same so ordered and advertised, as aforesaid, the said shares of defaulters shall be forfeited.

President and directors may call upon the proprietors for payments on their shares.

Defaulters forfeit their shares.

Sec. 14. *And be it further enacted*, That the said president and directors, so elected, and their successors, or a majority of them, shall not begin to collect wharfage or tolls, until the canal is made practicable for boats and scows to pass through the same from the Potomac to the Eastern Branch.

When wharfage and tolls are made demandable.

Sec. 15. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the faithful discharge of his office.

Oath of office to be taken by the president and directors.

Sec. 16. *And be it further enacted*, That there shall be a general

A general meeting of the proprietors twice a year.

President and directors to make reports of their proceedings to them.

Certificates to be given by the proprietor to the president and directors.

meeting of the proprietors on the first Monday in June, and the first Monday in December, every year, in the city of Washington; to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors, then present, or a majority of them, shall give a certificate thereof, and at such half-yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered and made to, and among all the proprietors of the said company, in proportion to their several shares.

Rates of wharfage fixed.

Rates of tolls.

Public property free from tolls and wharfage.

Sec. 17. *And be it further enacted*, That for and in consideration of the expenses the said proprietors shall incur, not only in cutting canals, but in erecting locks, and in maintaining and keeping the same in repair, and in temporary enlargement and improvement of the same, that for the space of fifty years, when this act shall cease on repayment of the principal of the sums expended, the company is hereby authorized to collect the same rates of wharfage on all articles and materials landed on each side of the canal, as are now legally received at the wharfs at Georgetown: and it shall and may be lawful for the said president and directors, for fifty years, and as much longer as their principal sums expended remain unpaid, to demand and to receive, at the most convenient place for all commodities carried through a lock or locks, of the canal, a toll not exceeding half a dollar on each loaded boat, and a quarter of a dollar on each loaded scow; but no toll to be paid returning. But when the wharfage shall produce the annual interest of eight per cent. on the sums expended by the president and directors, exclusive of the tolls, then the tolls shall cease, and the canal and forks thereof, shall be entirely free for passage: and when the wharfage shall exceed the annual interest of twelve per cent. then the president and directors shall appropriate one half of the surplus to such public purpose as Congress may direct, or reserve the same as a fund to pay off the principal: *Provided always*, that all public property shall pass free of toll and wharfage.

In what case the canal is to revert to the U. States.

Sec. 18. *Provided nevertheless, and be it further enacted*, That in case the said Washington Canal Company created by this act shall not, within the term of five years, complete said canal in such a manner as to admit boats drawing three feet of water to pass through the whole extent of said canal, that the said canal shall revert to the United States, and all right and authority hereby granted to said company shall cease and determine.

Approved, May 1, 1802.

Statute I.

May 1, 1802.

[Obsolete.]

Chap. XLIII.—*An Act making an appropriation for the support of the Navy of the United States, for the year one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, including any sum which may have been, or might be expended during the present year, by virtue of any former appropriation, be, and the same are hereby respectively appropriated, to defray the expenses of the navy of the United States during the year one thousand eight hundred and two; that is to say:

Specific appropriations.

For the pay and subsistence of the officers, the pay of the seamen, provisions and repairs, five hundred and eight thousand two hundred and twenty-six dollars.

For medicines, instruments, and hospital stores, ten thousand dollars.

For the purchase of ordnance and other military stores, twenty thousand dollars.

For salaries of superintendents of navy yards, storekeepers and clerks, store-rent, hire of labourers, &c. twelve thousand dollars.

Specific appropriations.

For the purchase and expense of transportation of timber, and other materials, including ordnance for the seventy-four gun ships, one hundred and ninety thousand five hundred and seventy-five dollars.

For the improvement of navy yards, docks and wharves, fifty thousand dollars.

For contingencies, ten thousand dollars.

For the pay and subsistence, including provisions for those on shore, and forage for the staff of the marine corps, seventy-one thousand seven hundred and fifty-four dollars and forty cents.

For clothing for the same, fifteen thousand five hundred and nineteen dollars.

For military stores for the same, one thousand two hundred and twenty-four dollars and sixty cents.

For the quartermaster's department, comprising quarters for the officers, and barracks for the men at different stations, fuel, stationery, camp utensils, &c. seven thousand and sixty-one dollars.

For medicine, medical services, and hospital stores, one thousand dollars.

For officers' travelling expenses, armourer's and carpenter's bills, and other contingent expenses, two thousand five hundred and fifty dollars.

Sec. 2. *And be it further enacted,* That so much of the said several sums of money, herein before specifically appropriated, and amounting together to the sum of nine hundred thousand dollars, as shall not have been expended by virtue of any former appropriation, shall be paid, first, out of any balance remaining unexpended of former appropriations for the support of the navy;—and secondly, out of any monies in the treasury of the United States, not otherwise appropriated by law.

Approved, May 1, 1802.

Statute I.

May 1, 1802.

Chap. XLIV.—*An Act to extend and continue in force the provisions of an act intituled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes or his associates, for lands lying between the Miami rivers, in the territory northwest of the Ohio, and for other purposes."*

Act of March 3, 1801, ch. 23. Act of March 3, 1803, ch. 29.

Provisions of a former act, under certain modifications, continued in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several provisions of an act intituled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers in the territory northwest of the Ohio," shall be, and the same are hereby continued in force until the first day of March next, subject to the modifications contained in this act.

Provisions of that act extended to persons claiming lands between the Miami rivers in certain cases.

Sec. 2. *And be it further enacted,* That the provisions of the said act shall, and the same are hereby extended to all persons claiming lands lying between the Miami rivers, and without the limits of Ludlow's survey, by purchase or contract made prior to the first day of January, one thousand eight hundred, with John Cleves Symmes or his associates.

Persons claiming lands—who have not obtained certificates of the right of pre-emption.

How such claims are to be settled.

Sec. 3. *And be it further enacted,* That every person claiming lands as aforesaid, either within or without the limits of Ludlow's survey, and who have not obtained a certificate of the right of pre-emption therefor, shall, on or before the first day of November next, give notice of the nature and extent of his claim, in manner prescribed by the second section of the said act. And the receiver of public monies, and commissioners appointed under the fourth section of the said act, shall meet at Cincinnati, on the second Monday of November next, they having given four weeks previous notice of such meeting in a public newspaper printed at Cincinnati, and shall then and there proceed to hear and

Vacancies in the board of commissioners for that purpose to be filled by the President.

Duties, emoluments, &c. to the members composing it, and the surveyor general continued.

finally decide upon all claims, of which notice may have been given as aforesaid, and shall, in all matters relative thereto, govern themselves by the provisions of the said act. Vacancies in the said board of commissioners may be filled by the President of the United States alone. And the duties, powers and emoluments of the said commissioners, receiver of public monies, and register of the land-office at Cincinnati, and surveyor-general, as prescribed by the said act, shall, and the same are hereby continued.

Persons possessing certificates of the right of pre-emption, allowed time for payment.

Sec. 4. *And be it further enacted*, That every person who may have obtained, or who shall hereafter obtain, as aforesaid, a certificate of a right of pre-emption from the said commissioners shall be allowed until the first day of January next, to make the first payment required for the lands described in such certificate, and shall, in all other respects relative thereto, conform to the several provisions of the said act.

Secretary of the Treasury may cause to be opened such roads within the territory northwest of the Ohio as shall promote the sale of public lands.

Limitation of the sum to be expended for that purpose.

Sec. 5. *And be it further enacted*, That it shall and may be lawful for the Secretary of the Treasury to cause to be viewed, marked, and opened, such roads within the territory northwest of the Ohio, as in his opinion will best serve to promote the sales of the public lands in future: *Provided*, that the whole sum to be expended on such roads shall not exceed six thousand dollars, and that the same shall be paid out of the monies paid by purchasers of public lands on account of surveying expenses.

How the lands around Vincennes, to which the Indian title remains, are to be surveyed, &c.

Limitation of the expense for that object.

*1800, ch. 55.

Sec. 6. *And be it further enacted*, That all the lands around Vincennes on the Wabash, in the Indiana territory, the Indian title to which hath been extinguished, shall be surveyed and laid off in the manner prescribed by the third section of an act entitled "An act to amend an act entitled 'An act providing for the sales of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river,'"* under directions from the Secretary of the Treasury, and by such person or persons as the President of the United States alone shall appoint for that purpose: *Provided*, that the whole expense of surveying and marking the lines shall not exceed four dollars for every mile that shall be actually run, surveyed and marked. And two plats of the lands aforesaid shall be prepared by the person or persons who may survey the same, who shall also designate thereon the bounds of the lands of individuals held under reservations of the state of Virginia, or under the laws of the United States: one of the said plats shall be returned to the office of the Secretary of the Treasury, and the other shall be deposited with the secretary of the Indiana territory.

In cases where a section or fractional section within the seven ranges of townships has been sold.

How to be laid off.

Sec. 7. *And be it further enacted*, That in all cases where any section or fractional section of land lying within the seven ranges of townships has been sold prior to the tenth day of May, one thousand eight hundred, under the authority of the United States, the lines of such section or fractional section shall be run under the direction of the Secretary of the Treasury, in the manner most consistent with the supposed boundaries of the same, at the time of the sale, any thing in the act of the tenth of May, one thousand eight hundred, to the contrary notwithstanding. And it shall be lawful for the Secretary of the Treasury, whenever lines thus run shall interfere with the claim of a purchaser of public lands under the last mentioned act, to permit such purchaser, if he shall desire it, at any time within six months, after such lines, thus interfering with his claim, shall have been run, to withdraw his former application, and to apply in lieu thereof for any other vacant section.

Approved, May 1, 1802.

STATUTE I.

May 1, 1802.

[Obsolete.]

Act of 1799, ch. 22. Act of 1817, ch. 109.

CHAP. XLV.—*An Act to provide for the establishment of certain districts, and therein to amend an act intituled "An act to regulate the collection of duties on imports and tonnage;" and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June next, a district shall be formed from the district of Yorktown in Virginia, to be called the district of East River, which shall comprehend the waters, shores, harbors, and inlets of North and East River, and Mobjack bay, and all other navigable waters, shores, harbors and inlets within the county of Mathews, in said state; and it shall be lawful for the President of the United States to designate a proper place to be port of entry and delivery within the said district; and to appoint a collector and surveyor of the customs to reside and keep their offices thereat, who shall be entitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred dollars each.*

A district formed, to be called the district of East River, from the district of Yorktown, in Virginia.

Port of entry and delivery may be designated by the President, and a collector and surveyor to be appointed by him.

Their compensations.

SEC. 2. *And be it further enacted,* That from and after the said last day of June next, Bennet's creek, within the district of Edenton, and state of North Carolina, shall cease to be a port of delivery, as heretofore established, and the office, authority, and emoluments of the surveyor of said port, shall also from thenceforth terminate and be discontinued; and a port of delivery, in lieu thereof, shall be established on Salmon creek within the district aforesaid, at a place called the Tombstone; and a surveyor of the customs shall be appointed to reside and keep an office thereat, who shall be entitled to receive for his services, in addition to the fees established by law, the annual salary heretofore allowed to the surveyor of Bennet's creek.

Bennet's creek in the district of Edenton to be discontinued, as a port of delivery.

A port of delivery substituted on Salmon creek, at Tombstone.

Surveyor to reside there.

His compensation.

SEC. 3. *And be it further enacted,* That from and after the said last day of June next, a port of delivery shall be established at the mouth of Slade's creek on the north side thereof, within the district of Washington, and state of North Carolina, on a certain tract of land, intended and designated for a town, whereon William Parmley resides; and a surveyor of the customs shall be appointed to reside and keep an office thereat, who shall be entitled to receive for his services, in addition to the fees established by law, an annual salary of one hundred and fifty dollars.

A port of delivery established at the mouth of Slade's creek.

*1799, ch. 23. 1804, ch. 13.

SEC. 4. *And be it further enacted,* That in the territory of the United States northwest of the river Ohio, there shall, from and after the passing of this act, be established a district, to be called the district of Marietta, which shall include all the waters, shores and inlets of the river Ohio, on the northern side, and the rivers, waters and shores connected therewith, above or to the eastward of, and including the river Scioto, from the mouth thereof, upwards, as far as the same may be navigable: and a collector of the customs shall be appointed to reside and keep an office at the town of Marietta, which shall be the sole port of entry and delivery for the said district; and the said collector shall be entitled to receive for his services, in addition to the fees and other emoluments established by law, an annual salary of one hundred and fifty dollars.

District of Marietta established.

A collector to be appointed to reside at Marietta.

No other port of entry and delivery in the district.

Collector's salary.

SEC. 5. *And be it further enacted,* That it shall be lawful for the President of the United States to establish, when it shall appear to him to be proper, in addition to the port of entry and delivery already established on the Mississippi, south of the state of Tennessee, one other port of entry and delivery on the said river; and to appoint a collector of the customs to reside and keep an office thereat, and to appoint one or more surveyors to reside at such place or places as he may think proper to designate as ports of delivery only; and the surveyor or surveyors thus appointed, shall be subject to the control and direction of the collector within whose district he or they shall reside.

President may establish another port of entry and delivery on the Mississippi—

May appoint a collector to reside there—and one or more surveyors at such places as he shall designate for ports of delivery only on the Mississippi.

No duty to be collected on merchandise not subject to it in other cases, because landed at New Orleans.

Act of March 2, 1799, ch. 22. Act of April 5, 1800. Act of Nov. 25, 1803.

Secretary of the Treasury, with the approbation of the President, to prescribe certain forms to prevent frauds in cases of debentures.

Repealed.

Sec. 6. *And be it further enacted,* That from and after the passing of this act, no duty shall be demanded or collected on merchandise of the growth, produce or manufacture of the United States, or of any foreign country, transported coastwise between the Atlantic ports of the United States, and the districts of the United States on the river Mississippi, or any of its branches, although landed at the port of New Orleans, on its passage; provided the same would not be subject to duty, or liable to seizure, if transported from one district of the United States, on the sea-coast, to another: *And provided likewise,* that no debenture for a drawback shall have been issued upon the export of such merchandise from the Atlantic ports of the United States to any foreign port or place; and to the end as well that frauds on the revenue may be prevented, as that the coasting vessels of the United States may be permitted to participate in the said trade, the Secretary of the Treasury, with the approbation of the President, is hereby authorized to prescribe and establish such forms and regulations, and the same from time to time, with like approbation, to alter and amend, for the government of the officers of the customs in this respect, as he may think proper and necessary; on the observance of which, merchandise thus transported shall be exempted from duty; and it shall be lawful for the coasting vessels of the United States to be employed in the said trade, and not otherwise.

Goods brought to ports on the Mississippi from Louisiana, in vessels belonging thereto—to what duties subject.

Sec. 7. *And whereas,* it is provided by the hundred and fourth section of the collection law, that merchandise belonging to British subjects may be brought (without regard to the character of the vessel importing the same) into the ports of the United States on the northern and northwestern frontiers, subject to no higher or other duties than are or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States, and it being just and reasonable that the same privilege should be extended to vessels and merchandise belonging to persons residing at New Orleans, and other ports of Louisiana and Florida, on the Mississippi, or any of its branches: *Be it further enacted,* that from and after the last day of June next, all goods and merchandise, the importation of which into the United States shall not be wholly prohibited, shall and may freely, for the purposes of commerce, be brought into the ports of the United States on the Mississippi, or any of its branches, in vessels belonging to New Orleans, or any other port of Louisiana or Florida, on the Mississippi; and such goods or merchandise shall be subject to no higher or other duties than are, or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States.

No duty demandable on the tonnage of boats, flats, &c. in the districts on the Mississippi.

Cases in which this exemption does not apply.

October 31, 1803, ch. 1.

Sec. 8. *And be it further enacted,* That from and after the last day of June next, no duty on the tonnage of any boat, flat, raft, or other vessel, shall be demanded, or collected on the arrival or entry of such boat, flat, or raft, or other vessel, in any district which is or may be established on the Mississippi, or any of its branches, and on the northern or northwestern boundaries of the United States: *Provided nevertheless,* that this exemption shall not be construed to extend to any vessel above fifty tons burthen, and which shall not be wholly employed in carrying on inland trade between the ports of the United States on the Mississippi, and its branches, and the ports of Louisiana and Florida, on the same, including New Orleans, and between the ports of the northern and northwestern boundaries of the United States and the British provinces of Upper and Lower Canada.

Collector of the district of Georgetown may reside out of that town.

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Sec. 9. *And be it further enacted,* That all that part of the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, that directs that the collector of the district of Georgetown shall reside at Georgetown, be, and is hereby repealed.

Approved, May 1, 1802.

Statute I.
May 1, 1802.

[Obsolete.]

Chap. XLVI.—*An Act making appropriations for the Military Establishment of the United States, in the year one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the several expenses of the military establishment of the United States, for the year one thousand eight hundred and two, for the Indian department, for arsenals and armories, and for the erection of fortifications, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, the sum of two hundred and ninety-two thousand two hundred and seventy-two dollars, including therein the sum of sixty thousand dollars appropriated by an act of the present session.

For the subsistence of the army, the sum of two hundred and one thousand and twenty-seven dollars and forty cents.

For forage, three thousand eight hundred and four dollars.

For clothing, sixty-six thousand six hundred and thirty dollars.

For the medical and hospital department, ten thousand dollars.

For bounties and premiums, two thousand dollars.

For all expenses of transportation, tents, tools, and the contingent expenses of the war department, sixty-four thousand dollars.

For the pay, subsistence, and clothing of the corps of engineers, seven thousand and ten dollars and eighty cents.

For the Indian department, seventy-one thousand seven hundred and fifty dollars.

For the expenses incident to the arsenals, magazines, and armories of the United States, sixty-six thousand seven hundred and sixty-six dollars and eighty-eight cents.

For erecting and completing fortifications and barracks, seventy thousand five hundred dollars.

For running certain boundary lines between the Indians and white inhabitants of the United States, and for ascertaining the lines of sundry reserved tracts of land in the Indiana and Northwestern territories, five thousand dollars.

1802, ch. 9.

Sec. 2. *And be it further enacted,* That for defraying all expenses which will arise in consequence of discharging the officers, non-commissioned officers, and privates, who are, or shall be, supernumerary by the act of the present session, intituled "An act fixing the military peace establishment of the United States," and for carrying the said act into complete operation, the following sums be, and they hereby are respectively appropriated, that is to say:

For pay of the officers, non-commissioned officers, and privates, to be discharged, thirty-nine thousand five hundred dollars.

For subsistence, eighteen thousand dollars.

For clothing, twelve thousand dollars.

For forage, one thousand five hundred dollars.

For the medical department, two thousand dollars.

For the quartermaster's department, forty-five thousand dollars.

For bounties and premiums, one thousand five hundred dollars.

For allowance to officers and soldiers who are to be discharged, thirty thousand dollars.

For contingencies, nine thousand dollars.

1800, ch. 62.

Sec. 3. *And be it further enacted,* That a sum not exceeding forty thousand dollars, including any unexpended balance of the sum of fifteen thousand dollars, appropriated by the act approved on the thirteenth of May, one thousand eight hundred, intituled "An act to appropriate a certain sum of money to defray the expense of holding a treaty or treaties with the Indians," be, and the same hereby is appropriated for de-

Limitation of the compensation to be allowed to a commissioner for holding treaties with Indians, south of the Ohio.

fraying the expense of any treaty or treaties which may be held with the Indians south of the river Ohio: *Provided*, that the compensation to be allowed to any commissioner appointed, or who may be appointed, for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the actual service of such commissioner.

How the several appropriations of this act are to be paid.

Sec. 4. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the same objects respectively, and secondly, out of any monies in the treasury not otherwise appropriated.

Approved, May 1, 1802.

Statute I.

May 1, 1802.

[Obsolete.]

Specific appropriations.

Chap. XLVII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, including the contingent expenses of the several departments and officers; for the compensation of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants, for the support of the mint establishment, for the expenses of intercourse with foreign nations, for the support of lighthouses, beacons, buoys, and public piers, and for satisfying certain miscellaneous claims and expenses, the following sums, including therein the sum of one hundred thousand dollars already appropriated, by an act, intituled "An act making a partial appropriation for the support of government during the year one thousand eight hundred and two," be, and are hereby appropriated, that is to say:

1802, ch. 15.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of five months continuance, one hundred and sixty-four thousand five hundred and twenty-six dollars and sixty-six cents.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, seventeen thousand dollars.

For extraordinary contingent expenses of the House of Representatives, by resolutions of the house during the present session, including also the expenses of the library of the two houses of Congress, and for printing one thousand copies of the census of the United States, seven thousand dollars.

For defraying the expense of new furniture, provided for the House of Representatives, one thousand two hundred and forty-four dollars and eighty-five cents.

For the compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred and sixty dollars.

For the incidental and contingent expenses in the said department, twelve thousand eight hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and forty-nine dollars and eighty-one cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and

persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

Specific appropriations.

For expense of stationery and printing in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery and printing in the office of the Auditor, five hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery and printing in the Treasurer's office, three hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, (including the wages of two persons employed in counterstamping paper in the said office,) six thousand six hundred and fifty-three dollars and six cents.

For expense of stationery and printing in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and one cent.

For expense of stationery and printing (including books for the public stocks and for the arrangement of the marine papers) in the Register's office, two thousand eight hundred dollars.

For compensation to the Superintendent of stamps, clerks and persons employed in his office, one thousand six hundred and sixteen dollars and sixty-seven cents.

For expense of stationery and printing in the office of Superintendent of stamps, two hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation of clerks to be employed in the treasury, in addition to those authorized by the act of the second of March, one thousand seven hundred and ninety-nine, for the purpose of making drafts of the several surveys of lands in the territory of the United States, northwest of the river Ohio, and for keeping the books of the treasury in relation to the sales of lands at the several land-offices, two thousand dollars.

For fuel and other contingent expenses of the treasury department, including therein the sum of one thousand dollars already appropriated, four thousand dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand eight hundred and two, one thousand two hundred dollars.

For defraying the expense of printing two large tables of imports, for one year, (ending the thirtieth of September, one thousand seven hundred and ninety-nine,) in American and foreign vessels, including paper furnished for the same, one hundred and sixty-four dollars.

For compensation to a superintendent employed to secure the buildings and records in the treasury department, during the present year, and for nine months service in the year one thousand eight hundred and one, not heretofore appropriated, including the expense of two watchmen, and the repair of fire engines, buckets, &c., one thousand four hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expenses of fuel, stationery, printing and other contingent expenses in the office of the Secretary at War, one thousand dollars.

Specific appropriations.

For compensation to the Accountant of the War department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War department, one thousand dollars.

For compensation of clerks employed in the paymaster-general's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the Purveyor of public supplies, clerks and persons employed in his office, including a sum of seven hundred dollars for compensations to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery and fuel in the said office, three thousand eight hundred dollars.

1799, ch. 40.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand one hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand seven hundred dollars.

For compensation to the Accountant of the Navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensations to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand three hundred and fifty dollars.

1799, ch. 40.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, and for making good a deficiency in the appropriation for clerk hire in the said office, in the year one thousand eight hundred and one, including a sum of two thousand three hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, eleven thousand seven hundred and five dollars.

For expense of fuel, candles, stationery, furniture, chests, &c., exclusive of expenses of suits, prosecutions, mail locks, keys, portmanteaus, saddle-bags, blanks for post-offices, advertisements relative to the mail, and other expenses incident to the department at large, these being paid for by the Postmaster-General out of the funds of the office, two thousand dollars.

For compensation to the several Loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks to the commissioners of loans, and an allowance to certain Loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans, for the state of Pennsylvania, in addition to the permanent provision made by law, in consequence of the removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars.

For compensation to the Surveyor-General, and the clerks employed by him, and

For expense of stationery and other contingent expenses in the Surveyor-General's office, three thousand two hundred dollars.

For defraying the expense of publishing in the Sciota Gazette, the act providing for the sale of lands in the territory northwest of the river Ohio, and of paper for printing twelve hundred copies of the act providing for the sale of western lands of the United States, eighty-four dollars

For completing certain surveys authorized by acts of Congress passed the tenth of May, one thousand eight hundred, the eighteenth of February and third of March, one thousand eight hundred and one, and for surveying and laying off, according to law, the lands around Vincennes, on the Wabash, in the Indiana territory, thirty-nine thousand two hundred and ninety-six dollars and ninety cents. Specific appropriations.

For compensation to the following officers of the Mint:—

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, refining, coining, carpenter, millwright and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron work, seven thousand dollars.

For repairs of furnaces, cost of rollers and screws, bar iron, lead, steel, office furniture, and for all other contingencies of the establishment of the mint, three thousand nine hundred dollars.

For compensation to the governor and judges and secretary of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, and other contingent expenses for lands in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars. 1799, ch. 40.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For the compensation granted by law to the chief justice, associate judges, circuit judges, and district judges of the United States, including the chief justice and two associate judges of the district of Columbia, and to the attorney-general, sixty-eight thousand six hundred and fifty dollars.

For the like compensations granted to the district attornies, and for defraying the expenses of the supreme, circuit and district courts of the United States, including the court for the district of Columbia, jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, fifty-six thousand nine hundred dollars.

Specific appropriations.

For compensation to the marshals of the district of Maine, New Hampshire, Vermont, Kentucky, East and West Tennessee, one thousand two hundred dollars.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For carrying into effect the act of Congress, of the third of February, one thousand eight hundred and two, relative to the officers and crew of the United States schooner Enterprise, one thousand seven hundred and nineteen dollars.

For payment of the annuity granted to the children of the late Colonel John Harding and Major Alexander Trueman, by an act of Congress passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For payment of the annual allowance to the invalid pensioners of the United States, for their pensions from the fifth of March, one thousand eight hundred and two, to the fourth of March, one thousand eight hundred and three, ninety-three thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns and lamps, and materials used therein, and other contingent expenses, including commissions to the superintendents of the said lighthouses, at two and a half per centum, forty-four thousand eight hundred and forty-one dollars and forty-four cents.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For defraying the contingent expenses of government, twenty thousand dollars.

For defraying the expenses of taking the second enumeration of the inhabitants of the United States, in addition to the appropriation heretofore made for that object, twenty thousand dollars.

1799, ch. 12.

For defraying the expenses incident to the purchase or erection of certain warehouses and stores for the reception of goods, wares and merchandise, under the "Act respecting quarantine and health laws," passed the twenty-fifth of February, one thousand seven hundred and ninety-nine, sixty-nine thousand and twenty-six dollars and twelve cents.

For the expenses of intercourse with foreign nations, sixty-four thousand and fifty dollars.

For the salaries of the commissioners under the seventh article of the treaty of amity, commerce and navigation, between the United States and Great Britain, including contingent expenses, twenty-four thousand and sixty-six dollars and sixty-seven cents.

For salaries of the agents of the United States, in London and Paris, expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, twenty-nine thousand dollars.

For the salary of an agent in London for the relief and protection of American seamen, and contingent expenses to be incurred therein; and for relieving seamen elsewhere, fifteen thousand dollars.

1790, ch. 34.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury not otherwise appropriated.

Approved, May 1, 1802.

Statute I.
May 3, 1802.

[Obsolete.]

Chap. XLVIII.—*An Act further to alter and establish certain Post Roads; and for the more secure carriage of the Mail of the United States.*

Post roads discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be discontinued:

From Pelham to Nottingham West, in New Hampshire.

From Hanover to Scituate, in Massachusetts.

From Bridgewater to Taunton.

From New York to Saggharbor, in the state of New York.

From Schenectady to Sandy-hill.

From Salem to Bridgetown, in New Jersey.

From Lumberton, by Elizabethtown, to Andersville, in North Carolina.

From Rockford, by Scull Camp, to Grayson Courthouse.

From Amelia Courthouse, by Pridesville, to Paynsville, in Virginia.

From Washington to Cincinnati.

From Franklin Courthouse to Jackson Courthouse, in Georgia.

From Goldson's, by Geesbridge, St. Tammany's, Mecklenburgh Courthouse, Marshall's store, Christian's store, Lunenburg Courthouse and Edmund's store, to Goldson's.

New post roads established.

Sec. 2. *And be it further enacted,* That the following post roads be established:

In Maine.—From Dennysville to Eastport.

From Machias, by Dennysville, to Scodiac.

In New Hampshire.—From Pelham, by Windham, to Londonderry.

From Haverhill, by Bath and Littleton, to Lancaster.

In Massachusetts.—From Boston, by Easton, to Taunton.

From Hingham, by Cohasset, to Scituate.

From Springfield, by South Hadley, to Northampton.

From Salem, by Topsfield, to Haverhill.

In Vermont.—From Middlebury, by New Haven, Moncton, Hinesburg, Williston, Jericho, Essex, Westford, Fairfax and Sheldon, to Huntsburg; to return from Huntsburg, by Berkshire, Enosburg, Bakersfield, Cambridge, Underhill, Jericho, Richmond, Huntington, Starksborough and Bristol, to Middlebury.

From Danville, by St. Johnsbury, through Barnet, to return to Ryegate.

In Connecticut.—From Hartford, by Coventry, Windham and Canterbury, to Plainfield.

From Middletown, by Haddam, to Saybrook.

From New Haven, by Woodbridge, Waterbury and Watertown, to Litchfield.

From Norwich, by Lisbon, Canterbury, and Brooklyn, to Pomfret.

In New York.—From New York, by Brooklyn, Jamaica, Hampstead, Merrick, Oysterbay South, Huntington South, Islip, Patchauge Fire-Place, Moriches, West Hampton, Southampton and Bridgehampton, to Saggharbor.

From Hampstead, by Huntington, Smithtown, Brookhaven, and Riverhead, to Southhold.

From Newtown, in the county of Tioga, by Catharinetown, to Geneva.

From Schenectady to Ballstown Springs, Milton, Saratoga Springs, Greenfield, Hadley, Galloway, Charleton, and again to Schenectady.

From Sandy-hill to Fort George, and through the towns of Thermon and Jay, to Plattsburg, and thence to the northern line of said state.

In New Jersey.—From Woodbury, by Bridgetown, Milville, Port Elizabeth, and Cape May Courthouse, to Cape Island.

From Somerset Courthouse, by Baskenridge, to Morristown.

New post roads established.

From New Germantown, by David Miller's in Washington township, and New Hampton, to Pittstown.

In Pennsylvania.—From Lancaster, by Reading, Allentown, Bethlehem and Stroud's, to Milford.

From Lebanon to Jonestown.

From Jenkintown, by the Cross-roads and New Hope, to Flemington, New Jersey.

From Chambersburg, by Messersburg, to Bedford.

From Downingtown, by West Chester, Kennet's Square, and New London Cross-roads, to the Brick Meeting-house, in Maryland.

In Maryland.—From Reisterstown, by M'Allisterstown, Abbotstown, and Berlin, to Carlisle, Pennsylvania.

From Elkton, by the Brick Meeting-house, to the Rising Sun, Black Horse and Sorrel Horse Taverns, to Lancaster, Pennsylvania.

From Westminster, in Maryland, by Union Mills, Petersburgh and Gettysburgh, to Chambersburg, in Pennsylvania.

From Boonesborough, by Sharpsburg and Hagerstown, to Messersburg, Pennsylvania. The mail from Ellicott's Mills to Montgomery Courthouse, shall pass by Brookville.

In Delaware.—From Georgetown, by Broadkiln Landing, to Lewistown.

From Newport, by Chatham, Cochran's and Strasburg, to Lancaster, in Pennsylvania.

From Whitelysburg to Frederica.

From Georgetown, by Bridge Branch, and Northwest Fork Bridge, to Hunting Creek or New Market, Maryland, as the postmaster may direct.

In Virginia.—From Leesburg to Centreville.

From New Dublin, by Tazewell Courthouse, Russel Courthouse, and Lee Courthouse, to Robinson's Mills, at the foot of Cumberland Mountain.

From Cumberland Courthouse to Ca Ira.

From Culpepper Courthouse, by Woodville and Mundell's store, to New Market, in Shenandoah county.

From Fauquier Courthouse, by Aquia, to King George Courthouse.

From Winchester, by Front-Royal, to Culpepper Courthouse.

From Brooke Courthouse to Steubenville, in the Northwestern Territory.

From Brooke Courthouse to West Liberty.

From Brookington, by Newman's and Randolph's taverns, and Dennis' store, to Henderson and Fitzgerald's store.

From Amelia Courthouse, by Perkins' store, to Painesville.

From Wylliesville, in Charlotte county, by Speed and Wilson's store, Sterling Yancey's and Norman's store, to Person Courthouse, in North Carolina.

From Harrisville, by Field's mill, Quarlesville, M'Farland's store, Lunenburg Courthouse, Christiansville, Marshallsville, Mecklenburg Courthouse and St. Tammany's; and to return by Geesbridge, Edmund's store, Field's mill to Harrisville.

From Richmond Courthouse to Tappahannock.

In North Carolina.—From Plymouth to Robert Winn's, on Scuppernong river.

From Jonesburg to Pasquotank river bridge.

From Rutherfordstown, by John Gowen's store, to Greenville Courthouse, in South Carolina.

From Wilkes to Ash Courthouse.

The road from Mount Airy to Grayson Courthouse, in Virginia, shall pass by Scull Camp.

In Tennessee.—From Jonesborough to Carter Courthouse.

From Nashville to Franklin.

From Knoxville to Burville.

In South Carolina.—The road from Edgefield to Cambridge, shall pass by Amos Richardson's, and return by Northampton.

From Monk's corner over Biggen bridge, by Pineville, Murray's ferry, Santee, to Kingstree.

In Georgia.—From Oglethorpe Courthouse, by Athens, through Clarksburg, to Jackson Courthouse.

From Riceburg, by Fort James, to Tatnall Courthouse.

In Kentucky.—From Shelbyville to Louisville.

From Danville, by Pulaski Courthouse, to Wayne Courthouse.

In the Northwestern Territory.—From Marietta, by Chilicothe and Williamsburg, to Cincinnati.

New post roads established.

Sec. 3. *And be it further enacted,* That for the better and more secure carrying of the mail of the United States, on the main post road between Petersburg, in Virginia, and Louisville, in Georgia, the Postmaster-General shall be, and hereby is authorized and directed to engage and contract with private companies, or adventurers, for carrying the mail of the United States, for a term of time not exceeding five years, in mail coachees or stages, calculated to convey passengers therein: *Provided,* that the expense thereof shall not exceed a sum equal to one third more than the whole of the present expense incurred for carrying the mail on such road, on horseback. And the said Postmaster-General may, hereafter at his discretion, require as a stipulation in the contract for carrying the mail from Suffield, in Connecticut, by Windsor, in Vermont, to Dartmouth College, in New Hampshire; that the same shall be conveyed in a carriage or line of stages: *Provided,* the expense thereof shall not exceed more than one third the sum heretofore given for carrying the mail on the last mentioned route by a post rider.

Postmaster-General authorized to contract for carrying the mail in coaches from Petersburg to Louisville in Georgia, for a time limited.

Additional expense not to exceed a certain amount.

He may have the mail from Suffield in Connecticut by Windsor, in Vermont, to Dartmouth College, carried in the same way.

Under a limitation of expense.

Sec. 4. *And be it further enacted,* That from and after the first day of November next no other than a free white person shall be employed in carrying the mail of the United States, on any of the post roads, either as a post-rider or driver of a carriage carrying the mail: and, every contractor or person who shall have stipulated or may hereafter stipulate to carry the mail, or whose duty it shall be to cause the same to be conveyed, on any of the post roads, as aforesaid, and who shall, contrary to this act, employ any other than a free white person as a post-rider or driver, or in any other way to carry the mail on the same, shall, for every such offence, forfeit and pay the sum of fifty dollars, one moiety thereof to the use of the United States, and the other moiety thereof to the person who shall sue for, and prosecute the same, before any court having competent jurisdiction thereof.

Free white persons to be only employed in carrying the mail.

Penalty for not complying with this provision.

(a) 1799, ch. 43.

Sec. 5. *And be it further enacted,* That all letters, packets and newspapers to and from the Attorney-General of the United States shall be conveyed by post free of postage: *Provided,* that all letters by him sent be franked in the manner required by the seventeenth section of the act to establish the post-office.(a)

Privilege of franking extended to the Attorney-General, and of receiving letters, &c. free of postage.

Sec. 6. *And be it further enacted,* That the Postmaster-General be authorized to allow the postmasters at the several distributing offices, such compensation as shall be adequate to their several services in that respect: *Provided,* that the same shall not exceed in the whole five per cent. on the whole amount of postages on letters and newspapers received for distribution, and that the said allowance be made to commence on the first day of June, in the year one thousand eight hundred: *Provided also,* that if the number of mails received at, and dispatched from, any such office is not actually increased by the distributing system, then no additional allowance shall be made to the postmaster.

Allowances may be made to the postmasters at the distributing offices;

Limitation thereof.

No allowance if the number of mails is not actually increased by the distributing system.

Sec. 7. *And be it further enacted,* That there shall be allowed to the deputy postmaster at the city of Washington, for his extraordinary

An additional compensation to

the deputy postmaster at the city of Washington.

This act not to affect existing contracts.

expenses incurred in the discharge of the duties of his office, an additional compensation, at the rate of one thousand dollars per annum, to be computed from the first day of January last.

Sec. 8. *And be it further enacted*, That this act shall not be so construed as to affect any existing contracts for carrying the mail.

Approved, May 3, 1802.

Statute I.

May 3, 1802.

[Obsolete.]

Specific appropriation.

Chap. XLIX.—*An Act making an appropriation for carrying into effect the Convention between the United States of America and His Britannic Majesty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for carrying into effect the convention of the eighth day of January, one thousand eight hundred and two, between the United States of America and His Britannic Majesty, the sum of two millions six hundred and sixty-four thousand dollars be, and the same hereby is appropriated.

How to be applied.

Sec. 2. *And be it further enacted*, That the aforesaid sum shall be paid in such instalments, and at such times, as are fixed by the said convention, out of any monies in the treasury, not otherwise appropriated.

Approved, May 3, 1802.

Statute I.

May 3, 1802.

Chap. LI.—*An Act to amend an act intituled "An act for the relief of sick and disabled Seamen," and for other purposes.*

Fund provided for the relief of sick and disabled seamen.

Act of July 16, 1798, ch. 77.

Act of March 2, 1799, ch. 24.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the monies heretofore collected in pursuance of the several acts "for the relief of sick and disabled seamen," and at present unexpended, together with the monies hereafter to be collected by authority of the before-mentioned acts, shall constitute a general fund, which the President of the United States shall use and employ as circumstances shall require for the benefit and convenience of sick and disabled American seamen: *Provided*, that the sum of fifteen thousand dollars be, and the same is hereby appropriated for the erection of an hospital in the district of Massachusetts.

Sum appropriated for an hospital in Massachusetts.

President may cause accommodations, &c. to be provided for the relief of the U. States seamen at New Orleans, with the consent of the local government.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to cause such measures to be taken as, in his opinion, may be expedient for providing convenient accommodations, medical assistance, necessary attendance, and supplies for the relief of sick or disabled seamen of the United States who may be at or near the port of New Orleans, in case the same can be done with the assent of the government having jurisdiction over the port; and for this purpose, to establish such regulations, and to authorize the employment of such persons as he may judge proper; and that for defraying the expense thereof, a sum not exceeding three thousand dollars be paid out of any monies arising from the said fund not otherwise appropriated.

Masters of boats, rafts, &c. going to New Orleans, down the Mississippi, to make reports of the number of hands, &c.

Sec. 3. *And be it further enacted*, That from and after the thirtieth day of June next, the master of every boat, raft or flat, belonging to any citizen of the United States which shall go down the Mississippi with intention to proceed to New Orleans shall, on his arrival at Fort Adams, render to the collector or naval officer thereof, a true account of the number of persons employed on board such boat, raft or flat, and the time that each person has been so employed, and shall pay to the said collector or naval officer at the rate of twenty cents per month, for every person so employed, which sum, he is hereby authorized to retain out of the wages of such person: and the said collector or naval officer shall not give a clearance for such boat, raft or flat, to proceed on her voyage to New Orleans, until an account be rendered to him of the

number of persons employed on board such boat, raft or flat, and the money paid to him by the master or owner thereof: and if any such master shall render a false account of the number of persons, and the length of time they have severally been employed, as is herein required, he shall forfeit and pay fifty dollars, which shall be applied to, and shall make a part of, the said general fund for the purposes of this act: *Provided*, that all persons employed in navigating any such boat, raft or flat, shall be considered as seamen of the United States, and entitled to the relief extended by law to sick and disabled seamen.

Penalty for rendering a false account.

Persons navigating such boats, to be considered as seamen of the United States.

Sec. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to nominate and appoint for the port of New Orleans, a fit person to be director of the marine hospital of the United States, whose duties shall be in all instances the same as the directors of the marine hospitals of the United States, as directed and required by the act, intituled "An act for the relief of sick and disabled seamen." [Act of July 16, 1798, chap. 76.]

President to appoint a director of the marine hospital at New Orleans.

Sick foreign seamen may be admitted in certain cases.

Sec. 5. *And be it further enacted*, That each and every director of the marine hospitals within the United States, shall, if it can with convenience be done, admit into the hospital of which he is director, sick foreign seamen, on the application of the master or commander of any foreign vessel to which such sick seamen may belong; and each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, the payment of which the master or commander of such foreign vessel shall make to the collector of the district in which such hospital is situated: and the collector shall not grant a clearance to any foreign vessel, until the money due from such master or commander, in manner and form aforesaid, shall be paid; and the director of each hospital is hereby directed, under the penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital, under his direction, and render the same to the collector.

Seamen admitted into the hospital subject to a charge for every day they shall remain therein.

Clearance not to be given by the collector until the money due from the master, as aforesaid, shall be paid.

Accs. against foreign seamen to be made out by the director of the hospital.

Sec. 6. *And be it further enacted*, That the collectors shall pay the money collected, by virtue of this and the act to which this is an amendment, into the treasury of the United States, and be accountable therefor, and receive the same commission thereon, as for other money by them collected.

Collectors to pay the money they collect into the Treasury of the U. States under this and the act to which this is a supplement.

Sec. 7. *And be it further enacted*, That each and every director of the marine hospitals shall be accountable at the treasury of the United States for the money by them received in the same manner as other receivers of public money, and for the sums by them expended shall be allowed a commission at the rate of one per cent.

Director of the marine hospital to account for the money received by him.

Allowed a commission.

Approved, May 3, 1802.

Statute I.

May 3, 1802.

Chap. LII.—*An Act additional to, and amendatory of, an act, intituled "An act concerning the District of Columbia."*

February 27, 1801, ch. 15.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of the county of Washington, in the territory of Columbia, shall have power to proceed in all common law and chancery causes which now are, or hereafter shall be instituted before it, in which either of the parties reside without the said territory, in the same way that non-residents are proceeded against in the general court or in the supreme court of chancery in the state of Maryland.

Same proceedings may be had against non-residents in the circuit court for the county of Washington as in the general court or court of chancery in Maryland.

Sec. 2. *And be it further enacted*, That the circuit court of the county of Alexandria, in the district of Columbia, shall have power to proceed in all common law and chancery causes which now are, or hereafter shall be instituted before it, in which either of the parties are non-residents of said district of Columbia, in the same way, and under

Proceedings against non-residents in the circuit court of Alexandria county

to be the same as in the district or high court of chancery in Virginia.

Times of sessions of the circuit courts of Alexandria and Washington counties.

Process heretofore issued.

Causes depending to stand adjourned to these sessions.

These courts have power to hold adjourned sessions.

No capias ad satisfaciendum to be issued where the costs do not exceed twenty dollars.

Executions in such cases to be issued against the goods and chattels of the debtors.

Constables to give bond with surety, approved of by one of the district judges.

Clerk's fees.

Constable's fees and commissions.

The act to which this is a supplement not to extend to cases where, by the Virginia and Maryland laws, attachments may issue against the property of absconding debtors.

How taxes are to be levied in the county of Alexandria.

And the poor of the said county provided for.

The laws of Virginia and Maryland adopted by a former act, not to prohibit the owners of slaves from hiring them in and removing them to the district.

Parts of former acts with respect to com-

the same regulations observed by the district court or by the high court of chancery in Virginia, in proceeding against non-residents.

Sec. 3. *And be it further enacted,* That the courts for the counties of Alexandria and Washington, shall hereafter be holden at the periods following, to wit: for the county of Alexandria, on the fourth Monday of June and November, and for the county of Washington, on the fourth Monday of July and December, in each year; and all process heretofore issued from the offices of the said courts and not yet returned, shall be returnable to the first day of the sessions of the said courts, respectively, and all causes now depending in the same shall stand adjourned and continued over to the next sessions of the said courts, as established by this act. And the said courts are hereby invested with the same power of holding adjourned sessions that are exercised by the courts of Maryland.

Sec. 4. *And be it further enacted,* That no *capias ad satisfaciendum* shall hereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment, exclusive of costs, shall not exceed twenty dollars; but that in such cases, execution shall be only on the goods and chattels of the debtor, and shall issue by order of the justice who may have taken cognizance of the action, from the clerk's office, and shall be returnable thereto: that all such executions be returnable on the first Monday in every month; and that the same, and also the warrant to bring the party before the justice, be directed to one of the constables, whose duty it shall be to obey the same: that each of the said constables shall give bond, with one sufficient surety, to be approved of by any one of the district judges, for the faithful execution of the duties of his office, in the sum of five hundred dollars: that the clerk's fees for issuing and filing the return of every such execution, shall be twenty-five cents; the constable's fees for return and service, shall be fifty cents; and that a commission of eight per cent. be allowed the constable for every sum thereon by him levied.

Sec. 5. *And be it further enacted,* That so much of the original act to which this is a further supplement, as confines the jurisdiction of the courts of this territory to cases between parties who are inhabitants of, or residents within the same, shall not be construed to extend to any case where, by the laws of Maryland and Virginia, respectively, attachments may issue to affect the property of absconding debtors, or others having property within the district, and whose persons are not answerable to the process of the court.

Sec. 6. *And be it further enacted,* That the taxes to be levied in the county of Alexandria, shall hereafter be assessed by the justices of the peace of the said county, and the poor of the town and country parts of the said county of Alexandria shall be provided for respectively, in like manner as the county and corporation courts were authorized to do by the laws of Virginia, as they stood in force within the said county, on the first Monday of December, in the year one thousand eight hundred.

Sec. 7. *And be it further enacted,* That no part of the laws of Virginia or Maryland declared by an act of Congress, passed the twenty-seventh day of February, one thousand eight hundred and one, "concerning the district of Columbia," to be in force within the said district, shall ever be construed so as to prohibit the owners of slaves to hire them within, or remove them to the said district, in the same way as was practised prior to the passage of the above-recited act.(*a*)

Sec. 8. *And be it further enacted,* That so much of two acts of Congress, the one passed on the twenty-seventh day of February, one thousand eight hundred and one, intituled "An act concerning the district

(*a*) Lee *v.* Lee, 8 Peters, 44.

of Columbia;" the other passed the third day of March, one thousand eight hundred and one, supplementary to the aforesaid act, as provides for the compensation to be made to certain justices of the peace thereby created, and for compensation to jurors attending the courts within said district, except so much thereof as relates to their travelling expenses attending the same, shall be, and is hereby repealed: and jurors, in future, shall serve in the said courts, and be summoned to attend the same in like manner as jurors serve and were summoned in the courts of Virginia, prior to the passage of the above-recited act.

Sec. 9. *And be it further enacted*, That ordinary licenses, retailers' licenses, and hawkers and pedlers' licenses, shall be granted by the circuit court of the said district, in the respective counties, as the same were heretofore granted by the courts of Maryland and Virginia, respectively. And the several judges of the said circuit court shall have like authority to grant such licenses in vacation, as the justices of the courts of Maryland and Virginia heretofore possessed; and the money arising from such licenses shall be applied to the use and benefit of the said counties, respectively, in such manner, and to such purposes, as the justices of the levy courts in the same shall appoint and direct.

Sec. 10. *And be it further enacted*, That the marshal of the district of Columbia be, and he hereby is authorized and directed, with the approbation of the President of the United States, to cause a good and sufficient jail to be built within the city of Washington, and that a sum not exceeding eight thousand dollars be, and the same hereby is appropriated to that purpose, to be paid out of any unappropriated monies in the treasury.

Sec. 11. *And be it further enacted*, That the corporation of Georgetown, in the district of Columbia, shall have full power and authority to tax any particular part or district of the town, for paving the streets, lanes or alleys therein, or for sinking wells, or erecting pumps which may appear for the benefit of such particular part or district: *Provided*, that the rate of tax so to be levied shall not exceed two dollars per foot front, and that the same shall be enforced and collected in the same manner that the taxes which the said corporation had heretofore been authorized to lay and collect.

Sec. 12. *And be it further enacted*, That articles inspected at one port in the said district shall not be subject to a second inspection, at any other port in the said district.

Sec. 13. *And be it further enacted*, That the President of the United States be authorized to cause the militia, of the respective counties of Washington and Alexandria to be formed into regiments and other corps, conformably, as nearly as may be, to the laws of Maryland and Virginia, as they stood in force in the said counties, respectively, on the first Monday in December, in the year one thousand eight hundred; and that he appoint and commission, during pleasure, all such officers of the militia of the said district, as he may think proper; that he be authorized to call them into service, in like manner as the executive of Maryland and Virginia were authorized in the counties of Washington and Alexandria respectively, on the first Monday of December, one thousand eight hundred. And that such militia, when in actual service, be entitled to the same pay and emoluments as the militia of the United States, when called out by the President.

Approved, May 3, 1802.

pensation to justices of the peace and jurors abolished.

Except as to the travelling expenses of jurors.

Jurors to be summoned, &c.

Certain licenses to be granted in the same way as they have been granted by the courts of Maryland and Virginia.

Judges of the circuit court may grant such licenses in vacation.

Marshal authorized to cause a jail to be built in the city of Washington with the President's approbation.

A limitation of expense and appropriation of money.

Corporation of Georgetown to lay a tax.

For what purpose.

Limitation of the rate of tax and the manner to be enforced and collected.

Articles inspected in one port of the district exempt from further inspection in the district.

President of the U. States to cause the militia of Washington and Alexandria counties to be organized.

To appoint and commission officers, &c.

To call them into service.

Their pay and emoluments while in service.

Statute I.

May 3, 1802.

Act of February 24, 1804, ch. 14. Act

Chap. LIII.—*An Act to incorporate the inhabitants of the City of Washington, in the District of Columbia.*

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

of May 4, 1812, ch. 75, repealed.
Act of Feb. 20, 1819, ch. 34, repealed.
Act of Feb. 28, 1820, ch. 15.
Act of May 15, 1820, ch. 103, repealed.
Act of May 26, 1824, ch. 191.
The inhabitants of the city of Washington made a body politic.
Their powers as such.
The city to be divided into wards.
City council to consist of twelve members.
To be divided into two chambers, in what manner.
Council to be annually elected, and by whom.
Judges of elections.
Times of holding the elections.
How long the polls are to be kept open.
When and how the votes are to be counted.
Persons having the greatest number to be notified thereof by the judges, and a return made to the mayor of the city.
How the mayor is to be appointed.
His continuance in office and qualifications.
Where the city council is to hold its sessions, and when.
The mayor may convene it on extra occasions.
What number shall make a quorum to do business in each council.
The two councils may appoint their own officers, &c., and make their own rules and regulations.

of the city of Washington be constituted a body politic and corporate, by the name of a mayor and council of the city of Washington, and by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city; and may have and use a city seal, which may be broken or altered at pleasure; the city of Washington shall be divided into three divisions or wards, as now divided by the levy court for the county, for the purpose of assessment; but the number may be increased hereafter, as in the wisdom of the city council shall seem most conducive to the general interest and convenience.

Sec. 2. *And be it further enacted*, That the council of the city of Washington shall consist of twelve members, residents of the city, and upwards of twenty-five years of age, to be divided into two chambers, the first chamber to consist of seven members, and the second chamber of five members; the second chamber to be chosen from the whole number of councillors elected, by their joint ballot. The city council to be elected annually, by ballot, in a general ticket, by the free white male inhabitants of full age, who have resided twelve months in the city, and paid taxes therein the year preceding the election's being held: the justices of the county of Washington, resident in the city, or any three of them, to preside as judges of election, with such associates as the council may, from time to time, appoint.

Sec. 3. *And be it further enacted*, That the first election of members for the city council shall be held on the first Monday in June next, and in every year afterwards, at such place in each ward as the judges of the election may prescribe.

Sec. 4. *And be it further enacted*, That the polls shall be kept open from eight o'clock in the morning till seven o'clock in the evening, and no longer, for the reception of ballots. On the closing of the poll, the judges shall close and seal their ballot-boxes, and meet on the day following in the presence of the marshal of the district, on the first election, and the council afterwards, when the seals shall be broken, and the votes counted: within three days after such election, they shall give notice to the persons having the greatest number of legal votes, that they are duly elected, and shall make their return to the mayor of the city.

Sec. 5. *And be it further enacted*, That the mayor of the city shall be appointed, annually, by the President of the United States. He must be a citizen of the United States, and a resident of the city, prior to his appointment.

Sec. 6. *And be it further enacted*, That the city council shall hold their sessions in the city hall, or, until such building is erected, in such place as the mayor may provide for that purpose, on the second Monday in June, in every year; but the mayor may convene them oftener, if the public good require their deliberations. Three fourths of the members of each council may be a quorum to do business, but a smaller number may adjourn from day to day: they may compel the attendance of absent members, in such manner, and under such penalties, as they may, by ordinance, provide: they shall appoint their respective presidents, who shall preside during their sessions, and shall vote on all questions where there is an equal division; they shall settle their rules of proceedings, appoint their own officers, regulate their respective fees, and remove them at pleasure: they shall judge of the elections, returns and qualifications of their own members, and may, with the concurrence of three fourths of the whole, expel any member for disorderly behaviour, or mal-conduct in office, but not a second time for the same offence: they shall keep a journal of their proceedings, and enter the yeas and nays on any question, resolve or ordinance, at the request of any member, and their deliberations shall be public. The mayor shall appoint

to all offices under the corporation. All ordinances or acts passed by the city council shall be sent to the mayor, for his approbation, and when approved by him, shall then be obligatory as such. But if the said mayor shall not approve of such ordinance or act, he shall return the same within five days, with his reasons in writing therefor; and if three fourths of both branches of the city council, on reconsideration thereof, approve of the same, it shall be in force in like manner as if he had approved it, unless the city council, by their adjournment, prevent its return.

The mayor to appoint to all offices under the corporation.

Ordinances to be binding must be approved by him, but in certain cases.

Powers of the corporation prescribed.

Sec. 7. *And be it further enacted,* That the corporation aforesaid shall have full power and authority to pass all by-laws and ordinances; to prevent and remove nuisances; to prevent the introduction of contagious diseases within the city; to establish night watches or patroles, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for licensing and regulating auctions, retailers of liquors, hackney carriages, wagons, carts and drays, and pawnbrokers within the city; to restrain or prohibit gambling, and to provide for licensing, regulating or restraining theatrical or other public amusements within the city; to regulate and establish markets; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same, agreeably to the plan of the said city; to provide for the safe keeping of the standard of weights and measures fixed by Congress, and for the regulation of all weights and measures used in the city; to provide for the licensing and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks that are to be made and used in the city; to sink wells, and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to lay and collect taxes; to enact by-laws for the prevention and extinguishment of fire; and to pass all ordinances necessary to give effect and operation to all the powers vested in the corporation of the city of Washington: *Provided,* that the by-laws or ordinances of the said corporation, shall be, in no wise, obligatory upon the persons of non-residents of the said city, unless in cases of intentional violation of by-laws or ordinances previously promulgated. All the fines, penalties and forfeitures, imposed by the corporation of the city of Washington, if not exceeding twenty dollars, shall be recovered before a single magistrate, as small debts are, by law, recoverable; and if such fines, penalties and forfeitures exceed the sum of twenty dollars, the same shall be recovered by action of debt in the district court of Columbia, for the county of Washington, in the name of the corporation, and for the use of the city of Washington.

Ordinances and by-laws not to be obligatory upon strangers but in certain cases.

How fines, &c. may be recovered.

Sec. 8. *And be it further enacted,* That the person or persons appointed to collect any tax imposed in virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable therewith: no sale shall be made unless ten days previous notice thereof be given; no law shall be passed by the city council subjecting vacant or unimproved city lots, or parts of lots, to be sold for taxes.

Taxes may be collected by distress and sale of personal property in certain cases.

No sale but upon previous notice.

No law to be passed subjecting vacant lots to sale.

Sec. 9. *And be it further enacted,* That the city council shall provide for the support of the poor, infirm and diseased of the city.

City council to provide for the support of the poor.

Sec. 10. *Provided always, and be it further enacted,* That no tax shall be imposed by the city council on real property in the said city, at any higher rate than three quarters of one per centum on the assessment valuation of such property.

Limitation of the rate of taxation on real property.

Sec. 11. *And be it further enacted,* That this act shall be in force for two years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

Commencement of this act and how long to be in force.

Approved, May 3, 1802.

Jan. 21, 1802.

I. Resolution, *Authorizing the Secretary of State to furnish the Members of both Houses with the Laws of the Sixth Congress.*

Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State be directed to cause to be furnished to each member of the two Houses of Congress, a copy of the laws of the sixth Congress.

Approved, January 21, 1802.

Feb. 3, 1802.

The sense entertained by Congress of the gallant conduct of lieutenant Sterret in the capture of a Tripolitan corsair.

President requested to present a sword to him.

An allowance of one month's pay made to the officers &c.

II. Resolutions, *Expressing the sense of Congress on the gallant conduct of Lieut. Sterret,—the officers and crew of the United States schooner Enterprize.*

Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That they entertain a high sense of the gallant conduct of Lieutenant Sterret, and the other officers, seamen and marines, on board the schooner Enterprize, in the capture of a Tripolitan corsair, of fourteen guns and eighty men.

Resolved, That the President of the United States be requested to present to Lieutenant Sterret, a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen and marines, who were on board the Enterprize when the aforesaid action took place.

Approved, February 3, 1802.

ACTS OF THE SEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the sixth day of December, 1802, *and ended on the third day of March,* 1803.

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States, and President of the Senate; STEPHEN R. BRADLEY, President of the Senate pro tempore, on the 14th of January, 1803, and from the 3d of March, 1803; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An Act making a partial appropriation for the Naval Service, during the year one thousand eight hundred and three.*

Jan. 14, 1803.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred thousand dollars be, and the same hereby is appropriated towards defraying the expenses of the navy of the United States, during the year one thousand eight hundred and three.

SEC. 2. *And be it further enacted,* That the aforesaid sum shall be paid, first, out of any balance remaining unexpended of former appropriations for the same object; and secondly, out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 14, 1803.

STATUTE II.

Feb. 10, 1803.

CHAP. IV.—*An Act authorizing the sale of a piece of land, parcel of the Navy Yard belonging to the United States, in Charlestown, in the state of Massachusetts, to the proprietors of the Salem turnpike road and Chelsea bridge corporation.*

Secretary of the Navy authorized to convey a piece of land to the Salem bridge corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is authorized and empowered, by indenture of bargain and sale, in common form, to convey, in fee simple, to the proprietors of the Salem turnpike and Chelsea bridge corporation, by their proper name of incorporation, a certain piece of land, lying on the western corner, and being parcel of the navy yard belonging to the United States, in Charlestown, in the state of Massachusetts, containing fifteen square perches, or thereabouts, or so much thereof as is required to enable the said proprietors to lay out and make a turnpike road from Salem to Charlestown bridge, near Boston, according to the plan exhibited to Congress by the said proprietors.

A valuation to be ascertained by disinterested persons and paid.

SEC. 2. *And be it further enacted,* That it shall be the duty of the said secretary, prior to the making the said conveyance, to cause the said piece of land to be valued by disinterested men, to be appointed in such manner as he shall agree with the said proprietors; the amount of which said valuation, being paid to the use of the United States, it shall then, and not before, be lawful for the said secretary to make the aforesaid conveyance.

APPROVED, February 10, 1803.

Statute II.

Feb. 19, 1803.

Act of February 24, 1804, ch. 13.

In what manner goods to be exported from the Mississippi are to be identified.

Chap. V.—*An Act to provide for the granting of Clearances to ships or vessels owned by citizens of the United States, lying in the river Mississippi, south of the southern boundary of the United States, and therein to amend an act, intituled "An act to regulate the collection of duties on imposts and tonnage," and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever articles of the growth, produce, or manufacture of the United States, shall be intended to be exported from any of the ports of the United States within the Mississippi, by the way of New Orleans, to any foreign port, the identity of such articles shall be ascertained and certified in the same manner by the proper officers as has been or hereafter may be provided, for the transportation of the same articles to any of the ports of the United States, without the Mississippi.

Certificate to be granted by the collector of the Mississippi district.

Sec. 2. *And be it further enacted,* That it shall be lawful for the collector of the customs for the district of Mississippi, to grant to any ship or vessel owned by citizens of the United States, laden with articles of the growth, produce, or manufacture of the said states, and actually lying in some part of the river Mississippi, south of the southern boundary of the United States, a clearance in the same manner as if such ship or vessel was lying within the said district, which clearance shall be of the form following, to wit:

"District of Mississippi, to
Port of Adams,

These are to certify to all whom it doth concern, that master or commander of the burthen tons or thereabouts, mounted with guns (if any) navigated with men built, now lying in the river Mississippi, out of the limits of the United States, and bound for having on board (here specify the articles if required) being of the growth, produce, or manufacture of the United States, or (if no specification be required) being laden with articles of the growth, produce, or manufacture of the United States, hath here cleared his said vessel according to law:

Given under my hand and seal, at the custom-house of Fort Adams, this day of one thousand eight hundred and and in the year of the independence of the United States of America."

Not to be given till it is ascertained that the goods are of the growth, &c. of the U. States.

Provided nevertheless, That such clearance shall not be granted until the identity of the articles laden on board such ship or vessel, as being of the growth, produce, or manufacture of the United States, shall be established to the satisfaction of the said collector, either by the exhibition of a certificate to that effect, from the consul, vice-consul, or other authorized agent of the United States, residing at or near New Orleans on the said river or otherwise: *And provided also,* that before the departure of such ship or vessel for any foreign port or place without the said river, it shall be the duty of the master or commander thereof, to exhibit such clearance to the said consul, vice-consul, or other authorized agent of the United States, who shall certify thereon under his consular seal, if he be satisfied that the state of the cargo at the time of such exhibition correspond therewith, that such is the case; or if the whole or any part thereof shall have been unladen, or otherwise changed, so as not to agree with the tenor of such clearance, he shall accordingly state the same.

Certificate to be exhibited to the Consul of the U. States.

Sec. 3. *And be it further enacted,* That the consul, vice-consul, or other authorized agent of the United States, residing at New Orleans, or at such other place or deposit on the banks of the Mississippi, south of the southern boundary of the United States, as may be assigned by virtue of the treaty of San Lorenzo, shall be entitled to receive from the

captains or owners of American vessels, two dollars for each certificate he shall sign, certifying that the articles contained in such certificate, are of the growth, produce, or manufacture of the United States; and he shall also be authorized to employ a proper person to attend to the landing and loading such articles, whose duty therein, and compensation, shall be the same as those of an inspector of customs in one of the ports of the United States, which compensation shall be considered as a charge against the revenue, and defrayed by the collector for the district of Mississippi, out of the monies received by him on account of the duties on tonnage and merchandise.

Approved, February 19, 1803.

Statute II.

Feb. 19, 1803.

Chap. VI.—*An Act for the relief of the sufferers by fire, in the town of Portsmouth.*

Sufferers by fire at Portsmouth to have the indulgence of further time for discharging their custom-house bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who, being indebted to the United States, for duties on merchandise, have given bond therefor, with one or more sureties, payable to the collector for the district of Portsmouth, and who have suffered a loss of property by the late conflagration at that place, shall be, and they hereby are allowed to take up, or have cancelled, all bonds heretofore given for duties as aforesaid, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of their former bonds respectively, payable in twelve months from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorized and directed, to give up or cancel, all such bonds upon the receipt of others as described in this act; which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: Provided however, that nothing in this act contained shall extend to bonds which had fallen due before the twenty-sixth day of December last.

Proviso that this act shall not extend to bonds due before the 26th December, 1802.

Approved, February 19, 1803.

Statute II.

Feb. 19, 1803.

Chap. VII.—*An Act to provide for the due execution of the laws of the United States, within the state of Ohio.*

Act of April 30, 1802, ch. 40.

Laws of the United States to be carried into effect in the state of Ohio.

Act of April 30, 1802, ch. 40.

Whereas, the people of the Eastern division of the territory northwest of the river Ohio, did, on the twenty-ninth day of November, one thousand eight hundred and two, form for themselves a constitution and state government, and did give to the said state the name of the "State of Ohio," in pursuance of an act of Congress, intituled "An act to enable the people of the Eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," whereby the said state has become one of the United States of America; in order therefore to provide for the due execution of the laws of the United States within the said state of Ohio:

All the laws of the United States not locally inapplicable to be in force and executed there.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said state of Ohio, as elsewhere within the United States.

Ohio to be one district.

District court to be held there-

Sec. 2. *Be it further enacted,* That the said state shall be one district, and be called the Ohio district; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of government

in, to consist of one judge.

Sessions of the court, where to be held.

Its powers and jurisdiction.

Clerk to be appointed.

His place of residence, fees, &c.

of the said state, three sessions annually, the first to commence on the first Monday in June next, and the two other sessions progressively on the like Monday of every fourth calendar month afterwards, and he shall in all things have and exercise the same jurisdiction and powers which are by law given to the judge of the Kentucky district: he shall appoint a clerk for the said district, who shall reside and keep the records of the court at the place of holding the same, and shall receive for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Salary of the judge to be 1000 dollars.

Sec. 3. *Be it further enacted,* That there shall be allowed to the judge of the said district court, the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the treasury of the United States.

1807, ch. 16.

District attorney to be appointed.

His compensation.

Sec. 4. *Be it further enacted,* That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States, two hundred dollars annually, as a full compensation for all extra services.

Marshal to be appointed.

His duties and compensation.

Sec. 5. *And be it further enacted,* That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Approved, February 19, 1803.

Statute II.

Feb. 26, 1803.

[Obsolete.]

Further appropriation for foreign intercourse.

Chap. VIII.—*An Act making further provision for the expenses attending the intercourse between the United States and foreign nations.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of two millions of dollars, in addition to the provision heretofore made, be, and the same is hereby appropriated for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress, as soon as may be.

President authorized to borrow the money.

The terms and time of reimbursement.

Sec. 2. *And be it further enacted,* That the President of the United States may, if he shall deem it necessary, and he hereby is authorized to borrow the whole, or any part of the said sum, at an interest not exceeding six per centum per annum, reimbursable before the year one thousand eight hundred and eleven: and it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

Surplus of duties on imports and tonnage pledged for the payment of interest and reimbursement of principal.

Sec. 3. *And be it further enacted,* That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal of all such monies as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

Approved, February 26, 1803.

Statute II.

Feb. 28, 1803.

Act of April 14, 1792, ch. 24. Act of May 1, 1810, ch. 44. Act of February 28, 1811, ch. 28. Act of March 3, 1817, ch. 40.

Chap. IX.—*An Act supplementary to the "act concerning Consuls and Vice-Consuls, and for the further protection of American Seamen."* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs, a list, containing the names, places of birth and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States, at which he shall arrive on his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector, and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided,* that the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

Masters to deliver lists to the collectors of the ports whence they go from the U. States of their ship's companies, containing descriptions of their persons, &c.

Certified copies to be delivered to the masters: fees to be paid for them.

Masters to enter into bonds, for what conditioned.

Provisions in favor of the captains.

Proofs of persons discharged in foreign ports, or persons dying to be exhibited to collectors.

Sec. 2. *And be it further enacted,* That it shall be the duty of every master or commander of a ship or vessel, belonging to citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, (if any there be at such port;) that in case of refusal or neglect of the said master or commander, to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port, where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided,* such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is a supplement.

Masters of vessels belonging to U. States arriving in foreign ports to deliver to the consuls, &c. there certain papers.

Penalty for not doing it.

Act of March 3, 1817, ch. 40.

Sec. 3. *And be it further enacted,* That whenever a ship or vessel belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice-commercial agent, the list of his ship's company, certified as aforesaid; and to pay

Acts to be done upon the discharge of American seamen in foreign ports.

Lists of the ship's company to be furnished to the consul.

(a) See note to act of April 14, 1792, chap. 24, vol. i. p. 254.

Three months pay for every seaman discharged to be paid to the consul, two thirds of which to be paid by the consul to the seaman.

Residue to be retained by the consul to create a fund for the payment of the passages of seamen to the U. States.

Consuls, &c. to provide for destitute seamen, &c. subsistence and passages to the U. States, subject to the instructions of the Secretary of State.

Commanders of vessels required to take such on board if not more than two to every hundred tons.

On terms not exceeding ten dollars each.

Seamen, &c. to do duty if able.

Penalty on the refusal of the captain or master.

to such consul, vice-consul, commercial agent, or vice-commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months pay, over and above the wages which may then be due to such mariner or seaman, two thirds thereof to be paid by such consul, or commercial agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port, and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

Sec. 4. *And be it further enacted*, That it shall be the duty of the consuls, vice-consuls, commercial agents, vice-commercial agents of the United States, from time to time, to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls, vice-consuls, commercial agents or vice-commercial agents respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and consul, or commercial agent. And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, that no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same on the request or order of the consul, vice-consul, commercial agent or vice-commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States in any court of competent jurisdiction. And the certificate of any such consul or commercial agent, given under his hand and official seal, shall be *prima facie* evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

Act of February 28, 1811, ch. 28.

Seventh and eighth sections of the act of April 14, 1792, ch. 24, concerning consuls and vice-consuls repealed.

Secretary of State to reimburse the consuls, &c.

Consuls, &c. may receive fifty cents for a certificate of discharge and two and a half per cent. on paying and receiving the wages of discharged seamen in foreign ports.

Sec. 5. *And be it further enacted*, That the seventh and eighth section of the act, intituled "An act concerning consuls and vice-consuls," be and the same are hereby repealed; and that the Secretary of State be authorized to reimburse the consuls, vice-consuls, commercial agents or vice-commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice-consul, commercial agent and vice-commercial agent of the United States, to take and receive for every certificate of discharge of any seaman or mariner in a foreign port fifty cents; and for commission on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

Sec. 7. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any

court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Consuls, &c. giving false certificates subject to fine and imprisonment.

Sec. 8. *And be it further enacted,* That if any consul, vice-consul, commercial agent or vice-commercial agent, shall grant a passport or other paper certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

If for false passports, &c. subject to fines.

Sec. 9. *And be it further enacted,* That all powers of attorney executed after the thirtieth day of June next in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent or vice-commercial agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

Powers of attorney, &c. executed in foreign countries to be verified by consuls, &c. who may receive fifty cents on each.

Approved, February 28, 1803.

Repealed March 27, 1804.

Statute II.

Feb. 28, 1803.

Chap. X.—*An Act to prevent the importation of certain persons into certain states, where, by the laws thereof, their admission is prohibited.*(*a*)

Prohibited importation of persons of colour subject to a fine of one thousand dollars for each, after April 1, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any state which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of colour, and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited, as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of colour aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided always,* that nothing contained in this act shall be construed to prohibit the admission of Indians.

Penalties.

Persons may be held to bail against whom suits are brought for penalties.

Sec. 2. *And be it further enacted,* That no ship or vessel arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of colour, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any state prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one half of the nett proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

No vessel containing prohibited persons of colour admitted to an entry.

Vessel, &c. to be forfeited if any prohibited person of colour be landed therefrom.

A moiety of the forfeiture to the informer.

(*a*) See notes to act of March 22, 1794, chap. 11, vol. i. p. 347; see also, act of May 10, 1800, chap. 51; act of February 28, 1803, chap. 10; act of March 2, 1807, chap. 22; act of April 20, 1818, chap. 83; act of May 15, 1820, chap. 112, sec. 4, 5.

Collectors and other officers to be governed by the laws of the states prohibiting persons of colour.

Vigilance enjoined to execute the law.

Sec. 3. *And be it further enacted,* That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing, of the several states prohibiting the admission or importation of any negro, mulatto, or other person of colour, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said states, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

Approved, February 28, 1803.

Statute II.

Feb. 28, 1803.

[Obsolete.]

President authorized to put into service four vessels of sixteen guns each.

Chap. XI.—*An Act to provide an additional armament for the protection of the seamen and commerce of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to cause to be built, or to be purchased (if the exigencies of the service shall require it) four vessels of war, to carry not exceeding sixteen guns each; to be armed, manned and fitted out for the protection of the seamen and commerce of the United States in the Mediterranean and adjacent seas, and for other purposes, as the public service may require.

Appropriation for the above.

Sec. 2. *And be it further enacted,* That the sum of ninety-six thousand dollars be, and hereby is, appropriated for the purpose aforesaid, out of any monies in the treasury of the United States, not otherwise appropriated.

President authorized to put into service fifteen gun boats.

Appropriation for the above.

Sec. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized and empowered to cause to be built, a number not exceeding fifteen gun boats, to be armed, manned and fitted out, and employed for such purposes as in his opinion the public service may require; and that a sum not exceeding fifty thousand dollars be, and hereby is appropriated for this purpose out of any monies in the treasury of the United States not otherwise appropriated.

Approved, February 28, 1803.

Statute II.

Feb. 28, 1803.

[Obsolete.]

Chap. XII.—*An Act for extending the external commerce of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated for the purpose of extending the external commerce of the United States, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 28, 1803.

Statute II.

Feb. 28, 1803.

[Obsolete.]

Two teachers of music added to the artillerists.

1802, ch. 9.

A teacher of the French language, and a teacher of drawing appointed to the corps of engineers.

Chap. XIII.—*An Act in addition to an act, entituled "An act fixing the military peace establishment of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be added to the regiment of artillerists, two teachers of music, whose pay, rations and clothing shall be the same as is by law allowed to the teachers of music in the regiments of infantry in the service of the United States.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to appoint one teacher of the French language, and one teacher of drawing, to be attached to the corps of engineers, whose compensation shall not exceed the pay and emolument of a captain in the line of the army.

Sec. 3. *And be it further enacted*, That the commanding officer of the corps of engineers, be authorized to enlist for a term, not less than three years, one artificer, and eighteen men, to aid in making practical experiments and for other purposes:—to receive the same pay, rations and clothing as are allowed to the artificers and privates, in the army of the United States; and the same bounty when enlisted for five years; and to be subject to the rules and articles of war.

Authority to enlist one artificer and eighteen men.

Sec. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to allow to the paymaster of the army, the adjutant and inspector of the army, and the military agent at Philadelphia, such sums, not exceeding in the whole three thousand dollars, for clerk hire, as their respective duties may, in his opinion, reasonably require.

Clerk hire to certain officers of the army.

Approved, February 28, 1803.

Statute II.

Feb. 28, 1803.

Chap. XIV.—*An Act for continuing in force a law, intituled "An act for establishing trading houses with the Indian tribes."*

[Obsolete.]

Act of April, 18, 1796, ch. 13. continued for two years from 4th March, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a law passed on the eighteenth day of April, in the year of our Lord one thousand seven hundred and ninety-six, intituled "An act for establishing trading houses within the Indian tribes," and which law was revived and continued by another, passed on the thirtieth day of April, in the year of our Lord, one thousand eight hundred and two, shall be, and the same is hereby farther continued for the term of two years, from the fourth day of March next, and from thence until the end of the next session of Congress.

Approved February 28, 1803.

Statute II.

March 2, 1803.

Chap. XV.—*An Act in addition to an act, intituled "An act more effectually to provide for the National defence, by establishing an uniform Militia throughout the United States."*

Act of May 8, 1792, ch. 33. Act of April 10, 1806, article 20. Act of April 18, 1814, ch. 76. Act of May 12, 1820, ch. 96. Act of March 2, 1821, ch. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the adjutant-general of the militia in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act, to which this is an addition, to the President of the United States annually, on or before the first Monday in January in each year: and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant-generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress, on or before the first Monday of February, annually.

Adjutant-general of the militia to make returns to the President annually.

Act of April 20, 1816, ch. 64.

Abstracts of the returns to be laid before Congress.

Sec. 2. *And be it further enacted*, That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

Citizens enrolled in the militia to be constantly provided with arms, &c.

Sec. 3. *And be it further enacted*, That in addition to the officers provided for by the said act, there shall be, to the militia of each state one quartermaster-general, to each brigade one quartermaster of brigade, and to each regiment one chaplain.

Additional officers to the militia.

Approved, March 2, 1803.

Statute II.

March 2, 1803.

Act of June 1, 1796, ch. 45.

Unregistered vessels sailing with sea letters to be furnished with passports on paying ten dollars.

Chap. XVI.—*An Act supplementary to the act intituled "An act providing passports for the ships and vessels of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every unregistered ship or vessel owned by a citizen or citizens of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be, with a passport of the form prescribed and established by the act to which this is a supplement, for which the master shall pay to the collector ten dollars, and be subject to the rules and conditions prescribed in the said act, for ships and vessels of the United States.

Unregistered vessels sailing to foreign countries to pay the same on clearing as vessels of the U. States.

Sec. 2. *And be it further enacted,* That there shall be paid on every such unregistered ship or vessel, sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the same sum at the time of clearing outwards, to be received and accounted for in the same manner as is by said act required in cases of ships and vessels of the United States.

Approved, March 2, 1803.

Statute II.

March 2, 1803.

[Obsolete.]

Specific appropriations for the Navy of the United States.

1803, ch. 1.

Chap. XVII.—*An Act making an appropriation for the support of the Navy of the United States, for the year one thousand eight hundred and three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and three, and for making good deficiencies for the same, in the year one thousand eight hundred and two, the following sums, including therein the sum of one hundred thousand dollars already appropriated by the "act making a partial appropriation for the naval service during the year one thousand eight hundred and three," be, and they hereby are respectively appropriated, that is to say:

For the pay and subsistence of the officers, and the pay of the seamen, two hundred and eighty-three thousand nine hundred and ninety-three dollars.

For provisions, one hundred and fifty-seven thousand three hundred and sixty dollars and twenty cents.

For medicines, instruments, hospital stores, and all expenses on account of the sick, seven thousand seven hundred dollars.

For the purchase of ordnance and other military stores, fifteen thousand dollars.

For the repairs of vessels, store rent, and other contingent expenses, one hundred and eighty-two thousand dollars.

For completing the contracts made for the timber, ordnance, and other materials for the seventy-four gun ships, including their transportation, &c., one hundred and fourteen thousand four hundred and twenty-five dollars.

For the expense of erection of sheds and navy yards, including docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, forty-eight thousand seven hundred and forty-one dollars and thirty-seven cents.

For the pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-four thousand and ninety-five dollars and sixty cents.

For clothing and military stores for the same, sixteen thousand two hundred and twenty-three dollars and eighty-three cents.

For medicines, medical services, hospital stores, and all expenses on account of the sick of the marine corps, one thousand dollars.

Specific appropriations for the Navy of the U. States.

For quartermaster's and barrackmaster's stores, officers' travelling expenses, armorers and carpenters' bills, and other contingent expenses, nine thousand four hundred and sixty-one dollars.

To make good deficiencies in the appropriations for the navy of the United States, in the year one thousand eight hundred and two, that is to say:

For pay and subsistence of the officers, the pay of the seamen, provisions, repairs and expenses incurred in the year one thousand eight hundred and one, and which have been paid out of an appropriation made in the year one thousand eight hundred and two, including a deficiency for the service of the year one thousand eight hundred and two, one hundred and sixty-eight thousand four hundred and thirty-nine dollars and eighty-one cents.

For salaries of superintendents of navy yards, store-keepers, and clerks, store rent, hire of labourers, &c., on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, eight hundred and seventy-five dollars and sixty-eight cents.

For navy yards, docks and wharves, eleven thousand five hundred and thirty-five dollars and twenty-eight cents.

For medicines, medical services, and hospital stores for the marine corps, on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, five hundred and ninety-six dollars and thirty-nine cents.

For marine barracks, on account of expenses incurred in the year one thousand eight hundred and one, four hundred and one dollars and ninety-three cents.

For the payment of a balance due the estate of John Habersham, late collector at Savannah, for naval materials ascertained at the treasury, for sundry payments made by him to John H. Morel, on the same account, including a commission on the said payments at one per cent., sixteen thousand nine hundred and forty-eight dollars and thirty-seven cents.

Payment to the estate of John Habersham, for naval materials.

Sec. 2. *And be it further enacted*, That the several sums of money herein specifically appropriated and amounting together to the sum of one million and ninety-eight thousand seven hundred and ninety-seven dollars and forty-six cents, shall be paid first out of the sum of one hundred thousand dollars already appropriated for the naval service during the year one thousand eight hundred and three, and secondly out of any monies in the treasury not otherwise appropriated.

Whence the appropriations are to be drawn.

Approved, March 2, 1803.

Statute II.

March 2, 1803.

Chap. XVIII.—*An Act in addition to the act, intituled "An act concerning the registering and recording of ships and vessels of the United States," and to the act, intituled "An act to regulate the collection of duties on imports and tonnage."*

Act of July 31, 1789, ch. 5. Act of December 31, 1792, ch. 1. Act of March 2, 1799, ch. 22.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall knowingly make, utter, or publish any false sea letter, Mediterranean passport, or certificate of registry, or shall knowingly avail himself of any such Mediterranean passport, sea letter, or certificate of registry, he shall forfeit and pay a sum not exceeding five thousand dollars, to be recovered by action of debt, in the name of the United States, in any court of competent jurisdiction; and if an officer of the United States, he shall for ever thereafter be rendered incapable of holding any office of trust or profit, under the authority of the United States.

Penalty on forging sea letters, passports, &c. or using such.

Officers disqualified thereby.

Comptroller of the treasury to cause blank certificates of registry to be provided with secret marks.

Sec. 2. *And be it further enacted,* That it shall be the duty of the comptroller of the treasury, to cause to be provided, blank certificates of registry, with such water and other secret marks as he may direct, which marks shall be made known only to the collectors and their deputies, and to the consuls or commercial agents of the United States; and from and after the thirty-first day of December next, no certificate of registry shall be issued, except such as shall have been provided and marked as aforesaid; and the ships or vessels of the United States, which shall have been duly registered as such, shall be entitled to new certificates of registry (gratis) in exchange for their old certificates of registry: and it shall be the duty of the respective collectors, on the departure of any such ship or vessel, after the said thirty-first day of December, from the district to which such ship or vessel shall belong, to issue a new certificate accordingly, and to retain and deface the former certificate.

Which are to be exchanged [gratis] for old certificates of registry after the 31st December, eighteen hundred and three.

A duly registered vessel sold out of the United States to a citizen, to have the benefit of a vessel of the U. States under certain provisions.

Sec. 3. *And be it further enacted,* That when any ship or vessel, which has been, or which shall be registered pursuant to any law of the United States, shall, whilst such ship or vessel is without the limits of the United States, be sold or transferred in whole or in part to a citizen or citizens of the said States, such ship or vessel, on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a ship or vessel of the United States: *Provided,* that all the requisites of law, in order to the registry of ships or vessels, shall be complied with, and a new certificate of registry obtained for such ship or vessel, within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report upon her first arrival afterwards as aforesaid, agreeably to the thirtieth section of the act, passed on the second day of March, one thousand seven hundred and ninety-nine, intituled "An act to regulate the collection of duties on imports and tonnage." And it shall be lawful to pay to the collector of the district within which such ship or vessel may arrive as aforesaid, the duties imposed by law on the tonnage of such ship or vessel, at any time within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report as aforesaid, any thing to the contrary in any former law notwithstanding: *Provided always,* that nothing herein contained shall be construed to repeal, or in any wise change the provisions, restrictions or limitations of any former act or acts, excepting so far as the same shall be repugnant to the provisions of this act.

Power of the Secretary of the Treasury to remove disabilities, extended.

Sec. 4. *And be it further enacted,* That the power vested in the Secretary of the Treasury, to remove disabilities incurred under the act to which this is a supplement, and under the act, intituled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same," shall extend to the remission of any foreign duties, which shall have been or shall be incurred by reason of such disabilities.

Approved, March 2, 1803.

Statute II.

March 2, 1803.

[Obsolete.]

Specific appropriations.

Chap. XIX.—*An Act making appropriations for the support of Government, for the year one thousand eight hundred and three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for

the support of lighthouses, beacons, buoys, and public piers; and for satisfying certain miscellaneous claims, the following sums be, and hereby are appropriated; that is to say:

Specific appropriations.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimating for sixty-two days continuance in the present session, and for twenty-seven days in the first session of the eighth Congress, one hundred and twenty-five thousand three hundred and forty-eight dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, nineteen thousand dollars.

For the compensation to the President and Vice-President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, eleven thousand three hundred and sixty dollars.

For the incidental and contingent expenses in the said department, twelve thousand nine hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and forty-nine dollars and eighty-one cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, eight hundred dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expense of stationery and printing in the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery and printing in the office of the auditor, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery and printing in the treasurer's office, three hundred dollars.

For compensation to the commissioner of the revenue, clerks and persons employed in his office, six thousand two hundred and fifty-three dollars and six cents.

For the expense of stationery and printing in the office of the commissioner of the revenue, four hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing, (including books for the public stocks, and for the arrangement of the marine papers) in the register's office, two thousand eight hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation of clerks employed for the purpose of making drafts of the several surveys of lands in the territory of the United States northwest of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several loan offices, two thousand dollars.

For fuel, and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expense incident to the stating and printing the

Specific appropriations.

public accounts for the year one thousand eight hundred and three, one thousand two hundred dollars.

For the purchase of books, maps and charts for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records in the treasury department, during the present year, including the expense of two watchmen, and for the repair of fire-engines, buckets, and so forth, one thousand four hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expenses of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation of clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of seven hundred dollars, for compensations to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery and fuel in the said office, three thousand eight hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, including a compensation of five hundred and sixty-one dollars and fourteen cents to the clerk of the navy pension fund for the years one thousand eight hundred, one thousand eight hundred and one, and one thousand eight hundred and two, nine thousand six hundred and seventy-one dollars and fourteen cents.

1799, ch. 40.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand seven hundred dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including a deficiency of three hundred and forty-five dollars in the last year's appropriation, and a sum of three thousand seven hundred and ninety-five dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand five hundred dollars.

1799, ch. 40.

For expenses of fuel, candles, rent of a house for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department at large (these being paid for by the Postmaster-General, out of the funds of the office,) two thousand dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans for the state of Pennsylvania, in consequence of the removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars. Specific appropriations.

For extra expenses occasioned by the removal of the loan office of Pennsylvania to Germantown, during the prevalence of the yellow fever in Philadelphia, in the summer of one thousand eight hundred and two, four hundred and ninety-four dollars.

For extra expenses occasioned by the removal of the office of purveyor of public supplies from Philadelphia, during the prevalence of the yellow fever, in the year one thousand eight hundred and two, one hundred and thirteen dollars and fifty cents.

For compensation to the surveyor-general and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For completing certain surveys of the lands of the United States, authorized by acts of Congress, including an allowance of five hundred dollars for transcribing plats of surveys near Vincennes, six thousand five hundred and forty-three dollars.

For compensation to the following officers of the mint, ten thousand six hundred dollars, that is to say—

To the director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand five hundred dollars.

For repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand nine hundred dollars.

For compensation to the governor, judges and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department, respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars. 1799, ch. 40.

For the compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief

Specific appropriations.

justice and two associate judges of the district of Columbia, and to the attorney-general, fifty-two thousand nine hundred dollars.

For the like compensations granted to the several district attornies of the United States, two thousand eight hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, east and west Tennessee, and Ohio, one thousand four hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties; and likewise, for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, including an additional appropriation of three thousand seven hundred and two dollars and sixty-six cents, for completing the gaol in the city of Washington, forty-three thousand seven hundred and two dollars and sixty-six cents.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For payment of the annuity granted to the children of the late Colonel John Harding, and Major Alexander Trueman, by an act of Congress, passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and three, to the fourth of March, one thousand eight hundred and four, ninety-three thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns and lamps, and other contingent expenses, fifty thousand nine hundred and seventy dollars and eighty-two cents.

For rebuilding the lighthouse on the eastern end of New Castle island, in addition to the sum heretofore appropriated for that object, five hundred dollars.

For the erection of the lighthouse on Smith's Point, in addition to the sum heretofore appropriated for that object, three hundred and fifty dollars.

For the payment of a balance due on contracts for building the lighthouse on Cape Hatteras, and beacon on Shell Castle island, and for a compensation to the persons who superintend and inspect the execution of the work, the balance of the former appropriation being carried to the credit of the surplus fund, one thousand dollars.

For the erection of a lighthouse on New Point Comfort, in addition to the sum heretofore appropriated for that purpose, three thousand five hundred dollars.

For erecting lighthouses and placing buoys in the sound between Long Island and the Main, in addition to the sum heretofore appropriated for that purpose, one thousand dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For the expenses of intercourse with foreign nations, seventy-five thousand five hundred and sixty-two dollars.

For the salaries of the commissioners under the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, including half the compensation of the fifth commissioner, the salary of the assessor to the commissioners, the half of ex-

penses of the board, and the contingent expenses of the commissioners of the United States, twenty-five thousand five hundred and sixty-six dollars and sixty-seven cents.

Specific appropriations.

For salaries of the agents of the United States in London and Paris, expenses of prosecuting claims and appeals in the courts of Great Britain, relative to captures of the vessels of the United States, and of defending American causes elsewhere, twenty-nine thousand dollars.

For intercourse between the United States and Algiers, and other Barbary powers, one hundred thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

Sec. 2. *And be it further enacted*, That for the purpose of obtaining further cessions of land from the Indian tribes, the sum of ten thousand dollars be, and the same is hereby appropriated.

Sec. 3. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury, not otherwise appropriated.

1790, ch. 34.

Approved, March 2, 1803.

Statute II.

March 3, 1803.

Chap. XX.—*An Act, more effectually to provide for the organization of the Militia of the District of Columbia.*

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 the President of the United States, whenever an increase of the militia of the territory, or other circumstance, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

Militia of Columbia may be organized by the President of the U. States.

Sec. 2. *And be it further enacted*, That the President of the United States shall, when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expense, as the commanding officer of the brigade, to which they belong, shall determine on and direct; and the said companies shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies: that no person belonging to any battalion company, shall, under colour of enlisting into any company, to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer company, according to law, and shall have produced a certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all

May appoint officers to cavalry, artillery, &c.

Uniform how to be provided.

Conditions of enrolment.

Whence he cannot withdraw, under a penalty of ten dollars.

Legionary commanders—their duty.

such cases to the first battalion court of inquiry, that shall sit thereafter. And the commanders of the respective legions shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached, and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

Alterations in battalion and company districts, in what cases to be made.

Sec. 3. *And be it further enacted*, That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

Militia districts—how designated.

Commanding officers of companies shall regulate duty, and how.

Sec. 4. *And be it further enacted*, That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of inquiry. The same regulations shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrolment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and any militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate the said militia man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enrol him in the numerical class specified therein, and every militia man so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty; and if any captain or commanding officer of a company shall refuse to grant such certificate upon application to him made for that purpose, he shall for such refusal, incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

Removal of militia men how to be notified.

Certificates of service provided.

Penalty on refusal of certificate.

Officers shall be sworn into office.

Sec. 5. *And be it further enacted*, That each and every officer appointed, or who may hereafter be appointed, and commissioned, in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county in which such officer resides) to wit: "I do swear that I will support the constitution of the United States, and faithfully discharge the duties of in the of the militia of the district of Columbia, to the best of my skill and judgment; so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

Oath.

Oath how certified.

Who shall be enrolled in the militia.

Sec. 6. *And be it further enacted*, That the commanding officers of companies shall enrol every able-bodied white male, between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States) resident within his district; and that in all cases of doubt, respecting the age of any person enrolled

or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of inquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such white male, as aforesaid, and all those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proved.

Mode of proceeding against delinquents.

Sec. 7. *And be it further enacted,* That the President of the United States, upon complaint for misconduct, lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major-general or brigadier-general, and order a court martial to be composed of all the other general officers, field officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field officers. And any major-general or brigadier-general, for misconduct within their own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant-colonel commandant, aid-de-camp, brigade inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court martial, for the trial of such lieutenant-colonel commandant, aid-de-camp, brigade inspector, to be composed of one brigadier-general, and as many lieutenant-colonel commandants, majors, and captains, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, when approved by the President of the United States. And any brigadier-general, lieutenant-colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade, shall order a brigade court martial, for the trial of such captain or subaltern, to be composed of one or more field officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court martial, (as the case may be) shall issue his summonses; and every person so summoned, failing to attend and to give evidence, shall be subject to, and may be tried by a court martial; and if an officer, may at the discretion of a court martial, be cashiered, or fined, not exceeding six months pay, as by law allowed; and if a non-commissioned officer, or soldier, or a person not enrolled, to be reported to the court of inquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding forty dollars.

General courts martial, how constituted for superior officers.

Field officers and staff.

Their powers.

Captains and subalterns.

Brigade court martial.

Evidence, how to be obtained.

Penalties.

Courts of inquiry.

Sec. 8. *And be it further enacted,* That there shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act, in such battalion; and such courts of inquiry shall be held in the months of May, August, and November, in each year, at some convenient place within the county, to consist of the commanding officer of the battalion, and the command-

When and how held.

ing officers of companies, which shall belong, or to be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards by any other officer of the court, to him. "I will truly and faithfully inquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favour, partiality, or affection, so help me God." The presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon, they shall proceed to hear and determine. And there shall, moreover, be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act, such courts of inquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of inquiry, in every year; and moreover, one legionary court extraordinary, shall be, in like manner appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for appointing a clerk, provost marshal, and collector, as herein after directed, and for other duties, by this act prescribed; the said legionary courts of inquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer, of every such court of inquiry, to return to the next legionary court of inquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; the said court may also exempt any militia man from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

Oath of members.

Legionary courts of inquiry.

Extraordinary inquiry court.

Duties of courts of inquiry.

May remit fines and exempt from duty.

Clerk and provost marshal, shall be appointed by ballot.

Sec. 9. *And be it further enacted*, That the respective legionary courts of inquiry, shall annually appoint by ballot, a clerk, and provost marshal, who shall attend the courts herein before directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular routine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by the clerk, on which list the collector's receipts shall be taken: the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry, and shall perform all other duties required by this act, and together with the provost marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

List of fines to be kept, and by whom.

Fines incurred heretofore, how disposed of.

Sec. 10. *And be it further enacted*, That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the district of Columbia, and not then returned to the officers thereby authorized to collect the same, shall be returned to the first legionary court of inquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.

Musters, and at what periods.

Sec. 11. *And be it further enacted*, That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrolment, once in every month, except the months of January, February, March, May, October, and December, in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be

fixed by the first legionary court of inquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of inquiry may think proper; and there shall be a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade, to which such battalions respectively belong, at such places as he may think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to be appointed by the commanding officer of the brigade, to which such legion belongs, at such place as he may think most convenient within the legionary district; which said company, battalion, and legionary musters, shall continue one day, and no longer; the time and place of such legionary, company, and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, companies, and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in his company, at least three days before such musters, respectively; the notices to be given by the commanding officers of brigades, legions, battalions, and companies shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeably to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act, nevertheless all notices publicly given by the commanding officers of companies, at their respective musters of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such musters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clock in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover, it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which, to be furnished them by the brigade inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions shall, at their respective legionary and battalion musters, (as the case may be) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of inquiry, appointed under this act to take cognizance of, and determine on them: and to each of the said returns, shall be annexed the following certificate, to wit: "I do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred since my last return, having duly examined the same."

Muster of inspection in May.

Legionary muster in October.

Muster to continue one day only.

Notice how given, and when.

Notices in writing to commanding officers.

Penalty on omitting to give notice.

Appearance at muster.

Forms to be observed in returns.

Returns to be certified.

Sec. 12. *And be it further enacted*, That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant, from time to time; it shall be the duty of commanding officers of battalions, to make like returns to the commanding officers

Returns of companies, how and when made.

Returns of legions.

of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade inspector, within ten days thereafter.

Non-commissioned officers, appointment of.

Sec. 13. *And be it further enacted*, That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the commanding officer of his battalion: the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act; and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom, on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.

Neglect of duty, penalty on.

Officers to meet for training once a year.

Sec. 14. *And be it further enacted*, That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade inspector; the days and places of meeting to be fixed on by the commanding officer of the brigade to which the legions belong; the officers thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of inquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

Training three days, eldest officer shall call the roll.

Penalty on non-attendance.

Misconduct of officers, how treated.

Sec. 15. *And be it further enacted*, That any officer who shall be guilty of disobedience, or other misbehaviour, when on duty, or shall at any time be guilty of any conduct, unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

Non-commissioned officers, how treated for misconduct.

Sec. 16. *And be it further enacted*, That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall moreover, be fined at the discretion of the court of inquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act.

Penalty.

Spectators or bystanders interrupting or insulting, liable to punishment.

Sec. 17. *And be it further enacted*, That if any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

Parade limits.

Sec. 18. *And be it further enacted*, That all commissioned officers

are required to appear in full uniform when on duty, and on failure, shall forfeit and pay five dollars for each offence, to be assessed and appropriated as other fines imposed by this act.

Officers on duty shall be in uniform. Penalty.

Sec. 19. *And be it further enacted*, That a brigade inspector, to act as brigade major, and be commissioned with the rank of major, shall be appointed by the President of the United States; and the lieutenant-colonel commandants are hereby authorized to appoint a legionary staff, to consist of one adjutant, one quartermaster, one paymaster, to be taken from the officers of the line, and one surgeon, one surgeon's mate, and also, one sergeant major, one quartermaster's sergeant, one drum major, and one fife major, which appointments shall be evidenced by warrants under the hand of the lieutenant-colonel commandant, and it shall be the duty of the brigade inspector, to attend the brigadier-general when required to receive and execute all orders necessary to carry into effect the provisions of this law, and to attend the annual training of the officers, and at the several legionary and battalion musters, and he shall inspect the several battalions belonging to his brigade, to their respective musters, and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets; and shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President of the United States, and upon refusal or neglect, he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade. And it shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this law, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia, and he, together with the brigade inspector, shall be allowed such compensation as the legionary courts of inquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

Brigade inspector.

Legionary staff.

Duties of brigade inspector.

Penalty on neglect of duty.

Adjutant, his duty.

Penalty on neglect.

Sec. 20. *And be it further enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz. By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary or battalion muster; to report delinquencies, to make returns of his legion, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into service any militia legally called for, three hundred dollars. By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due despatch, any detachment of men or officers as shall be required from time to time by the commanding officer of his legion, or any call from the President of the United States, one hundred and fifty dollars. By a captain for failing to take an oath, to attend any court, to enrol his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this act, he

Delinquencies, forfeitures, and penalties on.

Commanders of corps.

Major's neglect.

Captain's neglect.

shall forfeit and pay for each and every offence and neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the President of the United States, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars. By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each and every such offence he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry. By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and moreover shall be enrolled in the class destined to perform the next tour of duty: all officers failing as before mentioned, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry. Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutred as the law directs, the court of inquiry before whom the same shall be tried, may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment. Any private at or near the muster ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

Subaltern's neglect.

Non-commissioned officer's neglect.

Penalties.

Fines of persons under age, how paid.

Sec. 21. *And be it further enacted*, That the fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty, in any particular service, by law required of them, shall be paid by the parent, guardian or master.

Legionary court of inquiry to appoint a collector, and when.

Allowance of six per cent.

Collector a defaulter, to be sued, and how.

Sec. 22. *And be it further enacted*, That the legionary court of inquiry shall, at their first meeting in each year, appoint by ballot, a collector, who shall proceed to collect all fines assessed by virtue of this act, as also, all fines incurred under the act of Congress, at their last session, empowering the President to organize the militia of the district of Columbia, not previously sent out for collection, upon a list thereof, certified by the clerk of the court of inquiry, and delivered to him in sixteen days after each legionary court of inquiry, who shall give his receipt therefor, and having deducted a commission of six per centum, shall account for, and pay the residue into the hands of the paymaster, in three months thereafter, and in case of default, to be recovered against the collector, by motion, in any court of record within said district, ten days notice of such motion being given to the collector, at the first legionary or regimental court of inquiry, after the time before limited, for accounting and paying to the paymaster as aforesaid, the fines collected by the collector, he shall make return, and report to said court of inquiry, of such fines as cannot be collected, by reason of the insolvency or want of effects of the delinquent or delinquents; and if the said collector shall fail to account for, and pay into the hands of the paymaster as aforesaid, in the time limited as aforesaid, all the residue of the fines by him collected as aforesaid, the whole amount of such fines, including his commission, shall be recovered against him, by motion, in any court of record within this district, ten days previous notice of such motion being given to said collector, and if such collector shall

fail to make return and report as aforesaid, of such fines as he shall be unable to collect by reason of the causes aforesaid, or shall make a false return and report of the same, the whole amount of the same shall be recovered of said collector, in like manner as if he had actually collected the same. And should any person so charged with fines, fail to make payment when called on, the collector is hereby authorized to make distress and sale therefor. The collector shall immediately after his appointment, and before he shall proceed to his collection, give bond and security for the faithful performance of his duty, in such penalty as the court of inquiry may think proper.

Fines not paid, how recoverable.

Collector to give bond and security.

Sec. 23. *And be it further enacted*, That the fines thus paid into the hands of the paymaster by virtue of this act, shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary; to be adjudged and determined by the legionary courts of inquiry, and all accounts passed by the said court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the paymaster to pay the same; the paymaster shall keep a regular account of all monies received and disbursed by him on account of the legion, and shall once in every three months, render his accounts, and settle with the court of inquiry. The paymaster shall give bond and security, to be approved of by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as is herein prescribed in the case of a delinquent collector, and shall be allowed a commission of two and an half per centum on the several sums by him disbursed.

Fines to be a fund for salaries of officers, musicians, &c. also for furnishing the necessary equipage, &c.

Paymaster of the legion shall settle his accounts once in three months.

Shall give bond and security.

Two and an half per centum allowed on disbursements.

Sec. 24. *And be it further enacted*, That the President of the United States be authorized and empowered, on an invasion, or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such county, and in such a manner, whether by routine of duty or otherwise, as he may deem proper; and for the accommodation, equipment and support of the militia, so at any time to be called forth, the President of the United States may appoint such quartermasters, commissaries, and other staff, as to him shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the district of Columbia, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts martial shall be held as therein are directed, to be composed of militia officers only, for the trial of any person, in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the President of the United States shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States. If a sudden invasion shall be made into either county in this district, or in case of an insurrection in either county, the commanding officer of the militia of the district, or of such county, is hereby authorized and required to order out the whole or such part of the militia, as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like

President authorized to call forth the militia on an invasion, &c.

And to appoint certain officers with pay.

Militia when called forth, how governed.

Courts martial.

Pay and rations of the militia.

Power of the commanding officer of the district, in case of invasion or insurrection.

manner furnish the same; and in the event of any militia ordered out by the commanding officer of a county, or of the district as herein authorized, such officer shall immediately notify the same, and the cause thereof, to the commanding officer of the district, or to the President of the United States, as the case may require.

Arms, &c. always exempt from execution, and persons from civil arrests while in service.

Sec. 25. *And be it further enacted*, That all arms, ammunition, and equipments of militia, shall be exempted from executions and distress at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

Brigadier-generals may employ couriers.

Their compensation.

Sec. 26. *And be it further enacted*, That the brigadier-generals are hereby empowered and authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps, respecting the militia of the district of Columbia, who shall be exempt from all other militia duty, and shall receive such compensation, as the legionary court of inquiry, in which district such orders may from time to time be delivered, shall think proper, on his producing to the court a certificate of his having discharged the said services.

Non-commissioned officers and privates of battalions shall on duty appear in uniforms,

or be fined.

Sec. 27. *And be it further enacted*, That all non-commissioned officers and privates, belonging to battalion companies, shall appear while on duty, uniformly clothed, the colour and fashion of which uniforms to be determined on for the respective legions, by the first legionary courts of inquiry which shall be held, and to be approved of by the brigadier-general, provided the expense of the same, additional to that of usual, ordinary, and cheap clothing, does not exceed five dollars for each person; and every such non-commissioned officer, or drummer, or fifer, or private, appearing at any muster held after three months from the time that such uniforms shall have been determined on, and the order relative thereto shall have been published, in some newspaper within the legionary district, and not wearing the same, shall be fined five dollars for each offence; unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.

Courts of inquiry may bind young men and boys to learn military music.

Their fathers exempt from militia duties.

Courts of inquiry to provide for the musicians.

Compensation.

Sec. 28. *And be it further enacted*, That the respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions; and the father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter; and the several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and the properly instructing all such youths, to be paid from the fund arising from the fines imposed by this act; and the commanding officers of legions, shall cause the drummers and fifers and other musicians of their respective legions, to meet at the same times and places that commissioned officers are required to meet, for the purpose of being trained by the brigade inspector, or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person or persons as he may think proper and capable to instruct such drummers and fifers, and other musicians. The person so to be employed by the commanding officer of the legion, to be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless

an apprentice, shall be allowed during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Sec. 29. *And be it further enacted*, That the Secretary of War shall cause a sufficient number of copies of this law, together with the act of Congress, more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; and the act of Congress for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and the articles of war; to be printed and distributed throughout the territory of Columbia, so that every general and field officer therein, and every brigade inspector, and captain, be furnished with one copy each.

Each commissioned officer to be furnished with the articles of war and militia law.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXI.—*An Act in addition to, and in modification of, the propositions contained in the act intituled "An act to enable the people of the Eastern division of the territory northwest of the river Ohio, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original States, and for other purposes."*

Act of April 30, 1802, ch. 40.

Tracts of land appropriated for the use of schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following several tracts of land in the state of Ohio, be, and the same are hereby appropriated for the use of schools in that state, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent or purpose whatever, that is to say:

First—The following quarter townships in that tract commonly called the "United States military tract," for the use of schools within the same, viz. the first quarter of the third township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

Quarter townships in the Connecticut reserve for the use of schools.

Secondly—The following quarter townships in the same tract for the use of schools in that tract commonly called the Connecticut reserve, viz. the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

Part of the Virginia reservation for the use of schools.

Thirdly—So much of that tract, commonly called the "Virginia military reservation," as will amount to one thirty-sixth part of the whole tract, for the use of schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract after the warrants issued from the state of Virginia shall have been

1807, ch. 21.

satisfied; it being however understood, that the donation is not to exceed the whole amount of the above-mentioned residue of such unlocated lands, even if it shall fall short of one thirty-sixth part of the said tract.

Number sixteen in every township in all lands in the state of Ohio, reserved for the use of schools.

Fourthly—One thirty-sixth part of all the lands of the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section No. sixteen, in each township, if the said lands shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lots.

Appropriation for public roads in the state of Ohio from the receipts from public lands.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public monies of the several land-offices shall be settled, pay three per cent. of the nett proceeds of the lands of the United States, lying within the state of Ohio, which since the thirtieth day of June last have been, or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature of the said state to receive the same, which sums thus paid, shall be applied to the laying out, opening and making roads within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the state as the legislature thereof shall direct: and it is hereby declared, that the payments thus to be made, as well as the several appropriations for schools made by the preceding section, are in conformity with, and in consideration of the conditions agreed on by the state of Ohio, by the ordinance of the convention of the said state, bearing date the twenty-ninth day of November last.

Annual account to be transmitted to the Treasury.

Conditions.

Sections for schools in lieu of others to be selected by the Secretary of the Treasury.

Sec. 3. *And be it further enacted*, That the sections of land heretofore promised for the use of schools, in lieu of such of the sections, No. 16, as have been otherwise disposed of, shall be selected by the Secretary of the Treasury, out of the unappropriated reserved sections in the most contiguous townships.

Appropriation for establishing an academy, to be located by the legislature of Ohio.

Sec. 4. *And be it further enacted*, That one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land-office of Cincinnati, be, and the same is hereby vested in the legislature of the state of Ohio, for the purpose of establishing an academy, in lieu of the township already granted for the same purpose, by virtue of the act intituled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates: *Provided, however*, that the same shall revert to the United States, if, within five years after the passing of this act, a township shall have been secured for the said purpose, within the boundary of the patent granted by virtue of the above-mentioned act, to John Cleves Symmes, and his associates.

Proviso.

Further provision for an academy.

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Sec. 5. *And be it further enacted*, That the attorney-general for the time being, be directed and authorized to locate and accept from the said John Cleves Symmes, and his associates, any one complete township within the boundaries of the said patent, so as to secure the same for the purpose of establishing an academy, in conformity to the provisions of the said patent, and in case of non-compliance, to take, or direct to be taken, such measures as will compel an execution of the trust: *Provided, however*, that John Cleves Symmes and his associates shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple, upon payment into the treasury of the United

States, of fifteen thousand three hundred and sixty dollars, with interest from the date of the above-mentioned patent, to the day of such payment.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXIII.—*An Act concerning the insurance of buildings, goods and furniture, in the county of Alexandria, in the territory of Columbia.*

Jurisdiction to the circuit court of the county of Alexandria, in suits by certain insurance companies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two incorporated bodies of the state of Virginia, the one known by the name of "The Mutual Assurance Society against fire on buildings, in the state of Virginia;" the other called "A Mutual Insurance Company against fire, on goods and furniture, in the state of Virginia," or either of them hereafter making insurances on buildings, goods or furniture, situated in the county of Alexandria, in the district of Columbia, according to the laws, rules and regulations, by which the said societies are or may be respectively governed in their insurances in that state, may have the same right and mode of recovery, in the circuit court of the county of Alexandria, in the district of Columbia, against any person so insuring his building, furniture, or property, as the case may be, situated in the county aforesaid, with either of the said societies, which might have been had against him or her, if the person so insuring was resident, and the building, furniture, or property, so insured, was situated in the state of Virginia.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

[Obsolete.]

Specific appropriations.

Chap. XXIV.—*An Act making appropriations for the Military establishment of the United States, in the year one thousand eight hundred and three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the several expenses of the military establishment of the United States, for the year one thousand eight hundred and three; for the Indian department, and for the erection of fortifications, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, two hundred and ninety-nine thousand one hundred and twenty-four dollars.

For forage, four thousand and fifty-six dollars.

For the subsistence of the officers of the army and the corps of engineers, twenty-nine thousand and eighty-six dollars and eighty-five cents.

For the subsistence of non-commissioned officers and privates, one hundred and fifty-four thousand five hundred and forty dollars and seventy-five cents.

For clothing, fifty-six thousand nine hundred and sixty dollars.

For bounties and premiums, eight thousand dollars.

For the medical and hospital department, ten thousand dollars.

For camp equipage, fuel, tools, and transportation, and contingent expenses, fifty-eight thousand dollars.

For fortifications, arsenals, magazines and armories, one hundred and nine thousand six hundred and ninety-six dollars and eighty-eight cents.

For the Indian department, seventy-three thousand five hundred dollars.

For purchasing maps, plans, books and instruments for the department of war and the military academy, two thousand dollars.

For postage on letters on public service to and from the offices of

Specific appropriations.

the adjutant and inspector and paymaster of the army, four thousand five hundred dollars.

Sec. 2. *And be it further enacted,* That a sum not exceeding twenty thousand dollars, including any unexpended balance of former appropriations for the same object, be, and the same hereby is appropriated for defraying the expense of any treaty or treaties which may be held with the Indians: *Provided,* that the compensation to be allowed to any commissioner appointed or who may be appointed, for negotiating such treaties shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day during the actual service of such commissioner.

Sec. 3. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged, first out of any balance remaining unexpended of former appropriations for the same objects respectively, and secondly, out of any monies in the treasury not otherwise appropriated.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXV.—*An Act for erecting a Lighthouse at the entrance of Penobscot Bay, or any other place in its vicinity, that may be deemed preferable by the Secretary of the Treasury.*

A lighthouse to be erected on Whitehead, Penobscot bay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as a cession shall be made by the state of Massachusetts to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to purchase so much land as may be necessary, and provide by contract, to be approved by the President of the United States, for building a lighthouse on Whitehead at the entrance of Penobscot bay, or any place in its vicinity, that may be deemed preferable by the Secretary of the Treasury, and to furnish the same with all necessary supplies; and also, to agree for the salaries or wages of the persons who may be appointed by the President for the superintendence and care of the same; and that the President be authorized to make the said appointments.

Appropriation.

Sec. 2. *And be it further enacted,* That there be appropriated and paid out of the monies arising from imports and tonnage, the sum of seven thousand dollars for the purpose of erecting the lighthouse as aforesaid.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXVI.—*An Act to make Beaufort and Passamaquoddy, ports of entry and delivery; to make Easton and Tiverton, ports of delivery; and to authorize the establishment of a new collection district on Lake Ontario.*

District of Beaufort formed from Newbern, North Carolina.

Beaufort port of entry.

Collector appointed.

1799, ch. 22, sec. 12.

Salary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June next, a district shall be formed from the district of Newbern, in North Carolina, to be called the district of Beaufort, which shall include the town of Beaufort, and all the water and shore north and east of the said town, to Harbor Island, and all the water and shore south and west of the said town, to Dog Island, inclusive. And the town of Beaufort shall be the sole port of entry and delivery for the said district; and a collector for the said port shall be appointed, to reside and keep his office at the said town of Beaufort, who shall be entitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred dollars.

Easton, Maryland, and Ti-

Sec. 2. *And be it further enacted,* That from and after the said thirtieth day of June, Easton, in the district of Oxford, in the state

of Maryland, and Tiverton, in the district of Newport, and state of Rhode Island, shall be ports of delivery, and a surveyor shall be appointed to each; each of whom shall be entitled to receive, in addition to the fees and emoluments already allowed by law, a salary of two hundred dollars per annum.

verton, Rhode Island, ports of delivery.
Surveyor to each.
Salaries.

Sec. 3. *And be it further enacted,* That it shall be lawful for the President of the United States to establish, when it shall appear to him to be proper, in addition to the port of entry and delivery already established on Lake Ontario, one other port of entry and delivery on the said lake, or on the waters or rivers emptying therein, and to appoint a collector of the customs, to reside and keep an office thereat.

Additional port of entry and delivery, on Lake Ontario.
1799, ch. 22, sec. 5.
With a collector.

Sec. 4. *And be it further enacted,* That from and after the said thirtieth day of June next, such place within the district of Passamaquoddy, in the state of Massachusetts, as the Secretary of the Treasury may direct, shall be a port of entry and delivery, (at which place the collector shall reside) as well for foreign as for vessels of the United States.

Port of entry and delivery in Passamaquoddy, Massachusetts.

Approved, March 3, 1803.

Statute II.

Chap. XXVII.—*An Act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee.*(a)

March 3, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who were resident in the Mississippi territory on the twenty-seventh day of October, in the year one thousand seven hundred and ninety-five, and who had prior to that day obtained, either from the British government of West Florida or from the Spanish government, any warrant or order of survey for lands lying within the said territory, to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided, however,* that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date either the head of a family, or above the age of twenty-one years.

Residents in the Mississippi territory, confirmed in their claims.

Proviso.

Sec. 2. *And be it further enacted,* That to every person, or to the legal representative or representatives of every person who, being either the head of a family, or of twenty-one years of age, did on that day of the year seventeen hundred and ninety-seven, when the Mississippi territory was finally evacuated by the Spanish troops, actually inhabit and cultivate a tract of land in the said territory, not claimed by virtue either of the preceding section, or of any British grant, or of the articles of agreement and cession between the United States and the state of Georgia, the said tract of land thus inhabited and cultivated, shall be granted: *Provided, however,* that not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres: *And provided also,* that this donation shall not be made to any person who claims any other tract of land in the said territory by virtue of any British or Spanish grant, or order of survey.

Grants to inhabitants where the territory was evacuated by the Spaniards.

Limitations.

Sec. 3. *And be it further enacted,* That every person, and the legal representatives of every person, who being the head of a family, or above the age of twenty-one years, doth at the time of passing this act, inhabit and cultivate a tract of land in the said territory, not claimed by virtue of the preceding sections of this act, or of any British grant, or of the

Residents entitled to a preference as purchasers.

(a) Act of March 27, 1804, chap. 61; act of March 2, 1805, chap. 24; act of April 21, 1806, chap. 46; act of March 3, 1807, chap. 46; act of January 19, 1808, chap. 10; act of March 3, 1815, chap. 87, sec. 4; act of May 8, 1822, chap. 128, sec. 4; act of March 2, 1833, chap. 85.

articles of agreement and cession above-mentioned, shall be entitled to a preference in becoming the purchaser from the United States, of such tract of land, at the price at which the other lands of the United States in the said territory, are by this act directed to be sold; and payment may be made therefor in the same manner, and under the same conditions, as directed by this act for such other lands: *Provided, however*, that no interest shall be charged upon any of the instalments until they respectively become payable.

Without interest on instalments.

Two land-offices in the Mississippi Territory.

Sec. 4. *And be it further enacted*, That for the disposal of the lands of the United States within the Mississippi territory, two land-offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the President of the United States, for the lands lying west of "Pearl river," sometimes called "half-way river;" and one at such place in the county of Washington, as shall be designated by the President of the United States, for the lands lying east of Pearl river: and for each of the said offices, a register and receiver of public monies shall be appointed, who shall give security in the same manner, and in the same sums, and whose duties and authority shall in every respect be the same in relation to the lands which shall be disposed of at their offices, as are by law provided in relation to the registers and the receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

Register and receiver of public money in each.

Security.

Claimants and residents to state their claims before the thirty-first of March, one thousand eight hundred and four.

Sec. 5. *And be it further enacted*, That every person claiming lands by virtue of any British grant, or of the three first sections of this act, or of the articles of agreement and cession between the United States and the state of Georgia, shall, before the last day of March in the year one thousand eight hundred and four, deliver to the register of the land-office, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and shall also, on or before that day, deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim, and the same shall be recorded by the said register, in books to be kept for that purpose, on receiving from the parties at the rate of twelve and a half cents, for every hundred words contained in such written evidence of their claim; and if such person shall neglect to deliver such notice in writing, of his claim, together with a plot as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the above-mentioned articles of agreement, or from the three first sections of this act, shall become void, and for ever thereafter be barred; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court in the United States, against any grant derived from the United States.

To be recorded.

Neglect thereof to bar their claims.

Commissioners appointed to settle the claims.

Sec. 6. *And be it further enacted*, That the register of the land-office in Adams county, and two other persons who shall be appointed by the President of the United States alone, shall for the lands lying west of Pearl river, and the register of the land-office of Washington county, together with two other persons who shall be appointed by the President of the United States alone, shall for the lands lying east of Pearl river, respectively be commissioners, for the purpose of ascertaining the rights of persons claiming the benefit of the articles of agreement and cession between the United States and the state of Georgia, or of the three first sections of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties im-

Their oath or affirmation.

posed upon me, by an act of Congress, intituled 'An act regulating the grants of land and providing for the disposal of the lands of the United States south of the state of Tennessee,' to the best of my skill and judgment." And it shall be the duty of the said commissioners to meet in the county of Adams, and in Washington county aforesaid, respectively, on or before the first day of December next, and they shall not adjourn to any other place, or for a longer time than three days, until the first day of April, one thousand eight hundred and four, and until they shall have completed the business of their appointment. And each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination, so far as relates to any rights derived from the articles of agreement above mentioned, or from the three first sections of this act, shall be final; and for the safe keeping of the papers and evidence produced and recording their proceedings, the said boards, respectively, shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, perfect and correct minutes of the proceedings, decisions, meetings and adjournments of the boards, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards, shall be transmitted to, and lodged in the office of the Secretary of State; and on or before such clerk's entering on the duties of his office, he shall take and subscribe the following oath or affirmation, to wit: "I do solemnly swear (or affirm as the case may be) that I will truly and faithfully enter and record all minutes, proceedings and decisions of the board of commissioners for the county of appointed under and by virtue of an act of the United States, intituled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee,' and well and faithfully do and perform all other acts and things in the said act pointed out as the duty of a clerk of the said board," which oath shall be entered on the minutes of the board; and when it shall appear to them that the claimant is entitled to a tract of land under the articles of agreement and cession with Georgia aforesaid, in virtue of a British or Spanish grant legally and fully executed, they shall give a certificate thereof, describing the tract of land and the grant, and stating that the claimant is confirmed in his title thereto by virtue of the said articles; which certificate, being recorded by the register of the land-office, whose duty it shall be to record the same in a book to be kept by him for that purpose, shall amount to a relinquishment for ever, on the part of the United States to any claim whatever to such tract of land: and when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of a settlement under the Bourbon act of Georgia, recognized in the said articles of agreement and cession, or of either of the two first sections of this act, they shall give a certificate thereof, stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this act, which certificate being duly entered with the register of the land-office, on or before the first day of January, eighteen hundred and five, shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by this act for the other lands of the United States, without the party paying any thing therefor, except the surveying expenses and the fees of office. And when it shall appear to the said commissioners that the claimant is entitled to a right of pre-emption by virtue of the third section of this act, they shall give a certificate thereof, directed to the register of the land-office; which certificate being duly entered with the register of the land-office, on or

Duties.

Powers.
The determination of the board to be final.

Appointment of clerks.
Duties.
Papers, &c. on dissolution of the boards to be lodged in the Secretary of State's office.

Oath or affirmation of the clerk.

Titles, when to be granted, and how,—under the Georgia cession.

A certificate to be given.

Under the Bourbon act of the state of Georgia.

Certificate to be returned before January 1, 1805, which shall entitle the party to a patent.
Right of pre-emption.

before the first day of January, eighteen hundred and five, shall entitle the party to become a purchaser of such tract of land: *Provided*, that he shall, prior to the first day of January, eighteen hundred and six, also produce a receipt from the treasurer of the United States, or from the receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of the surveying expenses; and the party shall, upon payment in full of the purchase money, on which, if any of the three last payments shall be made in advance, he shall be allowed the same discount allowed in similar cases by this act, be entitled to receive a patent, which shall issue in like manner, and on payment of the same fees as are provided by this act for the other lands of the United States; but if such person shall neglect to enter his certificate, on or before the first day of January, eighteen hundred and five, or to make such first payment as above provided; his right of pre-emption shall cease and become void: *Provided also, and it is further enacted*, that whenever a tract of land to which any person might be entitled by virtue of the three first sections of this act, shall also be claimed by the holder of a British patent, legally and fully executed, and duly recorded in conformity to the provisions of this act, who is not confirmed in his claim by the articles of agreement above mentioned, the commissioners shall, in the certificate granted to the person claiming the land by virtue of this act, state the existence of the adverse claims, in which case the party shall not be entitled to a patent, unless he shall have obtained in his favour a judicial decision in a court having jurisdiction therein, and for every certificate so granted by the boards respectively, the clerk of the board granting the same, shall be entitled to demand and receive of the party to whom the same is granted, the sum of two dollars.

Proviso that receipts for purchase money be produced.

Proviso. Reference to be made to adverse claims.

Clerk to receive two dollars for every certificate.

Sec. 7. *And be it further enacted*, That the commissioners aforesaid shall, on or before the first day of December, one thousand eight hundred and four, make to the Secretary of the Treasury, a full report of all the British grants legally and fully executed, which have been duly recorded in conformity to the provisions of this act, the title of which is not confirmed to the holders thereof, by the articles of agreement above mentioned, stating the present situation of the lands, the date of such grants, the conditions annexed thereto, and how far the same have been fulfilled, together with such other remarks thereon as they may think proper; which report shall be laid before Congress at their next session, and the lands contained in such grants shall not be otherwise disposed of, until the end of one year after that time.

Commissioners shall report to the Secretary of the Treasury.

Report to be laid before Congress.

Sec. 8. *And be it further enacted*, That so much of the five millions of acres reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced by the two first sections of this act, or which may be derived from British grants for lands which have not been regranted by the Spanish government, be, and the same is hereby appropriated for that purpose; and so much of the residue of the said five millions of acres or of the nett proceeds thereof as may be necessary for that purpose, shall be, and is hereby appropriated, for the purpose of satisfying, quieting and compensating, for such other claims to the lands of the United States south of the state of Tennessee, not recognized in the above-mentioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia, which Congress may hereafter think fit to provide for; provided, however, that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same, who shall pay to the person employed by the Secretary of State for recording the same, at the rate of twelve and an

Unconfirmed claims provided for.

Proviso, that no claims shall be embraced by the appropriation in this act which have not been presented before the first of January, 1804.

half cents for every hundred words contained in each document thus recorded; nor shall any grant, deed, conveyance, or other written evidence of any claim to the said lands, derived, or pretended to be derived from the state of Georgia, and not recognized by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited, and recorded, in the manner and within the time above mentioned; and provided also, that nothing herein contained, shall be construed to recognize or affect the claims of any person or persons, to any of the lands above mentioned; and provided also, that no certificate shall be granted for lands lying east of the Tombigby river, nor for lands situated without the boundary lines established by treaty between the United States and the Choctaws, made the seventeenth day of October, in the year eighteen hundred and two.

Fees on recording.

No grant, deed or conveyance from the state of Georgia to be evidence unless recorded.

Claims not recognized.

Sec. 9. *And be it further enacted,* That the Secretary of State, the Secretary of the Treasury and the Attorney-General for the time being, be, and are hereby authorized and empowered to receive such propositions of compromise and settlement, as may be offered by the several companies, or persons claiming public lands in the territory of the United States, lying south of the state of Tennessee, and west of the state of Georgia; and report their opinion thereon to Congress at their next session.

Authority given to receive propositions of compromise.

Sec. 10. *And be it further enacted,* That a surveyor of the lands of the United States, south of the state of Tennessee, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands above mentioned, to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner hereafter directed, and to do and perform all such other acts, in relation to the said lands, as the surveyor-general is authorized and directed to do in relation to the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky.

Land surveyor south of Tennessee appointed, who shall engage deputies.

Duties.

Sec. 11. *And be it further enacted,* That the lands for which certificates of any description whatever, shall have been granted by the commissioners in pursuance of the provisions of this act, shall, as soon as may be, be surveyed under the direction of the surveyor of the lands of the United States above mentioned, in conformity to the true tenor and intent of such certificates; and the said surveyor shall also cause all the other lands of the United States, in the Mississippi territory, to which the Indian title has been extinguished, to be surveyed as far as practicable, into townships, and subdivided into half sections, in the manner provided for the surveying of the lands of the United States, situate northwest of the river Ohio, and above the mouth of the Kentucky river, and shall transmit to the registers of the land-offices respectively, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury; and he shall also, with the approbation of the said secretary, fix the compensation of the deputy surveyors, chain carriers, and axe men: *Provided,* that the whole expense of surveying and marking the lines shall not exceed four dollars for every mile that shall be actually run, surveyed and marked: *And provided,* that the expense of surveying those tracts of land, to which the title of the claimants is confirmed by the articles of agreement, or by the two first sections of this act, and those tracts claimed under British grants, a return of which is to be made to Congress, shall not be advanced by the United States, but shall be paid to the deputy surveyor by the parties claiming the same; and that in relation to all the land sold by the United States, the purchaser shall make the same payment for surveying expenses, which is directed by law to be made for lands sold north of the river Ohio.

Further duties of the surveyor.

Other lands in the Mississippi territory to be surveyed.

Expenses of surveying.

1800, ch. 55.

Sec. 12. *And be it further enacted,* That all the lands aforesaid, not

The lands aforesaid unappropriated to be sold.

otherwise disposed of, or excepted by virtue of the preceding sections of this act, shall, with the exception of the section number sixteen, which shall be reserved in each township for the support of schools within the same, with the exception also of thirty-six sections to be located in one body by the Secretary of the Treasury for the use of Jefferson College, and also with the exception of such town lots not exceeding two in the town of Natchez, and of such an outlot adjoining the same, not exceeding thirty acres, as may be the property of the United States, to be located by the governor of the Mississippi territory, for the use of the said college, be offered for sale to the highest bidder, under the direction of the governor of the Mississippi territory, of the surveyor of the lands of the United States, above mentioned, and of the register of the land-office at the places respectively, where the land-offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open at each place for three weeks and no longer; and all lands, other than the section number sixteen, remaining unsold at the closing of the public sales, may be disposed of at private sale by the registers of the respective land-offices in the same manner, under the same regulations, for the same price, and on the same terms and conditions as is provided by law, for the sale of the lands of the United States, north of the river Ohio, by an act, intituled "An act to amend the act intituled, An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river:" *Provided always*, that the lands which may be sold at public sale by virtue of this act, shall not be sold for less than two dollars per acre, and shall in every other respect be sold on the same terms and conditions as was provided for the lands sold at public sale, by the last-recited act. And patents shall be obtained for all lands granted or sold in the Mississippi territory in the same manner and on payment of the same fees as is provided for lands sold north of the river Ohio, by the said last-recited act: *Provided, however*, that evidences of the public debt of the United States shall not be received in payment for the purchase of said lands.

Under the directions of the governor, surveyor and register.

Sales to remain open for three weeks—then private sales, by whom,

and on what terms.

Proviso. Lands not to be sold for less than two dollars per acre.

Patent fees.

Proviso.

Sec. 13. *And be it further enacted*, That the registers of the land-offices, and the receivers of public monies, appointed in pursuance of this act, shall receive the same fees and compensation as the registers and receivers of the land-offices north of the river Ohio, and the registers shall also be entitled to receive twenty-five cents for entering each certificate granted by the commissioners above mentioned. The surveyor of the lands of the United States, appointed in pursuance of this act, shall receive an annual compensation of fifteen hundred dollars, and shall be allowed not exceeding two clerks, whose whole compensation shall not exceed one thousand dollars per annum. The commissioners appointed to ascertain the rights of persons claiming the benefit of the articles of agreement above mentioned, and of this act shall receive each a compensation of two thousand dollars for the whole of their services, the registers of the land-offices excepted, who shall receive only five hundred dollars each, for their services as commissioners; the clerks of the boards of commissioners a compensation not exceeding seven hundred and fifty dollars each; and the superintendents of the public sales shall receive six dollars each, for each day's attendance on the said sales.

Fees of the registers of the land-offices, and receivers of public monies.

Salary of the surveyor,

and of his two clerks.

Compensation of the commissioners,

and of their clerks.

Pay of the superintendents.

Sec. 14. *And be it further enacted*, That the President of the United States shall have full power to appoint and commission the surveyor, registers of the land-offices, and receivers of public monies above mentioned, in the recess of Congress, and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

Commissions of the surveyor, registers of the land-offices, and receivers of public monies.

Sec. 15. *And be it further enacted*, That a sum not exceeding twenty

thousand dollars be, and the same is hereby appropriated for the purpose of carrying this act into effect; which sum shall be paid out of any unappropriated monies in the treasury.

Appropriation for the execution of this act.

Sec. 16. *And be it further enacted*, That the nett proceeds of the lands which may be sold by virtue of this act, after deducting the surveying expenses and other expenses incident to the sale thereof, shall, and the same are hereby appropriated in the first place, towards paying to the state of Georgia a sum of one million two hundred and fifty thousand dollars, in pursuance of the articles of agreement and cession entered into between the United States and that state; and the Secretary of the Treasury is hereby authorized and directed to pay accordingly, and from time to time, as the same shall be received in the treasury of the United States, so much of the said nett proceeds as will amount to the said sum of one million two hundred and fifty thousand dollars.

Appropriation of the monies arising from the above sales.

Sec. 17. *And be it further enacted*, That all navigable rivers within the territory of the United States, south of the state of Tennessee, shall be deemed to be and remain public highways.

Navigable rivers south of Tennessee to remain public.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

[Obsolete.]

Chap. XXVIII.—*An Act concerning the Salt Springs on the waters of the Wabash river.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of procuring articles necessary to the establishment of salt works, at the springs near the Wabash river, which have been ceded to the United States, by certain Indian tribes, the sum of three thousand dollars be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, and under the direction of the President of the United States, who is hereby authorized to cause the said springs to be worked at the expense of the United States; or, if he shall deem it more proper, to lease the same for a term not exceeding three years, on such conditions as will insure the working the same most extensively, and to the most advantage to the United States.

Salt works to be established on the Wabash river.

1807, ch. 46.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

[Obsolete.]

Chap. XXIX.—*An Act concerning the City of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of the city of Washington shall be, and he hereby is allowed as a compensation for his services, a salary of one thousand two hundred dollars, annually.

Salary of the superintendent.

Sec. 2. *And be it further enacted*, That the surveyor of the city shall receive as a compensation for his services, an allowance of three dollars for every day during which he shall be actually employed.

Allowance to the surveyor.

Sec. 3. *And be it further enacted*, That the following sums be, and the same hereby are appropriated for defraying the expense in relation to the said officers, that is to say:

Sums appropriated.

For the salary of the superintendent for the year one thousand eight hundred and three, including an allowance at the same rate for six months of the preceding year, one thousand eight hundred dollars.

For clerk hire in his office, five hundred dollars.

For the wages of the surveyor, one thousand dollars.

For a messenger to both offices, and also to attend the surveyor in the field, two hundred dollars.

For fuel, stationery and other contingent expenses of both offices, two hundred dollars.

To be paid out of the city funds.

Sec. 4. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of any monies in the hands of the said superintendent arising out of the city funds.

Appropriation from the treasury.

Sec. 5. *And be it further enacted,* That a sum not exceeding fifty thousand dollars shall be, and is hereby appropriated, to be applied under the direction of the President of the United States, in such repairs or alterations in the Capitol and other public buildings as may be necessary for the accommodation of Congress in their future sessions, and also for keeping in repair the highway between the Capitol and other public buildings; which sum shall be paid out of any money in the treasury of the United States not otherwise appropriated.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXX.—*An Act to revive and continue in force, an act in addition to an act intituled "An act in addition to 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," and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an act in addition to an act intituled "An act in addition to 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," approved the twenty-sixth of April, eighteen hundred and two, be, and the same is hereby revived and continued in force until the first day of April next.

Act of April 26, 1802, ch. 30, revived and continued in force four weeks.

Act of March 19, 1804, ch. 26.

Act of March 27, 1804, ch. 61.

Secretary of War to issue land warrants; when and to whom.

Sec. 2. *And be it further enacted,* That the Secretary of War be, and he hereby is authorized, from and after the first day of April next, to issue warrants for military bounty lands to the two hundred and fifty-four persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same to the Secretary of War, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, intituled "An act in addition to an act, intituled An act in addition to 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."

1802, ch. 30.

Where to be located.

Sec. 3. *And be it further enacted,* That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only, on any unlocated parts of the fifty quarter townships and the fractional quarter townships which had been reserved for original holders, by virtue of the fifth section of an act intituled "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."

1800, ch. 13.

Land warrants to General La Fayette.

Sec. 4. *And be it further enacted,* That the Secretary of War be, and he is hereby authorized to issue land warrants to Major General La Fayette, for eleven thousand five hundred twenty acres, which shall, at his option, be located, surveyed and patented, in conformity with the provisions of 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," or which may be received acre for acre, in payment for any of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river.

1804, ch. 61, sec. 14.

Unappropriated lands within the military tract; how to be surveyed.

Sec. 5. *And be it further enacted,* That all the unappropriated lands within the military tract, shall be surveyed into half sections, in the manner directed by the act intituled "An act to amend the act intituled An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river;" and that so much of the said lands as lie west of the eleventh

Part to be at-

range within the said tract, shall be attached to, and made a part of the district of Chilicothe, and be offered for sale at that place, under the same regulations that other lands are within the said district.

tached to the district of Chilicothe; and for sale.

Sec. 6. *And be it further enacted,* That the lands within the said eleventh range, and east of it, within the said military tract, and all the lands north of the Ohio company's purchase, west of the seven first ranges, and east of the district of Chilicothe, shall be offered for sale at Zanesville, under the direction of a register of the land-office and receiver of public monies to be appointed for that purpose, who shall reside at that place, and shall perform the same duties and be allowed the same emoluments as are prescribed for and allowed to registers and receivers of the land-offices by law.

Certain tracts for sale.

Where to be offered.

Register and receiver appointed.

Duties and compensation.

Sec. 7. *And be it further enacted,* That all persons who have obtained certificates for the right of pre-emption to lands by virtue of two acts, the one intituled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates for lands lying between the Miami rivers in the territory of the United States northwest of the Ohio," and the other "An act to extend and continue the provisions of the said act, passed on the first day of May, eighteen hundred and two," and who have not made the first payment therefor, before the first day of January last, shall be allowed until the tenth day of April next to complete the same; and that all persons who have become purchasers of land by virtue of the aforesaid acts, be, and they are hereby allowed until the first day of January, eighteen hundred and five, to make the second instalment; until the first day of January, eighteen hundred and six, to make their third instalment; and until the first day of January, eighteen hundred and seven, to make their fourth and last instalment; any thing in the acts aforesaid, to the contrary notwithstanding.

Possessors of rights of pre-emption under John Cleves Symmes and others allowed further time of payment.

1801, ch. 23.
1802, ch. 44.

Sec. 8. *And be it further enacted,* That where any warrants granted by the state of Virginia, for military services, have been surveyed on the northwest side of the river Ohio, between the Sciota and the little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land-office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same is recorded, and giving satisfactory proof to the Secretary of War, by his affidavit or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

Land patents how to be obtained when the military warrants are lost or destroyed.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXXI.—*An Act for the relief of Insolvent Debtors within the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any debtor who now is, or may hereafter be, in actual confinement in jail, in the district of Columbia, at the suit of any creditor, may apply by petition in writing, to any one of the judges of the circuit court of the district of Columbia, and offer to deliver up, for the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof, on oath or affirmation, together with a list of his creditors, as far as he can ascertain them, shall be annexed to and exhibited with his petition; and thereupon the said judge shall direct notice of such application to be published in some of the public newspapers, for such time as he may think proper, which notice shall likewise require the attendance of the creditors at the courthouse of the county, in which the

Debtors confined in the jail of the district of Columbia may petition for relief.

In what manner.

Notice to be published in the public newspapers.

petitioning debtor is confined, and at such time as the said judge may appoint; and it shall be the duty of the said judge, and of the clerk, of the county, to attend at the time and place appointed; and on the appearance of the creditors, either in person or by attorney, agreeably to the notification, or on their neglect to appear, the said judge shall administer to the debtor the following oath: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm,) that I will deliver up, convey and transfer, for the use of my creditors, all my property that I have any title to or claim any interest in, whether in possession, remainder or reversion, and all claims, rights and credits that I have or am in any manner entitled to; and that I have not at any time given, sold, conveyed, lessened or disposed of for the use or benefit of myself, or any other person or persons, any part of my money or other property, claims, rights or credits, thereby to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit, benefit or advantage thereby," and the said judge shall thereupon appoint such person, as a majority of the creditors in value, their agents or attornies then present, shall recommend, to be a trustee, for the benefit of the creditors of the petitioning debtor; or in case of non-attendance of the creditors, or of their not making a recommendation, the said justice shall name such person as he shall think proper, to be a trustee as aforesaid.

Oath or affirmation of an insolvent debtor.

Trustee appointed.

Sec. 2. *And be it further enacted*, That before the said trustee shall proceed to act, he shall give bond to the United States in such penalty and with such security as the said judge shall approve, conditioned for the faithful performance of his trust, which shall be recorded in the clerk's office of the county in which the proceedings are had; and a certified copy thereof shall be received as evidence in any court of law in the United States; and the said bond may be sued in the name of the United States, for the use of any person or persons who may conceive him or themselves aggrieved by the negligence or misconduct of the trustee. And in case of the death or refusal to act of any trustee, the said judge may appoint another in his place, who shall give bond in manner as aforesaid.

Who shall give bond and security.

A certified copy of the bond to be evidence.

In case of death or refusal to act, another appointed.

Sec. 3. *And be it further enacted*, That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his property, real, personal and mixed, and all his claims, rights and credits, agreeably to the oath or affirmation of the said debtor, and on delivering all his said property which he shall have in his possession, together with his books, papers and evidences of debts of every kind, to the said trustee, and the said trustee's certifying the same to the said judge in writing, it shall be lawful for the said judge to make an order to the marshal, jailer or keeper of the prison, in which said debtor is then confined, commanding that the said debtor shall be thenceforth discharged from his imprisonment; and he shall be immediately discharged, and the said order shall be a sufficient warrant therefor: *Provided*, that no person who has been guilty of a breach of the laws, and who has been imprisoned for or on account of the same, shall be discharged from imprisonment: *And provided likewise*, that any property which the debtor may afterwards acquire, (except the necessary wearing apparel and bedding for his family, and his tools, if a mechanic or manufacturer,) shall be liable to the payment of his debts, any thing herein to the contrary notwithstanding.

The petitioning debtor discharged on executing a deed or deeds to the trustee, and delivering his property with his books and papers.

Proviso, that no person who has been guilty of a breach of the laws and imprisoned therefor shall be discharged from such imprisonment.

Sec. 4. *And be it further enacted*, That the said judge may allow such petitioning debtor and his family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

Wearing apparel, bedding and tools of trade allowed.

Sec. 5. *And be it further enacted*, That the said judge may direct the trustee to sell and convey the property of the petitioning debtor, at

Property of the debtor how sold.

such time, and on such terms and conditions as he shall deem most to the advantage of the creditors, and the product thereof, after satisfying all incumbrances and liens, shall be divided among the creditors in proportion to their respective claims: and no process against the real or personal property of the debtor shall have any effect or operation, except process of execution, and attachments in the nature of executions, which shall have been put into the hands of the marshal antecedent to the application.

Product thereof how divided.

What process only can take effect.

Sec. 6. *And be it further enacted,* That every trustee may sue for, in his own name, any property or chose in action assigned to him by virtue of this act.

Trustee may sue in his own name.

Sec. 7. *And be it further enacted,* That if any creditor, at any time within two years after the application of such debtor, shall allege in writing, to the circuit court of the district of Columbia, or at any other court of the United States, within whose jurisdiction such debtor may be found, that such debtor had at the time of his application as aforesaid, directly or indirectly conveyed, lessened or disposed of any part of his property, rights or credits, with intent to defraud his creditors, or had at any one time within twelve months next preceding said application, lost by gaming more than three hundred dollars, or had assigned or conveyed any part of his property, rights or credits, with intent to give a preference to any creditor or creditors, or any surety, the said court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his appearance before them, or on his neglect to appear, after proof that notice has been served, the said court shall, within a reasonable time, examine the debtor or any other person, upon interrogatories on oath, touching the substance of the said allegations, or may direct an issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he shall be precluded from any benefit under this act; and in case such debtor, or any other, testifying either for or against him, shall at any time thereafter be convicted of falsely, wilfully and corruptly swearing or affirming to any matter or thing in virtue of this act, he shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any other person testifying for him, he shall be for ever precluded from any benefit under this act.

Fraud or deceit towards creditors.

Debtor gaming to a certain extent.

To be precluded from the benefit of this act.

False testimony or corrupt swearing or affirming.

How punished.

Sec. 8. *And be it further enacted,* That every judge charged with the execution of this act, may, in the respective cases which may be brought before him, allow the trustee a commission not exceeding eight per centum for his trouble, on the amount of debts paid by him; and if any complaint shall be made to the said judge of the misconduct of any trustee by any creditor, or by the debtor, the said judge may call such trustee before them, and inquire into the cause of complaint, and may make such rules and orders as he may think proper for the accomplishment of the object of the trust, and may in his discretion remove such trustee and appoint another in his place.

Trustee allowed a commission.

Trustee may be superseded for misconduct.

Sec. 9. *And be it further enacted,* That the acting judge may by order, limit and appoint a time for creditors to bring in and exhibit their claims to the trustee, and if the said trustee should think proper to contest any claim exhibited against the debtor, it shall be his duty to report the same to the judge having cognizance of the case, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury, such issues as shall be proper to settle the points in contest, or may appoint two indifferent persons to act as arbitrators between the parties, with a power, if they differ, to choose an umpire, and a decision thus made shall be final between the parties; and the said justice may

Exhibition of claims to the trustee.

Contested claims how settled.

Provision for contested claims.

Collusion forfeits the debt.

order any part of the debtor's estate to be set apart, and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a debt is due, shall collude with a debtor to gain an undue preference, or for the concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parol, or in writing, to give false colour to his claim, such creditor shall lose the whole of his debt.

Debtor arrested after being relieved, how to be discharged, and in what cases.

Sec. 10. *And be it [further] enacted*, That if any debtor who shall have been relieved under this act, shall be arrested or imprisoned on any process sued out on any judgment or decree, obtained against him for any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned or returnable, or any judge thereof, shall discharge such debtor; and if any such debtor shall be arrested or imprisoned on any process for the recovery of any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor out of custody, on his common appearance being entered, without special bail: *Provided*, and it is the true intent and meaning of this act, that no discharge whatever under this act shall be construed or taken as a discharge of any other person from any debt, contract or engagement of any kind or nature soever.

The judge shall lodge with the clerk of the county the certificate of discharge.

Copy of the recorded certificate evidence in law.

Sec. 11. *And be it further enacted*, That when the acting judge shall, as above prescribed, give to the marshal an order for the discharge of a debtor, it shall be the duty of the said judge to lodge with the clerk of the county in which the discharge shall take place, a certificate in the following words, to wit. "I do hereby certify, that I have this day ordered the marshal of the district of Columbia, to discharge from imprisonment A. B. an insolvent debtor, agreeably to the act of the Congress of the United States, intituled 'An act for the relief of insolvent debtors within the district of Columbia,'" which said certificate shall be recorded by the said clerk, and a copy thereof under seal, shall be received in evidence, in any court of law in the United States.

Unfinished acts of a judge how completed.

Sec. 12. *And be it further enacted*, That if any judge before whom the operation of this act in any particular case shall have been commenced, shall die, resign his office or become disqualified, the proceedings may be completed by any other judge of the said court, in the same manner as if they had been originally commenced before him.

What papers are to be recorded by the county clerk.

Copies of the record legal evidence.

Clerk's fees, how payable.

Sec. 13. *And be it further enacted*, That the application of the debtor, the appointment of a trustee, the deed from the debtor to the trustee, the several claims exhibited to the trustee, and the amount of sales of the debtor's property shall be transmitted to and recorded by the clerk of the county in which the debtor was confined at the time of his application; copies of which, under seal, shall be received as evidence in any court of law in the United States, and the clerk shall receive the same fees as are fixed by law for the like services in other cases, to be paid by the trustee out of the first proceeds of the debtor's estate that may come into his hands.

Limitation to the effect of this discharge.

Sec. 14. *And be it further enacted*, That no discharge of an insolvent debtor under this act shall have greater effect in any particular state than if such debtor had been discharged under the insolvent debtor's law of any other state.

Circuit court shall determine the allowance of prisoners in civil suits.

Who shall not be detained un-

Sec. 15. *And be it further enacted*, That the circuit court of the district of Columbia shall, by a general order to be entered on the records of the said court, fix the daily allowance for the support and maintenance of prisoners in execution for debt or damages in civil suits, which allowance the said court may, by a like general order, increase or diminish from time to time, as circumstances may require. And no person taken in execution for debt or damages in a civil suit, shall be

detained in prison therefor, unless the creditor, his agent or attorney, shall, after demand thereof by the marshal, pay or give such security as he may require, to pay such daily allowance, and the prison fees: *Provided*, that a release from prison for want of such payment or security, shall not discharge the debt; but the body of the debtor shall never be again taken in execution therefor.

less provided for—
With prison fees.
Proviso.

Sec. 16. *And be it further enacted*, That the said court may cause to be marked and laid out, reasonable bounds of the prisons in the said district, to be recorded in the same court; and from time to time, may renew, enlarge, or diminish the same. And every prisoner not committed for treason or felony, giving such security to keep within the said bounds, as any judge of the said court shall approve, shall have liberty to walk therein, out of the prison, for the preservation of his health; and keeping continually within the said bounds, shall be adjudged in law a true prisoner.

Prison bounds in the district.

Liberty of the prisoners under approved security.

Sec. 17. *And be it further enacted*, That the provisions of this act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the United States, nor to alter, lessen, or impair the right of the United States, to be first satisfied out of the estates of persons indebted to them; nor to any debtor who has not resided in the district of Columbia one year next preceding his said application.

Public debtors and non-residents a year, excluded the provisions of this act.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

[Repealed.]

Act of April 18, 1806, ch. 32, sec 7.

President authorized to order eighty thousand militia in readiness.

Act of March 30, 1808, ch. 33.

Volunteers for a year included.

1812, ch. 55.

Appointment of officers.

Specific appropriations.

Chap. XXXII.—*An Act directing a detachment from the Militia of the United States, and for erecting certain Arsenals.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, whenever he shall judge it expedient, to require of the executives of such of the states as he may deem expedient, and from their local situation shall be most convenient, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning a detachment of militia not exceeding eighty thousand, officers included.

Sec. 2. *Be it further enacted*, That the President may, if he judges it expedient, authorize the executives of the several states, to accept as part of the detachment aforesaid, any corps of volunteers; who shall engage to continue in service for such time, not exceeding twelve months, and perform such services as shall be prescribed by law.

Sec. 3. *Be it further enacted*, That the detachments of militia and volunteer corps as aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

Sec. 4. *Be it further enacted*, That one million five hundred thousand dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted; for the purchase of ordnance and other military stores; and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States; to be applied under the direction of the President, out of any money in the treasury, not otherwise appropriated.

Sec. 5. *And be it further enacted*, That twenty-five thousand dollars be appropriated for erecting, at such place or places on the western waters, as the President may judge most proper, one or more arsenals; and that the President cause the same to be furnished with such arms, ammunition and military stores as he may deem necessary.

Approved, March 3, 1803.

Statute II.

March 2, 1803.

Chap. XXXIII.—*An Act to alter the time of holding the court of the United States in Kentucky district.*

Altered by act of 1806, ch. 13.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of April next, the sessions of the court of the United States for Kentucky district shall commence on the first Mondays in March, July, and November in every year; any law to the contrary notwithstanding.

1807, ch. 16.

Sec. 2. *And be it further enacted,* That all suits, process, and proceedings of what nature or kind soever, pending in, or made returnable to the said court, shall, after the said first day of April next, be continued over until the next court to be held in conformity to this act.

Approved, March 2, 1803.

Statute II.

March 3, 1803.

Chap. XXXIV.—*An Act to alter the time for the next meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday of November next.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXXV.—*An Act in addition to the act intituled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia."*

Act of February 18, 1801, ch. 5.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel Rogers, one of the claimants under the act intituled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," shall be entitled to two thousand two hundred and forty acres of land, to be located in the manner and within the boundaries of the tract designated by the act to which this act is a supplement, and shall receive a patent for the same in the manner directed by the said last-mentioned act.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXXVI.—*An Act to prolong the continuance of the Mint at Philadelphia.*

[Obsolete.] Act of April 1, 1808, ch. 41. 1812, ch. 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act intituled "An act concerning the mint," approved March 3d, 1801, is hereby continued in force and operation for the term of five years after the fourth day of March next.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Chap. XXXVII.—*An Act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war.*

Act of April 10, 1806, ch. 25. Act of March 3, 1819, ch. 79. Act of May 1, 1820, ch. 51. Act of May 15, 1820, ch. 108.

Persons entitled to be placed on the pension list.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned officer, non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, by wounds received during the revolutionary war, and who did not desert the said service, shall be entitled to be placed on the pension list of the United States during life: *Provided,* that, in substantiating the claims thereto, the rules and regulations following, shall be complied with:

First. All evidence shall be taken on oath or affirmation before the

judge of the district in which such invalid resides, or before some person specially authorized by commission from the said judge.

Evidence, before whom to be taken.

Secondly. The evidence relative to any claimant, must prove decisive disability to have been the effect of known wounds received while in the actual line of his duty, in the service of the United States, during the revolutionary war: that this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company in which such claimant served, or two other credible witnesses to the same effect, setting forth the time and place of such known wound.

Nature of the evidence.

Thirdly. Every claimant shall be examined on oath or affirmation, by some respectable physician or surgeon, to be authorized by commission from the said judge, who shall report in writing his opinion, upon oath or affirmation, of the nature of said disability, and in what degree it prevents the claimant from obtaining his livelihood.

Nature of the disability.

Fourthly. Every claimant must produce evidence of his having continued in the service of the United States, to the conclusion of the war in seventeen hundred and eighty-three, or being left out of the service in consequence of his disability, or in consequence of some derangement of the army, and of the mode of life or employment he has since followed, and of the original existence and continuance of his disability.

Requisite time of service.

Fifthly. Every claimant must show satisfactory cause to the said judge of the district, why he did not apply for a pension in conformity to laws heretofore passed, before the expiration of the limitation thereof.

Cause of deferring the application to be stated.

Sec. 2. *And be it further enacted,* That the said judge of the district or person by him commissioned as aforesaid, shall give to each claimant a transcript of the evidence and proceedings had, respecting his claim; and shall also transmit a list of such claims, accompanied by the evidence herein directed, to the secretary of the department of war, in order that the same may be examined, and if correct, agreeably to the intent and meaning of this act, the said applicants are thenceforth to be placed on the pension list of the United States: *Provided,* that in no case a pension shall commence before the first day of January, eighteen hundred and three, except so far as to offset the commutation of half pay received by such officer, in which case the proper officer is to calculate the pension from the first day of January, seventeen hundred and eighty-four.

Copies of the evidence, &c. to be given to the claimants.

Who are to be placed on the pension list.

Proviso.

Sec. 3. *And be it further enacted,* That the pensions allowed by this act shall be estimated in the manner following, that is to say: a full pension to a commissioned officer shall be considered the one half of his monthly pay as by law established, and the proportions less than a full pension shall be the like proportions of half pay. And a full pension to a non-commissioned officer, private soldier, or seaman, shall be five dollars per month, and the proportions less than a full pension, shall be the like proportions of five dollars per month, but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

Estimation of the pensions.

Sec. 4. *And be it further enacted,* That the pensioners becoming such in virtue of this act, shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States, in such cases provided.

Pensioners to be paid in the manner of former ones.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

[Obsolete.]

Duties of supervisor to be

Chap. XXXIX.—*An Act authorizing the transfer of the duties of Supervisor to any other office.*

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

attached by the President to any other officer of the government.

United States be, and he hereby is authorized to attach the duties of the office of supervisor in any district to any other officer of the government of the United States, within such district, who shall give bond for the performance of the duties imposed on him by this act, in the same manner and under the same penalties, as were heretofore provided in the case of supervisors.

Commissions to be allowed to the officer performing the duties of supervisor.

Sec. 2. *And be it further enacted,* That for the discharge of the duties of supervisor, which may be thus attached to another office, by virtue of this act, there shall be allowed to the officer exercising the same, the commissions to which the supervisor is now entitled by law, together with such sum for clerk hire, not exceeding the allowance fixed by law for the supervisor, and such salary not exceeding two hundred and fifty dollars per annum, as the President of the United States shall deem a sufficient compensation.

Approved, March 3, 1803.

Statute II.

March 3, 1803.

Act of 1802, ch. 31. Act of March 9, 1808, ch. 29.

The circuit court shall consist of the justice of the supreme court residing in the circuit, and the district judge where the court sits.

In the third circuit it shall consist of the senior associate justice, &c.

Appeals from final judgments when the value in dispute exceeds fifty dollars from the district court to the circuit court.

Appeals from the circuit court to the supreme court where the matter in dispute exceeds 2000 dollars.

Proceedings to be transmitted to the supreme court.

No new evidence to be received in the supreme court, except in admiralty and prize causes.

19th and 22d sections of the act of 24th Sept. 1789, ch. 20, so far as affected by this act, repealed.

Chap. XL.—*An Act in addition to an act intituled "An act to amend the judicial system of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of the second circuit shall consist of the justice of the supreme court residing within the third circuit, and the district judge of the district where such court shall be holden.

In the third circuit, the said circuit court shall consist of the senior associate justice of the supreme court residing within the fifth circuit, and the district judge of the district where such court shall be holden.

Sec. 2. *And be it further enacted,* That from all final judgments or decrees in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars, shall be allowed to the circuit court next to be holden in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees rendered or to be rendered in any circuit court, or in any district court acting as a circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States, and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal, except in admiralty and prize causes, and that such appeals shall be subject to the same rules, regulations and restrictions as are prescribed in law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required to receive, hear and determine such appeals. And that so much of the nineteenth and twenty-second sections of the act of Congress, intituled "An act to establish the judicial courts of the United States," passed on the twenty-fourth day of September, one thousand seven hundred and eighty-nine, as comes within the purview of this act, shall be and the same is hereby repealed.

Approved, March 3, 1803.

ACTS OF THE EIGHTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventeenth day of October, 1803, *and ended on the twenty-seventh day of March,* 1804.

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States and President of the Senate; JOHN BROWN, President of the Senate pro tempore, from the 31st of October to the 19th of December, 1803, and from the 26th of January to the 25th of February, 1804; JESSE FRANKLIN, President of the Senate pro tempore, from the 14th of March, 1804; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

Oct. 31, 1803.

CHAPTER I.—*An Act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last; and for the temporary government thereof.*

Louisiana to be taken possession of by the President of the U. States.

Authority of the U. States in Louisiana established.

Act of March 3, 1803, ch. 32. Appropriations.

All the military, civil and judicial powers exercised by the officers of the existing government to be exercised as the President may direct for the protection of the inhabitants.

Act of March 26, 1804, ch. 38. Act of February 15, 1811, ch. 14. Act of April 8, 1812, ch. 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to take possession of, and occupy the territory ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary: and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted,* That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion.

APPROVED, October 31, 1803.

STATUTE I.

Nov. 10, 1803.

[Obsolete.]

CHAP. II.—*An Act authorizing the creation of a stock, to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic; and making provision for the payment of the same.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carry-

The Secretary of the Treasury authorized to cause to be constituted stock for eleven million two hundred and fifty thousand dollars.

Terms of creation and delivery.

ing into effect the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, the Secretary of the Treasury be, and he is hereby authorized, to cause to be constituted, certificates of stock, signed by the register of the treasury, in favour of the French Republic, or of its assignees, for the sum of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per centum per annum, from the time when possession of Louisiana shall have been obtained, in conformity with the treaty of the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, and in other respects conformable with the tenor of the convention aforesaid; and the President of the United States is authorized to cause the said certificates of stock to be delivered to the government of France, or to such person or persons as shall be authorized to receive them, in three months at most, after the exchange of the ratifications of the treaty aforesaid, and after Louisiana shall be taken possession of in the name of the government of the United States; and credit, or credits, to the proprietors thereof, shall thereupon be entered and given on the books of the treasury, in like manner as for the present domestic funded debt, which said credits or stock shall thereafter be transferable only on the books of the treasury of the United States, by the proprietor or proprietors of such stock, his, her or their attorney: and the faith of the United States is hereby pledged for the payment of the interest, and for the reimbursement of the principal of the said stock, in conformity with the provisions of the said convention: *Provided however*, that the Secretary of the Treasury may, with the approbation of the President of the United States, consent to discharge the said stock in four equal annual instalments, and also shorten the periods fixed by the convention for its reimbursement: *And provided also*, that every proprietor of the said stock may, until otherwise directed by law, on surrendering his certificate of such stock, receive another to the same amount, and bearing an interest of six per centum per annum, payable quarter-yearly at the treasury of the United States.

The certificates of stock to be delivered to the government of France.

Credits of stock to be transferable on the books of the treasury.

Period of redemption may be shortened.

Interest payable in Europe.

Rate of exchange, dollars at 4*s*. 6*d*. and 2½ guilders.

Sec. 2. *And be it further enacted*, That the annual interest accruing on the said stock, which may, in conformity with the convention aforesaid, be payable in Europe, shall be paid at the rate of four shillings and sixpence sterling for each dollar, if payable in London, and at the rate of two guilders and one half of a guilder, current money of Holland, for each dollar, if payable in Amsterdam.

Interest provided for out of monies in the treasury.

Sec. 3. *And be it further enacted*, That a sum equal to what will be necessary to pay the interest which may accrue on the said stock to the end of the present year, be, and the same is hereby appropriated for that purpose, to be paid out of any monies in the treasury not otherwise appropriated.

Act of April 29, 1802, ch. 32. Seven hundred thousand dollars to be added to the sinking fund.

Commissioners of the sinking fund to redeem the stock.

Sec. 4. *And be it further enacted*, That from and after the end of the present year, (in addition to the annual sum of seven millions three hundred thousand dollars yearly appropriated to the sinking fund, by virtue of the act, intituled "An act making provision for the redemption of the whole of the public debt of the United States,") a further annual sum of seven hundred thousand dollars, to be paid out of the duties on merchandise and tonnage, be, and the same hereby is, yearly appropriated to the said fund, making in the whole, an annual sum of eight millions of dollars, which shall be vested in the commissioners of the sinking fund in the same manner, shall be applied by them for the same purposes, and shall be, and continue appropriated, until the whole of the present debt of the United States, inclusively of the stock created by virtue of this act, shall be reimbursed and redeemed, under the same limitations as have been provided by the first section of the above-mentioned act, respecting the annual appropriation of seven millions three hundred thousand dollars, made by the same.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury shall cause the said further sum of seven hundred thousand dollars to be paid to the commissioners of the sinking fund, in the same manner as was directed by the above-mentioned act respecting the annual appropriation of seven millions three hundred thousand dollars; and it shall be the duty of the commissioners of the sinking fund to cause to be applied and paid out of the said fund, yearly, and every year, at the treasury of the United States, such sum and sums as may be annually wanted to discharge the annual interest and charges accruing on the stock created by virtue of this act, and the several instalments, or parts of principal of the said stock, as the same shall become due and may be discharged, in conformity to the terms of the convention aforesaid, and of this act.

Secretary of the Treasury to pay to commissioners, who shall apply the money to discharge of debt.

Approved, November 10, 1803.

Statute I.

Nov. 10, 1803.

[Obsolete.]

Chap. III.—*An Act making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding three millions seven hundred and fifty thousand dollars, (inclusive of a sum of two millions of dollars, appropriated by the act of the twenty-sixth day of February, one thousand eight hundred and three, intituled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations,") to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated, for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which has been assumed by the government of the United States, by virtue of a convention made the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, respecting the said claims.

Three millions seven hundred and fifty thousand dollars appropriated to pay citizens of the U. States.

Act of February 26, 1803, ch. 8.

Treaty with France for the cession of Louisiana.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, in conformity to the convention aforesaid, the amount of such claims, abovementioned, as, under the provisions of the said convention, shall be awarded to the respective claimants; which payments shall be made on the orders of the minister plenipotentiary of the United States for the time being, to the French Republic, in conformity with the convention aforesaid, and the said minister shall be charged on the treasury books with the whole amount of such payments, until he shall have exhibited satisfactory proof to the accounting officers of the treasury, that his orders, thus paid, have been issued in conformity with the provisions of the said convention.

Claims to be paid at the treasury of the U. States.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to borrow, on the credit of the United States, to be applied to the purposes authorized by this act, a sum not exceeding one million seven hundred and fifty thousand dollars, at a rate of interest, not exceeding six per centum per annum; reimbursable out of the appropriation made by virtue of the first section of this act, at the pleasure of the United States, or at such period, not exceeding five years from the time of obtaining the loan, as may be stipulated by contract; and it shall be lawful for the Bank of the United States to lend the same.

President of the U. States to borrow not exceeding one million seven hundred and fifty thousand dollars.

Sec. 4. *And be it further enacted*, That so much of the duties on merchandise and tonnage as may be necessary, be, and the same hereby

One million seven hundred

and fifty thousand dollars at six per cent. interest chargeable on customs.

Expenses of investigation of claims how provided.

is appropriated for the purpose of paying the interest which shall accrue on the said loan.

Sec. 5. *And be it further enacted*, That for defraying the expense incident to the investigation of the claims above mentioned, there be appropriated a sum not exceeding eighteen thousand five hundred and seventy-five dollars, to be paid out of any monies in the treasury not otherwise appropriated: *Provided*, that the compensation to be made to any of the commissioners appointed, or to be appointed, in pursuance of the above-mentioned convention, shall not exceed the rate of four thousand four hundred and fifty dollars per annum; that the compensation of their secretary shall not exceed the rate of two thousand two hundred and twenty-five dollars per annum; and that the compensation of the agent shall not exceed the rate of one thousand dollars per annum.

Not to exceed four thousand four hundred and fifty dollars per annum, beside secretary and agent's salaries.

Approved, November 10, 1803.

Statute I.

Nov. 16, 1803.

[Obsolete.]

Expenses of treaty with Great Britain of 1794, provision for.

Chap. IV.—*An Act making an appropriation for carrying into effect the seventh article of the treaty of amity, commerce and navigation, between the United States and his Britannic Majesty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding fifty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated for the purpose of carrying into effect the seventh article of the treaty concluded at London, on the nineteenth day of November, seventeen hundred and ninety-four, between the United States of America and his Britannic Majesty.

Funds how to be provided.

Sec. 2. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized to allow an interest, not exceeding the rate of six per centum per annum, on one third part of the amount of any award made in pursuance of the aforesaid article, and presented at the treasury previous to the passing of this act, to be calculated from the time when such award shall have been presented.

Approved, November 16, 1803.

Statute I.

Nov. 25, 1803.

[Obsolete.]

Act of April 5, 1800, ch. 21.

Drawback on goods shipped to New Orleans abolished.

Chap. V.—*An Act to repeal the act, intituled "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act intituled An act to regulate the collection of duties on imports and tonnage."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed on the fifth day of April, one thousand eight hundred, intituled "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act, intituled An act to regulate the collection of duties on imports and tonnage," be, and the same hereby is repealed.

Approved, November 25, 1803.

Statute I.

Dec. 19, 1803.

Bankrupt act of April 4, 1800, repealed.

Act of April 4, 1800, ch. 19.

What commissions may yet be acted on.

Act of April 29, 1802, sect. 14, ch. 31.

Chap. VI.—*An Act to repeal an act, intituled "An act to establish an uniform system of Bankruptcy throughout the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress passed on the fourth day of April, one thousand eight hundred, intituled "An act to establish an uniform system of bankruptcy throughout the United States," shall be, and the same is hereby repealed. *Provided nevertheless*, that the repeal of the said act shall in no wise affect the execution of any commission of bankruptcy which may have been issued prior to the passing of this act, but every such commission may and shall be proceeded on and fully executed as though this act had not passed.

Approved, December 19, 1803.

Statute I.

Chap. IX.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and four.*

Jan. 31, 1804.

Navy appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and four, the following sums be, and the same hereby are, respectively appropriated, that is to say:

Pay.

For the pay and subsistence of the officers, and the pay of the seamen, two hundred and thirty-four thousand, three hundred and twenty-eight dollars.

Provision.

For provisions, one hundred and twenty-five thousand, five hundred and eighteen dollars, and seventy-two cents.

Medical aid.

For medicine, instruments, hospital stores and all expenses on account of the sick, four thousand eight hundred and seventy-five dollars.

Repairs.

For repairs of vessels, store rent, and other contingent expenses, one hundred and forty-four thousand dollars.

Ordnance.

For the purchase of ordnance, and other military stores, five thousand dollars.

Docks.

For the expense of navy yards, docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, fifty-two thousand dollars.

Marine corps.

For the pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, fifty-seven thousand five hundred and forty-one dollars and eighty cents.

Clothing.

For clothing for the same, twelve thousand eight hundred and fifty-two dollars and seventy-six cents.

Military stores.

For military stores for the same, four hundred and fifty-two dollars.

Medical aid.

For medicine, medical services, hospital stores, and all expenses on account of the sick belonging to the marine corps, one thousand dollars.

Barracks, &c.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, and other contingent expenses, eight thousand eight hundred and forty-seven dollars.

Completion of the marine barracks at Washington.

For completing the marine barracks at the city of Washington, three thousand five hundred and eighty-four dollars and seventy-two cents.

Funds to pay.

Sec. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid, first, out of any balance remaining unexpended of former appropriations, for the support of the navy, and secondly, out of any monies in the treasury not otherwise appropriated.

Approved, January 31, 1804.

Statute I.

Chap. XI.—*An Act making appropriations for the support of the Military establishment of the United States, in the year one thousand eight hundred and four.*(a)

Feb. 10, 1804.

Military appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense

(a) The acts relating to the army of the United States, passed before February 10, 1804, were:

Act of September 29,	1789, chap. 25.	Repealed.	Vol. i.	page	95.
Act of April 30,	1790, chap. 10.	Repealed.	"	"	119.
Act of March 3,	1791, chap. 28.	Repealed.	"	"	222.
Act of March 5,	1792, chap. 9.	Obsolete.	"	"	241.
Act of May 8,	1794, chap. 24.	Obsolete.	"	"	366.
Act of June 7,	1794, chap. 52.	Obsolete.	"	"	390.
Act of March 3,	1795, chap. 44.	Obsolete.	"	"	430.
Act of May 30,	1796, chap. 39.	Expired.	"	"	483.
Act of March 3,	1797, chap. 16.	Repealed.	"	"	507.
Act of April 27,	1798, chap. 33.	Obsolete.	"	"	552.
Act of May 28,	1798, chap. 47.	Repealed.	"	"	558.
Act of June 22,	1798, chap. 57.	Obsolete.	"	"	569.
Act of March 2,	1799, chap. 31.	Obsolete.	"	"	725.
Act of March 3,	1799, chap. 48.	Obsolete.	"	"	749.

of the military establishment of the United States, for the year one thousand eight hundred and four, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Pay.

For the pay of the army of the United States, three hundred and one thousand four hundred and seventy-six dollars.

Forage.

For forage, four thousand and fifty-six dollars.

Subsistence.

For the subsistence of the officers of the army and corps of engineers, twenty-eight thousand and eighty-two dollars and eighty-three cents, and one half of a cent.

For the subsistence of non-commissioned officers, musicians and privates, one hundred and sixty-three thousand eight hundred and thirty-nine dollars and thirty-seven cents, and one half of a cent.

Clothing.

For clothing, eighty thousand dollars.

Bounties and premiums.

For bounties and premiums, fourteen thousand dollars.

Medical.

For the medical and hospital department, ten thousand dollars.

Field equipage.

For camp equipage, fuel, tools, expense of transportation and other contingent expenses of the war department, seventy-one thousand dollars.

Fortifications and armories.

For fortifications, arsenals, magazines, and armories, one hundred and nine thousand eight hundred and ninety-six dollars and eighty-eight cents.

Maps, &c.

For purchasing maps, plans, books, and instruments for the war department and military academy, one thousand dollars.

Indian Department.

For the Indian department, seventy-five thousand five hundred dollars.

Funds how provided.

Sec. 2. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the military establishment, and secondly, out of any monies in the treasury not otherwise appropriated.

Approved, February 10, 1804.

Statute I.

Feb. 20, 1804.

Chap. XII.—*An Act continuing for a limited time, the salaries of the officers of government therein mentioned.*(*a*)

Salaries of Civil List.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of December, one thousand eight hundred and three, the following annual compensations, and no other, be, and they are hereby granted to the officers herein enumerated, respectively, that is to say:

Secretary of State.

To the Secretary of State, five thousand dollars.

Secretary of the Treasury.

The Secretary of the Treasury, five thousand dollars.

Secretary at War.

The Secretary of War, four thousand five hundred dollars.

Secretary of the Navy.

The Secretary of the Navy, four thousand five hundred dollars.

Attorney-General.

The Attorney-General, three thousand dollars.(*b*)

Comptroller of the Treasury.

The Comptroller of the Treasury, three thousand five hundred dollars.

Treasurer.

The Treasurer, three thousand dollars.

Auditor of the Treasury.

The Auditor of the Treasury, three thousand dollars.

Register of the Treasury.

The Register of the Treasury, two thousand four hundred dollars.

Accountant of the War department.

The Accountant of the War department, two thousand dollars.

Accountant of the Navy department.

The Accountant of the Navy department, two thousand dollars.

Postmaster-General.

The Postmaster-General, three thousand dollars,(*c*) and

Assistant Postmaster-General.

The Assistant Postmaster-General, one thousand seven hundred dollars; which sums shall be respectively paid quarter-yearly, at the treasury of the United States.

Limited to three years.

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

Approved, February 20, 1804.

(*a*) See vol. i. 67. (*b*) See vol. i. 72, 497, 730. (*c*) See vol. i. 235, 358.

Statute I.

Feb. 24, 1804.

Chap. XIII.—*An Act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, and for other purposes.*

Duties on imports and tonnage in Louisiana as in other states.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same duties which by law now are, or hereafter may be laid on goods, wares, and merchandise imported into the United States, on the tonnage of vessels, and on the passports and clearances of vessels, shall be laid and collected on goods, wares, and merchandise imported into the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic; and on vessels arriving in, or departing from the said territories: and the following acts, that is to say, the act, intituled,

What laws shall be in force there.

"An act to establish the treasury department."

Act of Sept. 2, 1789, ch. 12.

"An act concerning the registering and recording of ships and vessels."

Act of Dec. 31, 1792, ch. 1.

"An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries."

Act of Feb. 18, 1793, ch. 8.

"An act to regulate the collection of duties on imports and tonnage."

Act of March 2, 1799, ch. 22.

"An act to establish the compensations of officers employed in the collection of the duties on imports and tonnage, and for other purposes."

Act of March 3, 1797, ch. 9.

"An act for the more effectual recovery of debts due from individuals to the United States."

Act of March 3, 1795, ch. 48.

"An act to provide more effectually for the settlement of accounts between the United States and receivers of public money."

Act of March 3, 1797, ch. 20.

"An act to authorize the sale and conveyance of lands in certain cases, by the marshals of the United States, and to confirm former sales;" and

Act of May 7, 1800, ch. 45.

"An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned."

Act of 1797, ch. 13.

"An act to establish a mint and to regulate the coins of the United States."

Act of April 2, 1792, ch. 16.

"An act regulating foreign coins, and for other purposes."

Act of Feb. 9, 1793, ch. 5.

All acts or of such parts now in force, or which may be enacted for laying duties on imports and tonnage, seamen or shipping for the collection of duties, regulating drawbacks and enrolling vessels to be in force.

And the act supplementary to, and amendatory of the two last-mentioned acts, or so much of the said acts as is now in force, and also so much of any other act or acts of the United States as is now in force, or may be hereafter enacted, for laying any duties on imports, tonnage, seamen or shipping, for regulating and securing the collection of the same, and for regulating the compensations of the officers employed in the collection of the same; for granting and regulating drawbacks, bounties and allowances in lieu of drawbacks; concerning the registering, recording, enrolling and licensing of ships and vessels; to provide for the settlement of accounts between the United States and individuals; for the recovery of debts due to the United States; and for remitting forfeitures, penalties and disabilities, shall extend to, and have full force and effect in the above-mentioned territories: *Provided however, and it is hereby further enacted,* That ships or vessels, which on the twentieth day of December last, were owned by persons then residing in the above mentioned territories, and who, either were citizens of the United States, or had resided in the said territories, during five years next preceding, shall be entitled to the benefits and privileges of ships or vessels of the United States, whilst they shall continue to be wholly owned by such persons, or by citizens of the United States: *Provided nevertheless,* that the persons claiming such privileges for their ships or vessels, shall in every other respect, comply with the provisions of the acts for registering, recording, enrolling and licensing of ships or vessels, and who, if not citizens of the United States, shall have previously taken an oath of

Vessels of that territory entitled to same benefit as of U. States which were owned on the 20th December, 1803, &c.

But shall register and take oath of allegiance.

allegiance to the United States, which oath the collector of the port is hereby authorized to administer.

Other acts extended to Louisiana.

Act concerning the Bank of the U. States; and an act for the regulation of seamen and for protecting the exportation of goods not inspected, extended to Louisiana.

Sec. 2. *And be it further enacted,* That so much of any act or acts of the United States, now in force, or which may be hereafter enacted, concerning the Bank of the United States, and for the punishment of frauds committed on the same; for the relief of sick and disabled seamen; for the protection of American seamen; for the government and regulation of seamen in the merchant service; and for preventing the exportation of goods not duly inspected; shall extend to and have full force and effect in the above-mentioned territories.

Commercial regulations inconsistent with the provisions of the second section repealed.

Sec. 3. *And be it further enacted,* That so much of any law or laws, laying any duties on the importation into the United States of goods, wares and merchandise from the said territories (or allowing drawbacks on the importation of the same from the United States to the said territories), or respecting the commercial intercourse between the United States and the said territories, or between the several parts of the United States through the said territories, which is inconsistent with the provisions of the preceding section, be, and the same hereby is repealed; and all duties on the exportation of goods, wares and merchandise from the said territories, as well as all duties on the importation of goods, wares and merchandise into the said territories, on the transfer of ships or vessels, and on the tonnage of vessels, other than those laid by virtue of the laws of the United States, shall, from the time when this act shall commence to be in force, cease and determine: *Provided however,* that nothing herein contained, shall be construed to affect the fees and other charges usually paid in the said territories on account of pilotage, wharfage, or the right of anchoring by the levy of the city of New Orleans, which several fees and charges shall, until otherwise directed, continue to be paid and applied to the same purposes as heretofore.

Fees, &c. usually paid for pilotage, wharfage, &c. not affected.

Territory annexed to the District of Mississippi.

New Orleans the sole port of entry.

Officers to be appointed by the President of the U. States.

Act of 1799, ch. 22.

Repeal of any laws which establish a district on the river Mississippi south of the Tennessee river.

Sec. 4. *And be it further enacted,* That, to the end that the laws providing for the collection of the duties imposed, by law, on goods, wares and merchandise, imported into the United States, and on the tonnage of ships and vessels, and the laws respecting the revenue and navigation of the United States, may be carried into effect within the said territories, the territories ceded to the United States by the treaty above mentioned, and also all the navigable waters, rivers, creeks, bays, and inlets, lying within the United States, which empty into the Gulf of Mexico, east of the river Mississippi, shall be annexed to the Mississippi district, and shall, together with the same, constitute one district, to be called the "District of Mississippi." The city of New Orleans shall be the sole port of entry in the said district, and the town of Bayou St. John shall be a port of delivery, a collector, naval officer, and surveyor shall be appointed to reside at New Orleans, and a surveyor shall be appointed to reside at the port of Bayou St. John; and the President of the United States is hereby authorized to appoint, not exceeding three surveyors, to reside at such other places, within the said district, as he shall deem expedient, and to constitute each, or either of such places ports of delivery only. And so much of any law or laws, as establishes a district on the river Mississippi, south of the river Tennessee, is hereby repealed, except as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties, and forfeitures, which shall have been incurred before the commencement of the operation of this act.

District of Natchez, officer there.

Sec. 5. *And be it further enacted,* That the shores and waters of the town of Natchez, shall be one district, to be called the district of Natchez, and a collector shall be appointed who shall reside at Natchez, which shall be the only port of entry or delivery within the said district, of any goods, wares and merchandise, not the growth or manufacture of the

United States: *Provided nevertheless*, that it shall be the duty of every master or commander of any ship or vessel destined for the said port of Natchez, to stop at New Orleans, and there deliver to the collector of said port a manifest of the cargo on board such ship or vessel agreeably to law, on penalty of five thousand dollars. And it shall be the duty of said collector to transmit a certified copy of such manifest to the collector of the said port of Natchez, and to direct an inspector to go on board such ship or vessel, and proceed therewith to the port of Natchez, and there report such ship or vessel to the collector of said port of Natchez, immediately after his arrival, when the duty of said inspector shall cease.

Ships to stop at New Orleans, and deliver a manifest of their cargo.

1807, ch. 14.

Sec. 6. *And be it further enacted*, That foreign ships or vessels shall be admitted to unlade at the port of New Orleans, and at no other port within the district of Mississippi; and ships or vessels belonging to citizens of the United States, coming directly from France or Spain, or any of their colonies, shall not be admitted to unlade at any port within the district of Mississippi, other than New Orleans: and ships or vessels arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at the port of New Orleans, and at no other port within the district of Mississippi: *Provided however*, that nothing in this act contained, shall authorize the allowing of drawbacks on the exportation of any goods, wares and merchandise from the said port of New Orleans, other than on those which shall have been imported directly into the same, from a foreign port or place.

Foreign vessels to unlade only at New Orleans.

Drawbacks at N. Orleans how regulated.

Repealed.

Sec. 7. *And be it further enacted*, That the master or commander of every ship or vessel, bound to a port of delivery only, other than the port of Bayou St. John, in the district of Mississippi, shall first come to at the port of New Orleans with his ship or vessel, and there make report and entry, in writing, and pay, or secure to be paid, all legal duties, port fees, and charges, in manner provided by law, before such ship or vessel shall proceed to her port of delivery; and any ship or vessel, bound to the port of Bayou St. John, may first proceed to the said port, and afterwards make report and entry at the port of New Orleans, within the time by law limited; and the master of every ship or vessel, arriving from a foreign port or place, or having goods on board of which the duties have not been paid or secured, and bound to any port within the district of Mississippi, (other than New Orleans, or Bayou St. John,) shall take an inspector on board at New Orleans, before proceeding to such port; and if any master of a ship or vessel shall proceed to such port of delivery, contrary to the directions aforesaid, he shall forfeit and pay five hundred dollars, to be recovered in any court of competent jurisdiction, with the costs of suit.

Ships bound for other ports must stop at New Orleans, and make entry.

Under a penalty of five hundred dollars.

Sec. 8. *And be it further enacted*, That during the term of twelve years, to commence three months after the exchange of the ratifications of the above-mentioned treaty shall have been notified, at Paris, to the French government, French ships or vessels, coming directly from France, or any of her colonies, laden only with the produce or manufactures of France, or any of her said colonies; and Spanish ships or vessels, coming directly from Spain, or any of her colonies, laden only with the produce or manufactures of Spain, or any of her said colonies, shall be admitted into the port of New Orleans, and into all other ports of entry which may hereafter be established by law, within the territories ceded to the United States by the above-mentioned treaty, in the same manner as ships or vessels of the United States, coming directly from France or Spain, or any of their colonies, and without being subject to any other, or higher duty on the said produce or manufacture, than by law now is, or shall, at the time, be payable, by citizens of the United States on similar articles, imported from France or Spain, or any of their colonies, in vessels of the United States, into the said port of New Orleans, or other ports of entry in the territories above mentioned;

French and Spanish ships privileged in ports of Louisiana for twelve years, from the exchange of ratifications of Louisiana treaty.

To pay only like duties with ships of the U. States.

or to any other, or higher tonnage duty, than by law now is, or shall at the time be, laid on the tonnage of vessels of the United States coming from France, or Spain, or from any of their colonies, to the said port of New Orleans, or other ports of entry within the territories above mentioned.

Collector to give bond.

Sec. 9. *And be it further enacted,* That the collector of the district of Mississippi, shall give bond for the true and faithful discharge of his duties, in the sum of fifteen thousand dollars, and shall be allowed in addition to the fees and emoluments of his office, in lieu of all other commissions, one and a half per cent. on all monies by him received, on account of the duties arising from goods, wares and merchandise imported into the said district, and on the tonnage of ships and vessels; and the naval officers and surveyors of the said district shall, respectively, receive an annual compensation of two hundred and fifty dollars, in addition to their other fees and emoluments.

Emoluments.

Naval officer and surveyor's compensation.

Additional revenue cutter to be built.
1799, ch. 22, sec. 97.

Sec. 10. *And be it further enacted,* That the President of the United States be, and he hereby is authorized, to cause to be built and equipped, one revenue cutter in addition to those heretofore authorized by law, which cutter may be officered, manned and employed, in the same manner, and the expense thereof shall be paid out of the same fund, as is provided for defraying the expense of the revenue cutters heretofore authorized by law.

Mobile may be made a separate district.

Sec. 11. *And be it further enacted,* That the President of the United States be, and he hereby is authorized, whenever he shall deem it expedient, to erect the shores, waters and inlets of the bay and river Mobile, and of the other rivers, creeks, inlets and bays emptying into the Gulf of Mexico, east of the said river Mobile, and west thereof to the Pascaguola inclusive, into a separate district, and to establish such place within the same, as he shall deem expedient, to be the port of entry and delivery for such district; and to designate such other places, within the same district, not exceeding two, to be ports of delivery only. Whenever such separate district shall be erected, a collector shall be appointed, to reside at the port of entry; and a surveyor shall likewise be appointed, to reside at each of the ports of delivery which may be established. And such collector and surveyor shall be entitled to receive, in addition to their other fees and emoluments, an annual salary of two hundred and fifty dollars. And the said collector shall give bond for the faithful discharge of the duties of his office, in the sum of five thousand dollars.

Two ports of delivery in Mobile.

Officers may be appointed.

Act in force 24th March, 1804.

Sec. 12. *And be it further enacted,* That this act shall commence thirty days after the passing thereof.

Approved, February 24, 1804.

Statute I.

Feb. 24, 1804.

Act of May 3, 1802, ch. 53.

Period of incorporation of Washington, enlarged to fifteen years.

Chap. XIV.—*An Act supplementary to an act intituled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia."* (*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," except so much of the same as is inconsistent with the provisions of this act, be, and the same is hereby continued in force for and during the term of fifteen years, from the end of the next session of Congress.

City councils, of what numbers they are to consist and how to be elected.

Sec. 2. *And be it further enacted,* That the council of the city of Washington, from and after the period for which the members of the present council have been elected, shall consist of two chambers, each of which shall be composed of nine members, to be chosen by distinct ballots, according to the directions of the act to which this is a supplement; a majority of each chamber shall constitute a quorum to do

(*a*) See note to act of May 3, 1802, ch. 53.

business: in case vacancies shall occur in the council, the chamber in which the same may happen, shall supply the same by an election, by ballot, from the three persons next highest on the list, to those elected at the preceding election; and a majority of the whole number of the chamber in which such vacancy may happen, shall be necessary to make an election.

Powers of the councils enlarged.

Sec. 3. *And be it further enacted,* That the council shall have power to establish and regulate the inspection of flour, tobacco, and salted provisions, the gauging of casks and liquors, the storage of gunpowder, and all naval and military stores, not the property of the United States, to regulate the weight and quality of bread; to tax and license hawkers and pedlers, to restrain or prohibit tippling houses, lotteries, and all kinds of gaming; to superintend the health of the city, to preserve the navigation of the Potomac and Anacosta rivers, adjoining the city; to erect, repair, and regulate public wharves, and to deepen docks and basins; to provide for the establishment and superintendence of public schools; to license and regulate, exclusively, hackney coaches, ordinary keepers, retailers and ferries; to provide for the appointment of inspectors, constables and such other officers as may be necessary to execute the laws of the corporation; and to give such compensation to the mayor of the city as they may deem fit.

Power of levy court abolished.

Sec. 4. *And be it further enacted,* That the levy court of the county of Washington shall not hereafter possess the power of imposing any tax on the inhabitants of the city of Washington.

Approved, February 24, 1804.

Statute I.

Feb. 25, 1804.

Chap. XV.—*An Act to amend the Charter of Alexandria.*

Act of May 13, 1826, ch. 45.

Charter of Alexandria altered.

Town divided into wards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town of Alexandria shall be, and is hereby divided into two districts, by a line running east and west, at an equal distance between King and Prince streets, beginning at the river Potomac and extending to the western boundary of said town; and all that part of the town which is situate north of the said dividing line, shall be called the northern district, and all that part of the town which is situate south of the said dividing line, shall be called the southern district of the town of Alexandria; and where any house or lot shall be situate partly in each district, it shall be considered as lying in that district where the greater part of said house or lot is situate, and shall be assessed accordingly; each of the districts aforesaid shall be divided into two electoral wards, by a line passing from north to south through the middle of Pitt street, to be called the first, second, third and fourth ward; none of the taxes on the valuation of real property, which shall hereafter be collected in the northern district, shall be expended in the regulating, or filling up, or paving, or repairing of the streets, or sinking of wells, or building of bridges in the southern district; nor shall the taxes on the valuation of real property, which shall hereafter be collected in the southern district, be expended in the regulating, or filling up, or paving, or repairing the streets, or sinking of wells, or building of bridges in the northern district: but all the monies to be expended upon the aforesaid improvements in either district, shall be raised by an assessment on the valuation of real property in each district respectively, at the times and in the manner the said common council shall order and direct. It shall be the duty of the assessors and other public officers to keep the accounts of each district separate and distinct in regard to the assessments for the aforesaid local purposes, and all other taxes, which are now or shall hereafter be assessed or levied, upon the valuation of real property or other subjects, together with the fines and also the rents issuing from the property belonging to the corporation and all their other

How taxes are to be applied.

How taxes to be raised.

resources, shall constitute a general fund, to be appropriated as the common council shall direct.

Who shall vote.

Sec. 2. *Be it further enacted*, That every free white male citizen of full age, who shall be bona fide seised of a freehold estate in the town of Alexandria, or who shall have resided in the town aforesaid for the space of one year, and have been a housekeeper therein for the space of three months next preceding the day of the election, and who shall have been within that time charged with any tax upon the public books, and shall have paid such tax, shall be qualified to vote for members to serve in the common council of the said town, and no other person shall exercise the right of suffrage; and the persons qualified, as aforesaid, to vote, shall meet at some convenient place in the ward in which they respectively reside, and elect by ballot four persons for the representatives of such ward in the common council, out of the free white male citizens who shall have arrived to the age of twenty-one years, and shall have resided in the town of Alexandria three years, and in the ward for which he shall be elected, for the space of three months immediately preceding the election, and shall moreover be seised of an estate of freehold in the said ward, and be a housekeeper therein. And that the said election shall be held on the first Tuesday of March, in every year, by three commissioners to be appointed in each ward for that purpose by the mayor and commonalty for the ensuing election, and afterwards by the common council, which appointment shall be at least ten days before the day of each election, except in regard to the first election to be held under this act. The election for the ensuing year shall be held at such place, in each ward, as shall be fixed on by the mayor and commonalty, and thereafter shall be held at such place as shall be appointed by the common council, of which public notice shall be given.

Who shall not vote.

Election to be held first Tuesday in March annually.

Meeting of councils fixed.

Common council to choose a president from its own body.

His powers and duty.

The length of time limited for the authority of the council.

The common council created a body politic, &c.

Its powers and authorities.

All the estate, rights and credits of the mayor and commonalty vested in the common council.

Sec. 3. *Be it further enacted*, That the members of the common council, elected as aforesaid, or any twelve of them, shall, within seven days after their election in each year, assemble themselves at the courthouse, or any other place which shall be hereafter fixed for their meeting, and shall choose one of their body to be president of the said common council, to whom shall be administered, by any justice of the peace in the county of Alexandria, an oath or affirmation for the faithful discharge of the duties of his office; whereupon the president of the said common council shall administer the oath of office to the other members of the said council, and shall have, while the council is in session, the same power which is at present exercised by the mayor, upon the like occasion; and he shall convene the council whenever in the opinion of four of the members expressed to him in writing, or whenever in his opinion the good of the town may require it: and the authority of the said common council shall continue one year from the day of their election, and until others are chosen and qualified in their stead, and no longer. That the common council so elected, and those thereafter to be elected, and their successors, shall be and hereby are made a body politic and corporate, by the name of the Common Council of Alexandria; and by the said name shall have perpetual succession, with capacity to purchase, possess and enjoy lands and tenements, and goods and chattels, either in fee or lesser estate therein, and the same to give, grant, let, sell, assign or transfer; and to plead and be impleaded, prosecute and defend all causes, complaints, actions real, personal or mixed, and to have one common seal, and perpetual succession. And all the estate, rights, and credits, now vested in the mayor and commonalty of the town of Alexandria, shall be vested in the said common council, when elected, and may be recovered in their name for the use of the said town, and in like manner all claims and demands against the mayor and commonalty of Alexandria, prior to the operation of the present act, may be prosecuted and recovered against the aforesaid common council; and process

served upon the president of the common council, shall be deemed sufficient.

Sec. 4. *Be it further enacted*, That the jurisdiction of the said common council shall extend to the limits heretofore prescribed by law, and exercised by the mayor and commonalty. The concurrence of a majority of the whole number of members elected into the common council, shall be necessary for the passing of any law, order, or resolution, or for repealing, altering, or revoking the same.

Extent of the common council's jurisdiction.

The concurrence of a majority of all the members necessary to the passing of a law, &c. &c.

Sec. 5. *Be it further enacted*, That the said common council shall have power to erect and repair workhouses, houses of correction, and other public buildings, for the benefit of the said town; to pave, make and repair the streets and highways; to make all laws which they shall conceive requisite for the preservation of the health of the inhabitants, and for the regulation of the morals and police of the said town, and to enforce the observance of their said laws, by reasonable penalties and forfeitures, to be levied upon the goods and chattels of the offender; and they shall have power to raise money by taxes, for the use and benefit of the said town: *Provided*, that such laws shall not be repugnant to, or inconsistent with the laws and constitution of the United States. The said common council shall, whenever they deem it proper, have power to open, extend, regulate, pave, and improve the streets, within the limits of the said town: *Provided*, they make to the person or persons who may be injured by such extension, just and adequate compensation out of the funds of the corporation, to be ascertained by the verdict of an impartial jury, in like manner as has been usual in other cases, where private property has been condemned for public use. They shall have power to hold and keep within the said town, market days in every week, and from time to time, to appoint a clerk of the market, who shall do and perform all things belonging to the office of clerk of the market within the said town, according to the rules and regulations which they shall prescribe. They shall have power to pass all laws not inconsistent with the laws of the United States, which they may conceive requisite for the prevention and removal of nuisances, and to appoint a superintendent of police, commissioners, and surveyors of the streets, constables, collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, who shall be paid for their services a reasonable compensation, and whose duties and powers shall be prescribed in such manner as the common council shall deem fit for carrying into execution the powers hereby granted.

Powers of the council defined.

Proviso.

Proviso.

Powers of the common council.

Sec. 6. *Be it further enacted*, That the jurisdiction of the said common council shall extend over the harbor of Alexandria, and over vessels of every description which may arrive and be in the harbor, or be at anchor in any part of the river Potomac below Pearson's island, and within the district of Columbia, for the purpose of preventing and removing all nuisances, and such other subjects or things being on board any such vessel, as may be prejudicial to the health of the town, and for no other purpose. And also, their jurisdiction shall extend over the house lately built in the vicinity of the town for the accommodation of the poor and others, and over the ten acres of ground thereto belonging, and over all persons who may be sent or placed there by the consent or authority of the common council, and on their way to and from the same, until they be regularly discharged: *Provided*, that paupers and other persons shall not be considered as having thereby gained a residence in the county, so as to become chargeable thereto.

Further definition of the powers of the common council.

Sec. 7. *Be it further enacted*, That the common council shall, annually, at their first meeting after their own election and qualification, choose by ballot a fit and able man, having the qualifications herein after directed, to be mayor of the town, which choice shall be made by a majority of the whole number of members of the said common council,

A mayor to be annually chosen by a vote of the common council.

The president of the council to decide the election in case the council is equally divided.

The time for which the mayor shall hold his office.

To take an oath of office.

His powers and duties.

To receive a compensation for his services.

His qualifications.

unless the whole number of members be equally divided between two persons, in which case one of those two persons shall be immediately, by the vote of the president of the council, elected. The mayor shall hold his office for one year, from the time of his election, and until a successor is chosen and qualified in his stead. At the expiration of which period he may be re-elected for two years thereafter in succession, and no longer until he shall have been out of office for one year. He shall, before he enters upon the duties of his office, take an oath or affirmation, in the presence of the council, faithfully to execute his said office, which shall be recorded in their book of proceedings. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the common council, who, on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures thereupon, as shall be just and lawful. He shall have power to convene the common council when, in his opinion, the good of the community may require it, and he shall lay before the council, from time to time, in writing, such alterations in the laws of the corporation, as he shall deem necessary or proper. He shall have and exercise all the powers of a justice of the peace within the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the common council, which shall not be increased or diminished during the period for which he shall have been elected. Any person shall be elegible to the office of mayor, who is a white male citizen of the United States, who shall have attained to the age of thirty years, and shall be the bona fide owner of a freehold estate in the said town, and shall have been a resident in the town of Alexandria five years immediately preceding his election, and no other person shall be elegible to the said office.

Provision in case of the refusal, &c. &c. of the mayor to serve.

Common council to have vacancies in their own body supplied, and how.

In the temporary absence, &c. &c. of the mayor, the president of the council to supply his place.

Sec. 8. *Be it further enacted*, That in case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability or removal, the common council shall elect another in his place to serve the remainder of the year. The common council shall have power to supply vacancies in their own body, by causing elections to be made in manner herein before directed, out of the citizens qualified to fill the said office in the ward in which such vacancies shall have happened; and may, in the absence of the president, elect a president pro tempore. In case of the temporary inability or absence of the mayor, the president of the common council shall perform all the duties of the mayor, that may be required to be performed during his absence or inability, and in case of vacancy in the said office, he shall perform the duties thereof, until a new election shall be made.

Mayor to sign the bills of which he approves, or to return those to the council of which he does not approve, with his objections in writing.

How passed.

Copies of the acts of the council to be printed.

Sec. 9. *And be it further enacted*, That the acts of the common council shall be signed by the president of the common council, and shall be presented to the mayor for his approbation, who, if he objects thereto, shall, within three days after it shall be presented to him for his assent, return it to the common council with his objections in writing, and if a majority of the whole council shall be of opinion that the law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law, and he shall sign the same; but if the mayor shall not return his objections to the same, within three days, to the said council, it shall become a law, and shall be signed by him. The clerk of the council shall record, in a book to be kept by him for that purpose, all the laws, orders and resolutions which shall be passed, as aforesaid, and deliver a copy of them to the public printer, to be printed for the information of the people.

Oath of the commissioners for holding the elections prescribed.

Sec. 10. *Be it further enacted*, That the commissioners to superintend the election in each ward, shall, before they receive any vote, take, severally, the following oath or affirmation, to be administered by the mayor, or any justice of the peace: "I, A. B. do solemnly swear, or

affirm (as the case may be), that I will truly and faithfully receive and return the votes of such persons as are by law entitled to vote for members of council in ward No. and that I will not knowingly receive or return the vote of any who is not legally entitled to the same, so help me God;" the said election shall be closed on the day it is begun, and the poll shall be kept open till sunset and no longer. The said commissioners in each ward, or a majority of them shall, on the next day after the election, make a list of all the votes received at said election; and the four persons having the greatest number of votes, shall be duly elected; and in all cases of an equality of votes, the commissioners shall decide, and shall make a return of the persons so elected, under their hands and seals, to the mayor, who shall cause the same to be published in the newspapers of the town; the said commissioners shall also send a duplicate return, under their hands and seals, of the persons elected, to the clerk of the common council, who shall preserve and record the same; the said common council shall judge of the legality of the election of any person who shall be returned as a member thereof, and shall have full power to pass all laws to enable them to come to a just decision upon a contested election: they shall have power to compel the attendance of the members of the council by reasonable penalties, and to pass all laws for the orderly and regular conduct of business: they may punish any member for disorderly behaviour, and with consent of three fourths of the whole council, expel a member.

Duties and powers of the commissioners.

Common council to judge of the legality of elections.

May make laws and rules for its own order and government.

Sec. 11. *Be it further enacted*, That whenever taxes upon real property, or other claims charged upon real property within the town, shall be due, and owing to the common council, and the proprietor shall fail to discharge the same, the said common council, after giving the party reasonable notice when he resides in the town, sixty days notice when he resides out of the town, and in the United States, and after six months publication in the newspapers when he resides out of the United States, shall be empowered to recover the said taxes or debts, by motion in the court of Alexandria county: *And provided*, it shall appear to the satisfaction of the court that such taxes or claims are justly due, judgment shall be granted, and an execution shall issue thereupon, with the costs of suit, against the goods and chattels of the defaulter, if any can be found within the town; if not, that the whole property upon which the tax or claim is due, shall by order of the court, be leased out at public auction for the shortest term of years that may be offered, on condition that the lessee pay the arrearages, and also the future taxes accruing during the term, and be at liberty to remove all his improvements at the expiration of the lease: *Provided always*, that the common council may prosecute any other remedy, by action, for the recovery of the said taxes and claims which is now possessed or allowed.

How the taxes of absentees shall be collected.

Proviso.

Proviso.

Sec. 12. *And be it further enacted*, That so much of any act or acts of the general assembly of Virginia, as comes within the purview of this act, shall be, and the same is hereby repealed: *Provided*, that nothing herein contained shall be construed to impair or destroy any right or remedy which the mayor and commonalty of Alexandria now possess or enjoy to or concerning any debts, claims or demands against any person or persons whatsoever; or to repeal any of the laws and ordinances of the mayor and commonalty of the said town now in force, which are not inconsistent with this act.

Interfering acts of the Virginia assembly repealed.

Approved, February 25, 1804.

Statute I.

Feb. 25, 1804.

Chap. XVII.—*An Act relating to the recording, registering and enrolling of ships or vessels in the district of Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any ship or vessel

Vessels belonging to citizens of the United States, residing therein, or to persons inhabiting the territory ceded to the United States by France, entitled to the benefits of vessels of the United States.

possessed of and sailing under a Spanish or French register, and belonging, on the twentieth day of December, one thousand eight hundred and three, and continuing to belong wholly to any citizen or citizens of the United States, then residing within the territories ceded to the United States, by the treaty of the thirtieth of April one thousand eight hundred and three, between the United States and the French Republic, or to any person or persons being, on the said thirtieth day of April, an inhabitant or inhabitants of the said ceded territories, and who continue to reside therein, and of which the master is a citizen of the United States, or an inhabitant as aforesaid, may be registered, enrolled and licensed in the manner prescribed by law; and being so registered, enrolled or licensed, shall be denominated and deemed a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States to ships or vessels thereof. *Provided*, that it shall be lawful for the collector to whom application shall be made for a certificate of registry, enrolment or license for such ship or vessel by any citizen or inhabitant as aforesaid, to make such variations in the forms of the oaths, certificates, and licenses, as shall render them applicable to the cases herein intended to be provided for: *And provided also*, that every such inhabitant applying as aforesaid, shall, prior to his being entitled to receive such certificate of registery, enrolment, or license, deposit with the collector, the register and other papers under which such ship or vessel had been navigated; and also take and subscribe, before the collector (who is hereby authorized to administer the same) the following oath: I, A. B., do swear (or affirm) that I will be faithful and bear true allegiance to the United States of America, and that I do entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the king of Spain and the French Republic.

Proviso, that the collector may make alterations in the form of the oaths, &c., to make them applicable to this law.

Oath of applicant.

Sec. 2. *And be it further enacted*, That the inhabitants of the said ceded territory who were residents thereof on the thirtieth day of April, one thousand eight hundred and three, who shall take the oath aforesaid, and who continue to reside therein, or citizens of the United States residents of said ceded territory, shall be entitled to all the benefits and privileges of owning ships or vessels of the United States, to all intents and purposes, as if they were resident citizens of the United States.

Inhabitants of the ceded territory residents thereof the 30th April, 1803, entitled, on certain conditions, to all the privileges, &c. of owning ships, &c. of the United States.

Approved, February 25, 1804.

Statute I.

March 3, 1804.

Chap. XVIII.—*An Act for the relief of certain military pensioners in the state of South Carolina.*

Certain military pensioners of South Carolina to be placed on the books of the war office, and paid as other pensioners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the persons to whom military pensions have been heretofore granted and paid by the state of South Carolina, in pursuance of the resolves of the United States in congress assembled, for the payment of pensions to the invalids who were wounded and disabled during the late war with Great Britain, and who have not been placed on the books, in the office of the Secretary for the department of War, shall be, and the same hereby are directed to be placed on said books, and their said pensions shall be hereafter paid by the United States, in the same manner as to other pensioners of the United States, out of the funds already appropriated for that purpose.

A certificate from the state of South Carolina required for entitling any person to the benefit of this

Sec. 2. *And be it further enacted*, That in placing the names of pensioners on the books, pursuant to the directions contained in the foregoing section, the Secretary of War shall be guided by a certificate from the state of South Carolina, when the same shall be delivered to him, under the proper authentications, which certificate shall specify the names of pensioners and sums of pension; and likewise, that they

have not been paid since March the fourth, one thousand seven hundred and eighty-nine, by said state; which certificate shall be recorded in the books of the department of war, and the original kept on file. And each officer, non-commissioned officer, and soldier, whose name shall be placed on the said list as a pensioner, in conformity to the provisions of this act, or in case of the death of any such officer, non-commissioned officer, or soldier, his heirs or legal representatives shall receive a sum equal to the arrears of his pension, which shall have accrued from and after the fourth day of March, one thousand seven hundred and eighty-nine, until the passage of this act, or until the death of such pensioner, as aforesaid, as the case may be; which arrearages shall be ascertained and certified by the register of the treasury in the same manner, and under the same restrictions as are contained in the act passed the eleventh day of August, one thousand seven hundred and ninety, intituled "An act for the relief of the persons therein mentioned or described:" *Provided*, that the commutation of half-pay which may have been received by any commissioned officer entitled to a pension, as aforesaid, shall first be returned by such officer into the treasury of the United States, or shall be deducted from the arrears of pension directed to be paid by this act.

act: certificate to be recorded at the war office.

The amount payable to the several claimants, and the principles of settlement.

1790, ch. 45.

Proviso.

Approved, March 3, 1804.

Statute I.

March 3, 1804.

Chap. XIX.—*An Act to allow drawbacks of duties, on goods, wares and merchandise transported by land, in the cases therein mentioned.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares and merchandise duly imported into either of the districts of Boston and Charlestown, Salem and Beverly, Newburyport, Ipswich or Marblehead, in the state of Massachusetts, which shall be transported by inland conveyance along the turnpike or other main road into another of the said districts, and be therefrom exported to any foreign port or place, shall be entitled to the benefit of a drawback of the duties upon such exportation, under the same provisions, regulations, restrictions and limitations, as if the goods, wares and merchandise were transported coastwise from one to another of the said districts, and also upon the conditions specified in the seventy-ninth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage."

Goods imported into certain ports and transported by inland conveyance to others, and thence exported, entitled to drawbacks.

Act of March 2, 1799, ch. 22.

Sec. 2. *And be it further enacted*, That all goods, wares and merchandise duly imported into the district of Delaware, may be transported to the same places, in the same manner, and on the same conditions with goods, wares and merchandise duly imported into the districts of Philadelphia, New York or Baltimore; and shall, in like manner, be entitled to the benefit of a drawback of the duties thereon, upon exportation to any foreign port or place, agreeably to the provisions contained in the seventy-ninth section of an act, intituled "An act to regulate the collection of duties on imports and tonnage:" and that all goods, wares and merchandise, which being duly imported into the districts of Philadelphia, New York or Baltimore, shall be exported from the district of Delaware, shall also be entitled to the benefit of a drawback of the duties on the same, in the same manner, and on the same conditions which are prescribed by the said seventy-ninth section of the act aforesaid, for goods, wares and merchandise, which being duly imported into Baltimore or New York, shall be exported from Philadelphia.

Goods imported into the district of Delaware entitled to drawbacks as in cases of exportation, from Philadelphia, &c.

Act of March 2, 1799, ch. 22, sec. 79, vol. i. 686.

Approved, March 3, 1804.

(a) See as to Drawbacks, vol. i. p. 680, 687.

Statute I.
March 3, 1804.

[Obsolete.]
Act of July 14, 1798, ch. 70. Act of March 1, 1805, ch. 20.
Collectors of the direct tax to send transcripts of their sales of of land for non-payment of tax to the supervisors or other officers acting in their stead.

Contents of the transcripts.

And to pay over to the same officers any monies received by them under such sales, and belonging to original proprietors.

Forfeiture for failure to comply by collector.

Provision in case of the collector's neglect to comply with the first section.

Lists to be furnished by collectors.

February 28, 1799, ch. 20.
And penalties upon the officers upon whom the duty devolves in that case for their neglect of it.

Supervisors, &c. to keep open the original assessment books, and to

Chap. XX.—*An Act further to amend the act intituled "An act to lay and collect a direct tax within the United States."* (*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the collectors of the direct tax, under whose direction, or by whom any tract of land may have been sold for non-payment of such tax, and where the time limited by law for the redemption of such lands, shall not have expired before the passing of this act, to transmit within three months after the passing of this act, correct transcripts of the lists of all the tracts of land or lots, which have been sold, either in whole or in part, for non-payment of the said tax before the passing of this act, to the supervisor or to the officers to whom the duties of supervisor may have been transferred, or in case there be no such person, to the marshal of the district within which such lands may lie; and the said collectors shall likewise transmit to the same officer, within three months after the completion of any sale made subsequent to the passing of this act, similar transcripts of the lists of all the tracts of land or lots which shall, after the passing of this act, be sold, either in whole or in part, for non-payment of the said tax, which several transcripts shall, in every case, specify the tract or lot sold, in whole or in part, the quantity of land which has been sold; the time when sold; the amount of tax, charges and costs for which it was sold, and the amount paid by, and the name of the purchaser; and shall also designate all those tracts or lots which shall have been redeemed by the original proprietors, or for their benefit, in conformity with the provisions for that purpose heretofore enacted: and it shall also be the duty of the said collectors to pay over, within the time aforesaid, to the officer to whom the above mentioned transcripts may have been transmitted, the amount of all the monies paid to them by or for the benefit of any original proprietor of lands or lots sold for non-payment of the tax, and subsequent to such sale redeemed in conformity with law, by or for such proprietor, which shall not at the time of transmitting the said transcripts, have been repaid by such collector to the purchaser of such land or lots. And any collector failing to comply with the provisions of this section, or with any of them, shall forfeit and pay the sum of one thousand dollars with costs of suit.

Sec. 2. *And be it further enacted,* That if any collector shall fail to transmit the transcripts required by the first section of this act, within the time aforesaid, it shall be the duty of the supervisor, officer acting as supervisor, or marshal, as the case may be, of the district within which the collection district of such collector may be, to prepare within six months after the passing of this act, from the lists or such other documents as may be in his possession, a similar transcript of the list of lands which such collector had by virtue of the second section of the act, intituled "An act to amend an act, intituled An act to lay and collect a direct tax within the United States," been authorized to sell for non-payment of the said tax; which list shall likewise specify in every case, the tract or lot described in the original assessment, and the amount of tax, charges and costs for which it was liable to be sold; and any supervisor, officer acting as supervisor, or marshal, as the case may be, failing to comply with the provisions of this section shall forfeit and pay the sum of five hundred dollars with costs of suit.

Sec. 3. *And be it further enacted,* That it shall be the duty of the supervisors, officers acting as supervisors, or marshals, as the case may be, to exhibit the before mentioned transcripts, whether transmitted by the collector, or prepared by themselves; and also, to keep open the

(*a*) Notes to act of July 9, 1798, chap. 70, vol. i. 580.

original assessment lists, and whenever required within the time limited by law for the redemption of lands, or lots, thus sold, to any person wishing to ascertain whether any tract of land or lot has been sold for non-payment of the tax, to receive, within the same period, from any person tendering the same, the amount of the tax, charges and costs for which any such tract of land or lot has been sold, with the interest which shall have accrued on the same as fixed by law, and execute a receipt for the same; which payment, by whomsoever made, shall always be considered to be made for the benefit of the original proprietor; and to pay over, at any time, within the same period, when applied for, the monies and interest received from, or for any original proprietors, who shall have availed themselves of the right of redeeming their lands, agreeably to law, to the person who may have purchased the tract of land or lot, so redeemed, when the same was sold for non-payment of the tax, or to the representative of such person.

receive, and to pay over to purchasers the amount paid by them for property sold on account of taxes.

Limitation of time in which proprietors in this way may redeem their land.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said supervisor, person acting as supervisor, or marshal, as the case may be, to file, at the end of two years after the completion of the sales of lands sold within their district, for non-payment of the direct tax, with the clerk of the district court within whose district such lands may lie, correct transcripts, similar to those prescribed by the first section of this act, of the lands or lots sold in whole, or in part, for non-payment of the direct tax, and which shall not have been redeemed by, or for, the original proprietor within the said two years; and also to pay into the clerk's office of the said court, for the use of the purchaser or his representatives, any monies remaining in their hands which shall have been paid by such original proprietors, as shall have availed themselves of the right of redemption: and it shall also be the duty of the said supervisors, officers acting as supervisors, or marshals, as the case may be, when any collector shall have failed to transmit to them, or any of them, the transcripts of the lists of lands sold for non-payment of the tax, as required by the first section of this act, to file with the clerk of the said district court the receipts given by such collector, either for the purchase money of lands or lots, thus sold, to the purchasers, or for the redemption of the same, to original proprietors which shall have been delivered by the purchasers, or original proprietors, as the case may be, of lands, or lots, thus sold, to the said supervisors, officers acting as supervisors, or marshals, in the manner, and within the time prescribed by this act.

Supervisors, &c. to lodge transcripts of lands sold for non-payment of tax in the clerks' offices of their districts:

and to pay into the said offices the money received from the original proprietors, to redeem their lands for the purchasers.

Duty of the supervisors, &c. in case of the failure of the collectors to furnish the transcripts prescribed by the first section.

Sec. 5. *And be it further enacted*, That the several marshals, for the time being, of the said district courts shall alone have the authority in all cases where the time limited by law for the redemption of lands sold, shall not have expired before the passing of this act; and they are hereby authorized and required to execute deeds for so much of the said lands and lots as shall have been sold to satisfy the amount of the direct tax, charges and costs due thereon, and which shall not have been redeemed by or for the original proprietor, within the time limited by law, to the purchasers of such lands or lots, or their legal representatives: *Provided however, and it is further enacted*, That no such deed shall be executed except for lands or lots contained in the transcripts filed with the clerk of the proper district court, in conformity with the preceding section, or unless the purchaser of any tract of land or lot, sold for non-payment of the tax, shall have filed within three months after the passing of this act, or within three months after such sale, with the supervisor, officer acting as supervisor or marshal, as the case may be, a receipt from the collector for the purchase money, dated within thirty days subsequent to such sale, and specifying distinctly, the original description of the land assessed and the quantity sold: *And provided also*, that no such deed shall, in any case, be executed for any land purchased by or for a collector of the direct tax, and not contained in the

Marshals in certain cases to execute deeds for lands sold, and not redeemed.

No deed to be executed except for lands or lots in the transcripts.

Proviso.

transcript filed with the clerk of the district court; nor for any land, although not returned as redeemed by the collector, which shall appear by a certificate, or receipt of the said collector, filed with the supervisor, or officer acting as supervisor or marshal, as the case may be, before the completion of two years after the sale of such land, and filed by such officer with the clerk of the court, in conformity with the preceding section, to have been redeemed by or for the original proprietor by payment of the tax, charges, costs and interest to the said collector previous to the time limited by the first section of this act, for the transmission of transcripts by the collectors of the direct tax.

Collectors to be answerable to purchasers for any excess paid by them over the lands they receive: lands to be conveyed ascertained by the ratio of tax and land sold.

Sec. 6. *And be [it] further enacted,* That where any lot or tract of land shall have been sold before the passing of this act, for non-payment of the direct tax, and for a larger sum than the amount of such tax, with the legal charges and costs, the collector of the said tax shall be accountable to the purchaser for the excess of money paid by such purchaser beyond the amount of such tax, charges, and costs: and deeds shall be executed in favour of such purchasers, only for so much of the land as shall bear the same ratio to the whole quantity of land sold, as the amount of the tax, charges and costs bear to the sum for which the land was sold: and whenever a deed shall be executed for a part only of any tract of land, not described previous to the sale, such part shall be laid off at the expense of the purchaser, under the direction of the district court, and in conformity with the instructions given to the collector, by the supervisor, or officer acting as supervisor, respecting the sales of lands sold for non-payment of the direct tax: *Provided,* that hereafter it shall not be lawful for any collector of the said tax, to sell more of any lot or tract of land than will pay the amount of such tax, with the legal charges and costs.

Proviso.

Fees for services under this act.

Sec. 7. *And be it further enacted,* That for the services prescribed by this act, the following fees shall be allowed and paid by the parties respectively, that is to say:

To every supervisor for examining the transcripts of land sold, twenty-five cents: for receiving payment of the tax, charges and costs for which any tract of land, or lot, may have been sold in whole, or in part, fifty cents; and for filing a certificate or receipt of the collector, deposited by the purchaser, or original proprietor, six cents.

To the marshal of the court, one dollar for preparing and executing a deed.

Approved, March 3, 1804.

Statute I.

March 14, 1804.

[Obsolete.]

For what purposes appropriations made.

Chap. XXI.—*An Act making appropriations for the support of government, for the year one thousand eight hundred and four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys and public piers; and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated; that is to say:

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, one hundred and ninety-eight thousand nine hundred and sixty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of both houses, including the expense of printing the

President's message of the twenty-third of December, one thousand eight hundred and two, with the accompanying documents, thirty-two thousand seven hundred dollars. Specific appropriations.

For the purchase of books for the use of both houses of Congress, the balance of the former appropriation being carried to the credit of the surplus fund, two thousand seven hundred and three dollars and five cents.

For furniture for the House of Representatives, being an expense incurred in the year one thousand eight hundred and three, twelve hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred and sixty dollars.

For the incidental and contingent expenses in the said department, four thousand eight hundred dollars.

For printing and distributing copies of the laws of the first session of the eighth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including those engaged on the business belonging to the late office of the commissioner of the revenue, fourteen thousand and ninety-two dollars and eighty-seven cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expense of stationery, printing, and incidental and contingent expenses in the comptroller's office, eight hundred dollars.

For defraying the expense of preparing new certificates of registry for ships and vessels, in conformity with the law of the second of March, one thousand eight hundred and three, four thousand five hundred dollars. 1803, ch. 18.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For the expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing, (including books for the public stock and for the arrangement of the marine papers) two thousand eight hundred dollars.

For the expense of printing and transmitting the certificates of the six per cent. stock, created by virtue of the act of the tenth of November, one thousand eight hundred and three, one thousand five hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation of the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States,

Specific appropriations.

northwest of the river Ohio, and in keeping the books of the treasury, in relation to the sales of lands at the several land-offices, two thousand dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing the public accounts for the year one thousand eight hundred and four, one thousand two hundred dollars.

For purchasing books, maps, and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and four, including the expense of two watchmen, and for the repair of two fire engines, and other incidental expenses, one thousand one hundred dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expenses of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, including certain contingent expenses incurred in the year one thousand eight hundred and one, one thousand one hundred and fifty dollars and two cents.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of twelve hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery, store rent and fuel for the said office, four thousand eight hundred dollars.

For extra expenses incurred by the removal of the office of purveyor of public supplies from Philadelphia to Germantown, in the year one thousand eight hundred and three, two hundred and three dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand one hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

1799, ch. 40.

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

1799, ch. 40.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c., exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department; these being paid for by the Postmaster-General out of the funds of the office, two thousand dollars.

For compensation to the several loan officers, thirteen thousand three hundred and thirty-three dollars and thirteen cents. Specific appropriations.

For compensation to the clerks of the several commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For extra expenses occasioned by the removal of the loan office of Pennsylvania to Germantown, during the summer of one thousand eight hundred and three, three hundred and forty-nine dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans of the state of Pennsylvania, in consequence of the removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars.

For compensation to the surveyor-general, and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery, and other contingencies, two thousand seven hundred dollars.

For compensation to the officers of the mint:—

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, coining, carpenters, millwrights and smiths' work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand five hundred dollars.

For the repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand nine hundred dollars.

For compensation to the governor, judges and secretary of the Mississippi territory, including a sum of eighty-two dollars, for the compensation of one of the judges, which has been carried to the credit of the surplus fund, five thousand two hundred and thirty-two dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department, respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars. 1799, ch. 40.

For compensation granted by law to the chief justice, associate judges

Specific appropriations.

and district judges of the United States, including the chief justice and two associate judges of the district of Columbia, and to the attorney-general, and including also one thousand dollars for the compensation of the district judge of Ohio, for the year one thousand eight hundred and three, fifty-four thousand nine hundred dollars.

For the like compensation granted to the several district attornies of the United States, two thousand eight hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, east and west Tennessee, one thousand four hundred dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties; and likewise, for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For the payment of an annuity granted to the children of the late Colonel John Harding and Major Alexander Trueman, by an act of Congress, passed the fourteenth day of May, one thousand eight hundred, six hundred dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and four, to the fourth of March, one thousand eight hundred and five, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and certain contingent expenses, fifty-five thousand nine hundred and fifty-one dollars and thirty-three cents.

For the erection of a lighthouse on New Point Comfort, five thousand dollars; being the amount of a former appropriation carried to the credit of the surplus fund.

For the payment of balances due on the contracts for erecting the lighthouses on Old Point Comfort, and Smith's Point, and for the inspection of the work, the balance of the former appropriations being carried to the credit of the surplus fund, two thousand dollars.

For erecting a lighthouse on Gull's Island, in the sound between Long Island and the Main, in addition to the sum heretofore appropriated for that purpose, three thousand five hundred dollars.

For defraying the expenses incident to the purchase or erection of certain warehouses and wharves, under the act respecting quarantine and health laws, in addition to the sums heretofore appropriated for that purpose, five thousand dollars: and so much of the sums received on account of storage for merchandise deposited in the public warehouses under said act, as may be necessary, is hereby appropriated to the erection and repairs of the warehouses, and to carry the said act into effect.

1798, ch. 70.

For defraying the expenses incident to the valuation of lands and houses, and enumeration of slaves within the United States, as directed by the act of the ninth of July, one thousand seven hundred and ninety-eight; the balance of former appropriations having been carried to the credit of the surplus fund, three thousand dollars.

1803, ch. 27.

For the purpose of carrying into effect the act of the third of March, one thousand eight hundred and three, in relation to the lands south of the state of Tennessee, in addition to the sum therein appropriated, ten thousand dollars.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, accord-

ing to the usage thereof, to require payment in specie, four thousand dollars.

Specific appropriations.

For furniture for the President's house, being the balance of a former appropriation, carried to the credit of the surplus fund, one hundred and forty-five dollars and seventeen cents.

For expenses of intercourse with foreign nations, including the compensation of the consuls at the several Barbary powers, forty-six thousand five hundred and fifty dollars.

For the other expenses of the intercourse between the United States and Algiers, and other Barbary powers, one hundred thousand dollars.

For carrying into effect the treaty between the United States and the king of Spain, the balance of former appropriations having been carried to the credit of the surplus fund, thirty-two thousand seven hundred and forty-seven dollars and thirty-six cents.

For the relief and protection of distressed American seamen, ten thousand dollars.

For salaries of the agents in Paris and Madrid, for prosecuting claims in relation to captures, three thousand three hundred and fifty dollars.

For satisfying a balance due to John Habersham, late agent for supplying the troops in Georgia, nine thousand and fifty-five dollars and seventeen cents.

For the relief of sick or disabled American seamen at New Orleans, in addition to the appropriations heretofore made for that purpose, one thousand dollars.

For discharging such sums as may, on settlement of their accounts, by the accounting officers of the treasury, be found due to persons whose property was taken for the use of the militia employed on the expedition to suppress the former insurrection in the western counties of Pennsylvania, one thousand dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

Out of what fund payable.

1790, ch. 34.

Sec. 3. *And be it further enacted,* That the sum which shall be found due on a settlement of the accounts of the militia who served on an expedition commanded by Major Thomas Johnson, against the Indians, in the year one thousand seven hundred and ninety-four, be paid out of any monies in the treasury, not otherwise appropriated; the appropriation made by the act of the thirteenth of May, one thousand eight hundred, having been carried to the credit of the surplus fund.

Sum found due to Thomas Johnson to be paid to him, and out of what fund.

Approved, March 14, 1804.

Statute I.

March 16, 1804.

Chap. XXII.—*An Act declaring the assent of Congress to an act of the General Assembly of Virginia, therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given and declared to an act of the general assembly of Virginia, intituled "An act for improving the navigation of James river," which act was passed on the twenty-third day of January, in the year one thousand eight hundred and four.

Assent of Congress to act of Virginia for improving the navigation of James river.

Approved, March 16, 1804.

Statute I.
March 16, 1804.

Act of April 7, 1798, ch. 26.
Act of Feb. 18, 1801, ch. 5.
Act of March 3, 1803, ch. 35.
Act of Feb. 24, 1810, ch. 12.
Act of April 23, 1812, ch. 63.
Former act revived and continued in force.

Chap. XXIII.—*An Act to revive and continue in force, an act intituled "An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," approved on the seventh of April, one thousand seven hundred and ninety-eight, shall be, and the same is hereby revived and continued in force for the term of two years from the passage of this act, and no longer.

Approved, March 16, 1804.

Statute I.
March 16, 1804.

[Obsolete.]
Appropriations made for carrying the convention into effect.

Chap. XXIV.—*An Act making an appropriation for carrying into effect the convention concluded between the United States and the King of Spain, on the eleventh day of August, one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expense which may arise in carrying into effect the convention concluded between the United States and the king of Spain, on the eleventh day of August, one thousand eight hundred and two, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby are appropriated, that is to say:

For salaries of commissioners.

For the salaries of the commissioners, including half the compensation of the fifth commissioner, half the expenses of the board, and the contingent expenses of the commissioners of the United States, twelve thousand seven hundred and sixty dollars: *Provided,* that the compensation to be allowed to any of the commissioners, who may be appointed in pursuance of the said convention, shall not exceed the rate of four thousand four hundred and forty-four dollars per annum.

Proviso.

For the salary of an agent.

For the salary of an agent, whom the President of the United States is hereby authorized to appoint, for the purpose of supporting the claims of citizens of the United States, before the board of commissioners, and to whom a compensation, not exceeding the rate of three thousand dollars per annum, may be allowed, three thousand dollars.

President authorized to make the appointments of commissioners and an agent, and to grant them commissions.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to make the appointment of the said commissioners and agent, during the recess of the Senate, and to grant to the persons thus appointed, commissions which shall remain in force until the end of the next session of Congress, and no longer.

Act to take effect from the exchange of ratifications.

Sec. 3. *And be it further enacted,* That this act shall take effect and be in force, from and after the day when the exchange of ratifications of the said convention shall be made.

Approved, March 16, 1804.

Statute I.
March 16, 1804.

When a sufficient quantity of land at the point shall be conveyed to the United States, the President shall fix upon the site for a lighthouse.

Chap. XXV.—*An Act to provide for Lighthouses and buoys in the cases therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as the proprietor of the south end or point of St. Simon's island in the state of Georgia, shall convey, by good and sufficient titles, unto the United States, so much land on the south end of the said island, as the President of the United States shall deem sufficient and most proper for the site and accommodation of a lighthouse; and the jurisdiction of the land, so to be conveyed, shall have been ceded to the United States, by the state of

Georgia, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same. And the President is hereby authorized to make the said appointments.

The Secretary of the Treasury shall make arrangements for building one, &c. The President to appoint a keeper, &c.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury under the direction of the President, be authorized and required to cause to be placed a buoy or buoys at such place or places on or near the bar of St. Simon's, as may conduce to the safe pilotage of vessels to and from the ports of Brunswick and Frederica.

Secretary of the Treasury to have buoys placed near the bar of St. Simon's.

Sec. 3. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to cause to be rebuilt, in such manner as he may deem expedient, the lighthouse at Clark's point within the town of New Bedford, in the state of Massachusetts.

The Secretary of the Treasury to cause to be rebuilt, the lighthouse at Clark's point.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and required to cause a sufficient lighthouse to be erected on Fivemile point, so called, near the entrance of the harbor of New Haven, in the state of Connecticut, and to appoint a keeper, and otherwise provide for such lighthouse at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse, can be obtained at a reasonable price, and the legislature of Connecticut shall cede the jurisdiction over the same to the United States.

Secretary of the Treasury required to cause a lighthouse to be built at Fivemile point, &c.

Proviso.

Sec. 5. *And be it further enacted*, That there be appropriated for the purpose of defraying the charges and expenses to be incurred in executing the two first sections of this act, the sum of seven thousand dollars;—for rebuilding the lighthouse as aforesaid at Clark's point, a sum not exceeding two thousand five hundred dollars; and for the erection of a lighthouse at the Fivemile point aforesaid, a sum not exceeding two thousand five hundred dollars; which sums shall be paid out of any monies in the treasury not otherwise appropriated.

Appropriations for carrying this act into effect.

Lighthouse at Clark's point.

Lighthouse at Fivemile point, Georgia.

Approved, March 16, 1804.

Statute I.

March 19, 1804.

Chap. XXVI.—*An Act granting further time for locating military land warrants, and for other purposes.* (*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act intituled "An act in addition to an act, intituled An act in addition to 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," approved the twenty-sixth day of April, eighteen hundred and two, be, and the same is hereby revived and continued in force, until the first day of April, one thousand eight hundred and five: *Provided, however*, that the holders or proprietors of warrants or registered certificates, shall and may locate the same, only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, intituled "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:" *And provided also*, that no holder or proprietor of warrants or registered certificates, shall be permitted to locate the same by virtue of this act, unless the Secretary of War shall have made an endorsement on such warrant or registered certificate, certifying that no

Former act revived and continued in force till the first April, one thousand eight hundred and five.

Act of March 1800. Act of March 23, 1804, ch. 33.

Limitation as to the location of warrants.

1802, ch. 30.

June 1, 1796, ch. 46.

Proviso.

The Secretary of War to endorse the war-

(*a*) See notes to vol. i. 464, and act of March 23, 1804, vol. 2. 274.

rant or certificate that no warrant has been issued for the same in virtue of the act of March 3, 1803, ch. 33.
Act of March 1, 1800.

warrant has been issued for the same claim to military bounty land, and by virtue of the second section of the act, intituled "An act to revive and continue in force an act in addition to an act intituled An act in addition to 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, and for other purposes," approved the third day of March, eighteen hundred and three.

Approved, March 19, 1804.

Statute I.

March 19, 1804.

[Obsolete.]
Monies received for duties or taxes in Louisiana to be accounted for and paid into the treasury, as other monies.

Appropriations for defraying the expenses incurred in taking possession of, and holding Louisiana till a new government thereof shall be established.
To be expended under the direction of the President of the United States.

Chap. XXVII.—*An Act providing for the expenses of the Civil Government of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the monies which have been, or which shall be received by any officer of the United States, on account of duties or taxes within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, eighteen hundred and three, shall be paid into the treasury, and accounted for in the same manner as other public monies.

Sec. 2. *And be it further enacted,* That for the purpose of making a reasonable compensation to the person or persons, in whom the powers of civil government, heretofore exercised by the officers of the said territories under the Spanish and French governments, have been vested by the President of the United States, and also for defraying the other civil expenses of the said territories, from the time when possession of the same was obtained by the United States, to the time when a form of government shall, under the authority of Congress, be established therein, a sum not exceeding twenty thousand dollars, to be expended under the direction of the President of the United States, and to be accounted for as other public monies, shall be, and the same hereby is appropriated, to be paid out of any monies in the treasury, not otherwise appropriated.

Approved, March 19, 1804.

Statute I.

March 19, 1804.

[Obsolete.]
Bonds given for duties, where the obligors have sustained losses by the fire, to be cancelled, and new ones with further indulgence to the debtors, to be taken by the collector.

Chap. XXVIII.—*An Act for the relief of the sufferers by fire, in the town of Norfolk.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who, being indebted to the United States for duties on merchandise, have given bond therefor with one or more sureties, payable to the collector for the district of Norfolk and Portsmouth, and who have suffered a loss of property by the late conflagration at the town of Norfolk, shall be, and they hereby are allowed to take up, or have cancelled, all bonds heretofore given for duties as aforesaid, upon giving to the collector new bonds, with one or more sureties to the satisfaction of the said collector, for the sums of their former bonds respectively, payable in twelve months from and after the day of payment specified in the bonds to be taken up or cancelled, as aforesaid; and the said collector is hereby authorized and directed to give up or cancel all such bonds, upon the receipt of others, as described in this act; which last-mentioned bonds shall be proceeded with in all respects, like other bonds which are taken by collectors for duties due to the United States: *Provided, however,* that nothing in this act contained shall extend to bonds which had fallen due before the nineteenth day of February last.

Approved, March 19, 1804.

Statute I.

Chap. XXIX.—*An Act making an appropriation for defraying the expenses incurred in inquiring into the official conduct of Samuel Chase, and Richard Peters, and in conducting the impeachment against John Pickering.*

March 19, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for the payment of such expenses as may have been or hereafter may be incurred in prosecuting the inquiry into the official conduct of Samuel Chase, and Richard Peters, and in conducting the impeachment against John Pickering.

Appropriations for carrying on the impeachments against Samuel Chase and John Pickering.

Sec. 2. *And be it further enacted,* That to every witness summoned to attend the Senate in support of the said impeachment, there shall be allowed for every day's attendance, the sum of three dollars, and at the rate of twelve and a half cents per mile, in coming from and returning to his place of abode, for travelling expenses.

Fees to the witnesses.

Sec. 3. *And be it further enacted,* That any other expense certified by the chairman of any committee appointed to conduct the said inquiry or impeachment, to have been authorized by him, shall also be allowed and paid.

Any other expense authorized by the chairman of the committee to be allowed and paid.

Approved, March 19, 1804.

Statute I.

Chap. XXXI.—*An Act altering the sessions of the District Courts of the United States for the districts of Virginia, Rhode Island, and for the district of West Tennessee.*

March 23, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the district court for the district of Virginia, directed by law to be held in the town of Norfolk, shall be hereafter held and commence on the fifteenth day of June, and on the fifteenth day of December, in every year; and that the sessions of the said court, directed by law to be held in the city of Richmond, shall be held and commence on the nineteenth day of May, and on the nineteenth day of November, in every year.(*a*)

Sessions of the district court of Virginia altered.

Court at Norfolk to commence June and December 15th, 1805, at Richmond, May and November 19th.

Sec. 2. *And be it further enacted,* That when either of the said days shall happen to be a Sunday, the sessions of the said court shall commence on the following day.

If either of the days Sunday, the court to commence on the following day.

Sec. 3. *And be it further enacted,* That all writs and process which have been issued, and all recognizances returnable, and all suits and other pleadings which have been continued, to the said district court, directed by law to be holden in Norfolk, on the third Tuesday in March next, shall be returned and held continued to the fifteenth day of June next; and in like manner, all writs and process which [have] been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court, directed by law to be holden in the city of Richmond, on the third Tuesday in June next, shall be returned, and held continued to the nineteenth day of May next.

Writs and process continued over accordingly.

Sec. 4. *And be it further enacted,* That from and after the first day of April next, the session of the district court for the district of Rhode Island, shall commence at Newport, on the second Tuesday in May, and third Tuesday in October; at Providence, the first Tuesday in August, and the first Tuesday in February, annually; any law to the contrary notwithstanding.

Sessions of the district court of Rhode Island altered.

Sec. 5. *And be it further enacted,* That all suits, process, and proceedings, of what nature or kind soever, pending in, or made returnable

Writs and process continued

(*a*) By the act of March 24, 1819, the sessions of the court are to be held at Richmond on the 1st day of April, and the 15th day of October, and at Norfolk on the 1st day of May, and the 1st day of November.

over accordingly.

to said court, shall, after the said first day of April next, be continued over until the next court to be held in conformity to this act.

Sessions of the district court of West Tennessee altered.

Sec. 6. *And be it further enacted,* That the sessions of the district court for the district of West Tennessee, directed by law to be held in the town of Nashville, shall be hereafter held and commence on the Thursday next succeeding the fourth Mondays of May and November, in every year; and that all writs and process which have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court, directed by law to be held at Nashville, on the fourth Monday of May next, shall be returned and held continued to the Thursday next succeeding said fourth Monday.

Process continued over accordingly. See act of February 24, 1807, sec. 4, ch. 16.

Approved, March 23, 1804.

Statute. I.

March 23, 1804.

[Obsolete.]

Act of February 18, 1791, ch. 10.

Bank of the U. States authorized to establish offices of discount and deposit.

Chap. XXXII.—*An Act supplementary to the act, intituled "An act to incorporate the subscribers to the Bank of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the president and directors of the Bank of the United States shall be, and they are hereby authorized to establish offices of discount and deposit in any part of the territories or dependencies of the United States, in the manner, and on the terms prescribed by the act to which this is a supplement.

Approved, March 23, 1804.

Statute I.

March 23, 1804.

Chap. XXXIII.—*An Act to ascertain the boundary of the lands reserved by the state of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands.*(a)

Boundary line now under the direction of the surveyor-general established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the line run under the direction of the surveyor-general of the United States, from the source of the Little Miami, towards the source of the Scioto, and which binds on the east, the surveys of the lands of the United States, shall, together with its course continued to the Scioto river, be considered and held as the westerly boundary line, north of the source of the Little Miami, of the territory reserved by the state of Virginia, between the Little Miami and Scioto rivers, for the use of the officers and soldiers of the continental line of that state: *Provided,* that the state of Virginia shall, within two years after the passing of this act, recognize such line as the boundary of the said territory.

Proviso, that within two years the state of Virginia recognize the line.

Officers and soldiers to complete their locations in three years within the reserved territory.

Officers and soldiers whose bounty land shall have been located on that part of the territory to which the Indian title

Sec. 2. *And be it further enacted,* That all the officers and soldiers, or their legal representatives who are entitled to bounty lands within the above-mentioned reserved territory, shall complete their locations within three years after the passing of this act, and every such officer and soldier, or his legal representative, whose bounty land has or shall have been located within that part of the said territory, to which the Indian title has been extinguished, shall make return of his or their surveys to the secretary of the department of war, within five years after the passing of this act, and shall also exhibit and file with the said secretary, and within the same time, the original warrant or warrants under which he claims, or a certified copy thereof, under the seal of the office where the

(a) Act of March 2, 1807, chap. 21; act of April 30, 1810, chap. 35; act of April 11, 1818, chap. 43; act of April 18, 1818, chap. 62; act of February 24, 1819, chap. 40; act of April 20, 1822, chap. 29; act of March 3, 1823, chap. 38; act of May 18, 1824, chap. 88; act of May 4, 1826, chap. 34; act of March 2, 1827, chap. 35; act of May 23, 1828, chap. 71; act of February 25, 1831, chap. 34; act of July 3, 1832, chap. 163; act of July 24, 1832, chap. 205; act of January 27, 1835, chap. 6; act of July 7, 1838, chap. 166; act of September 4, 1841, chap. 16.

said warrants are legally kept; which warrant, or certified copy thereof, shall be sufficient evidence that the grantee therein named, or the person under whom such grantee claims, was originally entitled to such bounty land: and every person entitled to said lands and thus applying, shall thereupon be entitled to receive a patent in the manner prescribed by law.

has been extinguished to make returns, &c. to the Secretary of War in five years.

Papers returned to be evidence entitling the claimants to patents.

Sec. 3. *And be it further enacted*, That such part of the above mentioned reserved territory as shall not have been located, and those tracts of land, within that part of the said territory to which the Indian title has been extinguished, the surveys whereof shall not have been returned to the Secretary of War, within the time and times prescribed by this act, shall thenceforth be released from any claim or claims for such bounty lands, and shall be disposed of in conformity with the provisions of the act, intituled "An act in addition to, and modification of, the propositions contained in the act, intituled An act to enable the people of the eastern division of the territory, northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes."

1803, ch. 21.
Act of April 16, 1816, ch. 49.
Act of April 11, 1818, ch. 43.
Act of Feb. 24, 1819, ch. 40.

Unlocated portion of the reserved territory in five years to be released from claims and disposed of, &c.

Approved, March 23, 1804.

Statute I.

March 26, 1804.

Chap. XXXIV.—*An Act further to alter and establish certain post roads, and for other purposes.* (a)

Post roads discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be discontinued:

North Carolina.

In North Carolina.—From Woodstock to Hyde Courthouse; from Halifax to Tarborough; and from Tarborough to Louisburg.

Virginia.

In Virginia.—From Lexington, by Amherst Springs, to Cabelsborough; from Pendleton Courthouse to Bath Courthouse; and from Alexandria to Piscataway, in Maryland.

Kentucky.

In Kentucky.—From Hartford, by Vienna, to Muhlenburg Courthouse.

Ohio.

In Ohio.—From Zanesville to Marietta, and from Cincinnati to Detroit.

Maryland.

In Maryland.—From Westminster to Taneytown; from Emmitsburg to Fairfield, in Pennsylvania; from Elkton to Sassafras; from Bridgetown to Greenborough, and from Brookville to Taneytown.

Pennsylvania.

In Pennsylvania.—From Pittsburg to Meedsville.

Massachusetts.

In Massachusetts.—From Worcester to Providence, in Rhode Island.

Vermont.

In Vermont.—From Newbury, by Barry, to Montpelier.

New York.

In New York.—From the town of Chester, in Washington county, to Plattsburg.

Post roads established.

Sec. 2. *And be it further enacted*, That the following post roads be established, to wit:

Georgia.

In Georgia.—From Athens to Walkinsville.

South Carolina.

In South Carolina.—From Orangeburg, by Barnwell Courthouse, Tredways, and Town creek mills to Campbetton; from Statesburg to Columbia.

North Carolina.

In North Carolina.—From Warrenton, by Ransom's bridge and Enfield, to Tarborough; and to return, by Nash Courthouse, Sill's store and Ransom's bridge, to Warrenton; from Halifax to Enfield; from Scotland Neck, by Granbury's Cross-roads, to Windsor; and from Newbern to the town of Beaufort; from Raleigh, by Nutall's store, to Merritsville.

(a) Act to regulate the Post-office department, May 1, 1810, chap. 37; act of March 3, 1825, chap. 64; act of July 2, 1836, chap. 270. Act of March 3, 1845, chap. 43.

Virginia. *In Virginia.*—From Fredericksburg, by Falmouth, Elk Run Church, Fauquier Courthouse and Salem, to Paris; from Clarksburg, by Buchanan settlement, to Randolph Courthouse; from Lancaster Courthouse to Kilmarnock; and from Kanawha Courthouse, by Point Pleasant, to Galliopolis, in Ohio; from thence to the Scioto Salt Springs; and from Prince Edward Courthouse, by Lester's store, Wheeler's Springs, and Campbell Courthouse, to New London; from Danville, in Virginia, to Lenox's castle, in North Carolina; and from Wood Courthouse to Marietta.

Kentucky. *In Kentucky.*—From Springfield, by Green Courthouse, Adair Courthouse, and Cumberland Courthouse, to Jackson Courthouse, in Tennessee; and from thence to Blackburn Springs; from John Wood's near the Hazle patch, to Lincoln Courthouse; from the town of Washington to Augusta; from Frankfort to Henry Courthouse; that the post road from Montgomery Courthouse to Fleming Courthouse, shall pass by Slate creek iron works, and the Upper Blue Licks; and that the post road from Hartford to Logan Courthouse, shall pass by Muhlenburg Courthouse.

Tennessee. *In Tennessee.*—From Dixon's Springs, by Lebanon and Rutherford Courthouse, to Nashville; and that the post road from Nashville to Springfield, shall pass by Mansker's lick.

Ohio. *In Ohio.*—From Warren, in the county of Trumbull, by Cleveland, to Detroit; from Chilicothe to Alexandria; from Steubenville to New Lisbon; from Chilicothe to Franklinton; from Cincinnati, through Franklin and Dayton, to Stanton; from thence, through Wainsville and Deerfield, to Charleston; from Zanesville, through Tuscorowa, to Graden-hutton; and that the post road from Georgetown to Canfield, shall pass through New Lisbon.

Pennsylvania. *In Pennsylvania.*—From Alexandria, through Hollidaysburg, Beula and Armagh, to Greensburg; from Pittsburg, through Butler and Mercer, to Meedsville; from Bedford, by Berlin, to Somerset; from Chambersburg, through Strasburg and Faunetsburg, to Huntingdon.

New Jersey. *In New Jersey.*—From Ringoe's tavern, by Somerset Courthouse, Boundbrook, Scotch Plains and Springfield, to Newark; and from Rahway, by Scotch Plains, to New Providence.

New York. *In New York.*—From Kingston, through Catskill, Loonenburg, and Coxsackie, to the city of Albany; from Lansingburg, through Schaghticoke, Easton, Argyle, and Hartford, to Whitehall; from Owego to Aurora; from Unadella to Cooperstown; from the little falls on the Mohawk river, to the academy in Fairfield; from Kingston, by Delhi, to the post-office in Meredith; from Walton to Jericho; from the Painted post, in the state of New York, to Williamsport, in the state of Pennsylvania; the post road from Canandagua to Niagara, shall pass by Buffaloe Creek.

Connecticut. *In Connecticut.*—From Hartford, through Granby and Granville, to Blanford, in Massachusetts; from New Haven, through Hamden, Cheshire, and Southington, to Farmington; and from Hartford, through Glastenbury and Colchester, to New London.

Massachusetts. *In Massachusetts.*—From Shrewsbury, through Holden, Rutland, Oakham, Hardwick, Greenwich, Pelham and Amherst, to Northampton.

Maine. *In Maine.*—From Brunswick, by Litchfield and Hallowell, to Augusta; from Wiscassett to Boothbay; and from Fryburgh, through Conway, the notch of the White Mountain, Jefferson, Lancaster, to Guildhall Courthouse, in Vermont.

New Hampshire. *In New Hampshire.*—From Haverhill in Massachusetts, to pass through Salem, to Windham in New Hampshire; from Alsop to Conway; from Salisbury to Plymouth, alternately on each side of Merimack river; from Littleton to Guildhall Courthouse, alternately on each side of Connecticut river; from Littleton, through St. Johnsbury and Danville in Vermont, to St. Alban's on Lake Champlain.

In Louisiana.—From Massac, on the Ohio river, to Cape Girardeau, in Louisiana; from thence to New Madrid; from the said Cape Girardeau, by St. Geneveive to Kaskaskias, in the Indiana territory; and from Cahokia to St. Louis, in Louisiana; from Natchez to Tombigby; and from Natchez to New Orleans.

Louisiana.

Sec. 3. *And be it further enacted,* That all letters, returns, and other papers on public service, sent by the mail to or from the offices of inspector and paymaster of the army, shall be received and conveyed free of postage.

Letters to or from the offices of inspector and paymaster to be conveyed free.

Sec. 4. *And be it further enacted,* That whenever it shall be made to appear to the satisfaction of the Postmaster-General, that any road established by this or any former act, as a post road, is obstructed by fences, gates, or bars, other than those lawfully used on turnpike roads, to collect their toll, and not kept in good repair with proper bridges and ferries, where the same may be necessary, it shall be the duty of the Postmaster-General to report the same to Congress, with such information as can be obtained, to enable Congress to establish some other road instead of it in the same main direction.

[Obsolete.]

Postmaster-General to report to Congress the roads which have obstructions.

[Obsolete.]

Congress to establish other roads.

Sec. 5. *And be it further enacted,* That this act shall not be so construed as to affect any existing contract for carrying the mail.

Existing contracts not affected by this act.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XXXV.—*An Act making provision for the disposal of the public lands in the Indiana territory, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested by law in the surveyor-general, shall extend over all the public lands of the United States to which the Indian title has been or shall hereafter be extinguished, north of the river Ohio, and east of the river Mississippi; and it shall be the duty of the said surveyor-general to cause the said lands to be surveyed into townships, six miles square, and divided in the same manner and under the same regulations, and to do and perform all such other acts in relation to the said lands, as is provided by law in relation to the lands of the United States, situate northwest of the river Ohio and above the mouth of Kentucky river: *Provided,* that the whole expense of surveying and marking the lines shall not exceed three dollars for every mile that shall be actually run, surveyed and marked: *And provided also,* that such tracts of land as are lawfully claimed by individuals within the said boundaries, and the title whereto has been or shall be recognized by the United States, shall be laid out and surveyed at the expense of the parties respectively, in conformity with the true boundaries of such tracts. And it shall also be the duty of the said surveyor-general to cause to be run, surveyed and marked such of the Indian boundary lines of the said lands, as have not yet been surveyed; and with the approbation of the President of the United States to ascertain by astronomical observations the positions of such places north of the river Ohio and east of the river Mississippi, as may be deemed necessary for the correctness of the surveys, and to be the most important points of the geography of the country.

Powers of the surveyor-general extended over all the lands of the U. States north of the Ohio, and east of the Mississippi; and he shall cause them to be laid off into townships.

Expenses of surveying not to exceed three dollars per mile.

Tracts claimed to be laid out at the expense of the claimant.

Indian boundary lines to be run and marked.

Sec. 2. *And be it further enacted,* That for the disposal of the lands of the United States, north of the river Ohio and east of the river Mississippi, in the Indiana territory, three land-offices shall be established in the same, one at Detroit for the lands lying north of the state of Ohio to which the Indian title has been extinguished; one at Vincennes for the lands to which the Indian title has been extinguished, and which

Land-offices established at Detroit, Vincennes and Kaskaskia.

(a) See notes to act of March 23, 1804, chap. 33; an act granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, &c., March 3, 1791, chap. 27, vol. i. 221.

are included within the boundaries fixed by the treaty lately held with the Indian tribes of the Wabash; and one at Kaskaskia, for so much of the lands included within the boundaries fixed by the treaty of the thirteenth of August, one thousand eight hundred and three, with the Kaskaskia tribe of Indians, as is not claimed by any other Indian tribe: and for each of the said offices a register and a receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments and duties, and authority, shall, in every respect, be the same in relation to the lands which shall be disposed of at their offices, as are or may be by law provided, in relation to the registers and the receivers of public monies in the several offices established for the disposal of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river.

Register and receiver of public monies appointed for each of them. Duties and emoluments of these officers.

Sec. 3. *And be it further enacted*, That every person claiming lands within any of the three tracts of land described in the preceding section, by virtue of any legal grant made by the French government, prior to the treaty of Paris, of the tenth of February, one thousand seven hundred and sixty-three, or of any legal grant made by the British government, subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, of the third of September, one thousand seven hundred and eighty-three, or of any resolution, or act of Congress, subsequent to the said treaty of peace, shall, on or before the first day of January, one thousand eight hundred and five, deliver to the register of the land-office, within whose district the land may lie, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and may also, on or before that day, deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the said register, in books to be kept for that purpose, on receiving from the parties at the rate of twelve and a half cents, for every hundred words contained in such written evidence of their claim; and if such person shall neglect to deliver such notice, in writing, of his claim, or to cause to be recorded such written evidence of the same, all his right, so far as the same is derived from any resolution or act of Congress, shall become void, and for ever be barred.

Persons claiming lands described in the preceding sections, under grants from the French, British or United States governments to deliver to the registers of the land-offices of the districts in which the lands are situated, statements of the extent of their claims.

Which shall be recorded. Fees demandable for the same. Neglect to deliver notice.

Sec. 4. *And be it further enacted*, That the register, and receiver of public monies, of the three above mentioned land-offices, shall, for the lands respectively lying within their districts, be commissioners for the purpose of examining the claims of persons claiming lands by virtue of the preceding sections. Each of the said commissioners shall, previous to entering on the duties of his appointment, respectively, take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I, do solemnly swear, (or affirm,) that I will impartially exercise and discharge the duties imposed upon me, as commissioner for examining the claims to land, by an act of Congress, intituled An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

The registers to be commissioners in their respective districts.

Oath of office.

It shall be the duty of the said commissioners to meet at the places where the said land-offices are by this act established, respectively, on or before the first day of January, one thousand eight hundred and five; and each board shall, in their respective districts, have power to hear in a summary manner all matters respecting such claims; also to compel the attendance of witnesses, to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to decide thereon according to justice and equity, which decision shall be laid before Congress in the manner herein after directed, and be subject to their decision thereon. The said boards, respectively, shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for

Their duties. The commissioners to meet in the several districts and to decide upon claims: invested with power to compel the attendance of witnesses to examine them: To report their proceedings to Congress.

that purpose, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land-offices; and the said clerk shall prepare two transcripts of all the decisions made by the said commissioners in favour of the claimants to land, both of which shall be signed by the said commissioners, and one of which shall be transmitted to the surveyor-general, and the other to the Secretary of the Treasury; and the lands, the claims to which shall have been thus affirmed by the commissioners, shall not be otherwise disposed of, until the decision of Congress thereupon shall have been made. It shall likewise be the duty of the said commissioners to make to the Secretary of the Treasury a full report of all the claims filed with the register of the proper land-office, as above directed, which they may have rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper: which reports, together with the transcripts of the decisions of the commissioners in favour of claimants, shall be laid by the Secretary of the Treasury before Congress at their next ensuing session. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of five hundred dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation, to wit: "I, do solemnly swear, (or affirm,) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners for examining the claims to land, as enjoined by an act of Congress, intituled An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

The board to have power to appoint clerks.

Duty of clerks.

Books and papers, upon the dissolution of the board, to be lodged in the offices of the registers of the land-offices.

Clerks to prepare transcripts of the decisions of the boards.

Commissioners to make report to the Secretary of the Treasury of the claims rejected by them, with the substance of the evidence adduced in their support.

Secretary of the Treasury to report these with the transcripts of claims admitted to Congress.

Compensation to the commissioners and clerks.

Official oath of the clerks.

Sec. 5. *And be it further enacted*, That all the lands aforesaid, not excepted by virtue of the preceding section, shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same, with the exception also of an entire township in each of the three above-described tracts of country or districts, to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs and lands reserved for the use of the same as herein after directed, be offered for sale to the highest bidder, under the direction of the surveyor-general, or governor of the Indiana territory, of the register of the land-office, and of the receiver of public monies, at the places respectively, where the land-offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open at each place for three weeks and no longer: the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size and on the same terms and conditions as have been or may be by law provided for the lands sold north of the river Ohio, and above the mouth of Kentucky river. All lands, other than the reserved sections and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the registers of the respective land-offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river. And patents shall be obtained for all lands granted or sold in the Indiana territory, in the same manner and on the same terms as is or may be provided by law for lands sold in the state of Ohio, and in the Mississippi territory.

All the lands with certain exceptions, to be sold, on what terms and where.

Salt springs.

Act of May 18, 1796, ch. 29.

Lands remaining unsold after three weeks may be disposed of at private sale.

Act of May 18, 1796, ch. 29.

Sec. 6. *And be it further enacted*, That all the navigable rivers, creeks and waters, within the Indiana territory, shall be deemed to be

All the navigable rivers &c.

in the Indiana territory to be public highways.

Salt springs, with contiguous sections reserved for the disposal of the United States.

Surreptitious grants of salt springs null and void.

and remain public highways;(a) and the several salt springs in the said territory, together with as many contiguous sections to each, as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States: and any grant which may hereafter be made for a tract of land, containing a salt spring which had been discovered previous to the purchase of such tract from the United States, shall be considered as fraudulent and null.

Provisions in favour of purchases under J. C. Symmes continued in force till June next.

Act of May 1, 1802, ch. 44.

The register and receiver of the land-office at Cincinnati.

No right of pre-emption to be granted except in favour of persons who had contracted with John Cleves Symmes, &c. after January 1, 1800.

Persons who hold such certificates allowed until 1806, to complete the payment of the first instalment.

Proviso in favour of persons who have made improvements.

Sec. 7. *And be it further enacted*, That the several provisions made in favour of persons who have contracted for lands with John Cleves Symmes and his associates, by an act intituled "An act to extend and continue in force the provisions of an act intituled An act giving a right of pre-emption to certain persons, who have contracted with John Cleves Symmes or his associates, for lands lying between the Miami rivers in the territory northwest of the Ohio, and for other purposes," shall be and the same are hereby continued in force until the first day of June next: *Provided*, that the register of the land-office and receiver of public monies at Cincinnati shall perform the same duties, exercise the same powers, and enjoy the same emoluments, which by the last-recited act were enjoined on or vested in the commissioners designated by the said act: *And provided also*, that no certificate for a right of pre-emption shall be granted, except in favour of persons who had, before the first day of January, one thousand eight hundred, made contracts in writing with John Cleves Symmes or with any of his associates, and who had made to him or them any payment or payments of money for the purchase of such lands; nor unless at least one twentieth part of the purchase money of the land claimed, shall have previously been paid to the receiver of public monies, or shall be paid prior to the first day of January next. And every person who shall obtain a certificate of pre-emption, shall be allowed until the first day of January, one thousand eight hundred and six, to complete the payment of his first instalment: *And provided also*, that where any person or persons shall, in virtue of a contract entered into with John Cleves Symmes, have entered and made improvements on any section or half section prior to the first day of April last (having conformed with all the foregoing provisions in this section), which improvements by the running of the lines subsequently thereto shall have fallen within any section, or half section other than the one purchased as aforesaid, and other than section number sixteen, such section or half section shall in that case be granted to the person or persons who shall have so entered, improved and cultivated the same, on payment of the purchase money agreeably to the provisions made by law for lands sold at private sale; but nothing herein contained shall be construed to give to any such person or persons a greater number of acres than he or they had contracted for, with John Cleves Symmes as aforesaid.

Persons having certificates of rights of pre-emption under contracts with or purchases from J. Cleves Symmes allowed further time for paying.

Sec. 8. *And be it further enacted*, That every person who may have heretofore obtained from the commissioners, a certificate of a right of pre-emption for lands lying between the two Miami rivers, on account of contracts with, or purchase from John Cleves Symmes or his associates, and who has paid his first instalment; and every person, who may obtain a similar certificate by virtue of the preceding section, and shall, on or before the first day of January, one thousand eight hundred and six, pay his first instalment, be permitted to pay the residue of the purchase money in six annual equal payments.

Fractional sections may be sold, united or singly.

Sec. 9. *And be it further enacted*, That fractional sections of the public lands of the United States, either north of the river Ohio, or south of the state of Tennessee, shall, under the directions of the Secretary of the Treasury, be either sold singly, or by uniting two or more together;

(a) See act of May 18, 1796, chap. 29, vol. i. p. 464.
Act of June 1, 1796, chap. 46, vol. i. p. 490.

any act to the contrary, notwithstanding: *Provided*, that no fractional sections shall be sold in that manner until after they shall have been offered for sale to the highest bidder, in the manner herein after directed.

No fractional sections to be sold at private sale until after offer at public sale.

Sec. 10. *And be it further enacted*, That all the public lands of the United States, the sale of which is authorized by law, may, after they shall have been offered for sale to the highest bidder in quarter sections, as herein after directed, be purchased at the option of the purchaser, either in entire sections, in half sections, or in quarter sections; in which two last cases the sections shall be divided into half sections by lines running due north and south, and the half sections shall be divided into quarter sections by lines running due east and west. And in every instance in which a subdivision of the lands of the United States, as surveyed in conformity with law, shall be necessary to ascertain the boundaries or true contents of the tract purchased, the same shall be done at the expense of the purchaser.

Public lands of the U. States may be sold in whole, half or quarter sections.

All subdivisions to be at the expense of purchasers.

Sec. 11. *And be it further enacted*, That no interest shall be charged on any instalment which may hereafter become due, in payment for any of the public lands of the United States, wherever situated, and which have been sold in pursuance of the act, intituled "An act to amend the act intituled An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river," or which may hereafter be sold by virtue of that, or of any other act of Congress: *Provided*, that such instalments shall be paid on the day on which the same shall become due; but the interest shall be charged and demanded in conformity with the provisions heretofore in force, from the date of the purchase on each instalment which shall not be paid on the day on which the same shall become due: *Provided however*, that on the instalments which are or may become due before the first day of October next, interest shall not be charged, except from the time they became due until paid, but in failure to pay the said instalments on the said first day of October, interest shall be charged thereon, in conformity with the provisions heretofore in force, from the date of the purchase.

Interest not payable for purchases of public land, if the principal be punctually paid.

Act of May 18, 1796, ch. 29.

Sec. 12. *And be it further enacted*, That the sections which have been heretofore reserved, and are by this act directed to be sold, also, the fractional sections, classed as is by the ninth section of this act directed, and all the other lands of the United States, north of the Ohio, and above the mouth of Kentucky river, shall be offered for sale in quarter sections, to the highest bidder, under the directions of the register of the land-office, and of the receiver of public monies, at the places, respectively, where the land-offices are kept, that is to say; the lands in the districts of Chilicothe, on the first Monday of May; the lands in the district of Marietta, on the second Monday of May; the lands in the district of Zanesville, on the third Monday of May; the lands in the district of Steubenville, on the second Monday of June; and the lands in the district of Cincinnati, on the first Monday of September. The sales shall remain open at each place no longer than three weeks; the lands which may be thus sold, shall not be sold for less than two dollars per acre, and shall, in every other respect be sold on the same terms and conditions, as is provided for the sale of lands sold at private sale. And all the other public lands of the United States, either north of the Ohio, or south of the state of Tennessee, which are directed to be sold at public sale, shall be offered for sale to the highest bidder, in quarter sections: *Provided however*, that section number twenty-six of the third township of the second fractional range, within the grant made by the United States to John Cleves Symmes, on which is erected a mill-dam, is hereby granted to Joseph Vanhorne, the proprietor of the said dam; and also, that section number twenty-nine of the second township of the fourth entire range, be granted to James Sutton; and also, that section number

Certain sections of lands and fractional sections and other public land north of the Ohio and above the mouth of Kentucky river, to be offered for sale.

(Act of May 18, 1796, ch. 29.)

Under whose direction.

Times and places of sale.

How long the sales to remain open.

Terms of sales.

Other public lands north of the Ohio, or south of Tennessee to be offered to the highest bidder, in quarter sections.

Reservations in favour of a

grant to John C. Symmes and others.

twenty-one of the ninth township of the twenty-first range, be granted to Christian Van Gundy, on their payment of the purchase money, agreeably to the provisions made by law, for lands sold at private sale.

Public lands, after having been surveyed, to be divided by the Secretary of the Treasury, into surveying districts.

For each of which a deputy surveyor, with the approbation of the Secretary of the Treasury, shall be appointed.

Oath of office.

His duties.

The surveyor-general to furnish the deputies with copies of the plats and fractional parts of townships in their districts.

Fees of the deputies.

Limitation of grant of a certificate.

Sec. 13. *And be it further enacted,* That whenever any of the public lands shall have been surveyed in the manner directed by law, they shall be divided by the Secretary of the Treasury into convenient surveying districts, and a deputy surveyor shall, with the approbation of the said secretary, be appointed by the surveyor-general for each district, who shall take an oath or affirmation truly and faithfully to perform the duties of his office; and whose duty it shall be to run and mark such lines as may be necessary for subdividing the lands surveyed as aforesaid, into sections, half sections or quarter sections, as the case may be; to ascertain the true contents of such subdivisions; and to record in a book to be kept for that purpose, the surveys thus made. The surveyor-general shall furnish each deputy surveyor with a copy of the plat of the townships and fractional parts of townships contained in his district, describing the subdivisions thereof, and the marks of the corners. Each deputy surveyor shall be entitled to receive from the purchaser of any tract of land, of which a line or lines shall have been run and marked by him, at the rate of three dollars for every mile thus surveyed and marked, before he shall deliver to him a copy of the plat of such tract, stating its contents. The fees payable by virtue of former laws for surveying expenses shall, after the first day of July next, be no longer demandable from, and paid by the purchasers. And no final certificate shall thereafter be given by the register of any land-office to the purchaser of any tract of land, all the lines of which shall not have been run, and the contents ascertained by the surveyor-general or his assistants, unless such purchaser shall lodge with the said register a plat of such tract, certified by the district surveyor.

Additional compensation to the registers and receivers of public monies of the several land-offices.

Certain fees heretofore payable discontinued.

Books of the officers of the land-offices to be annually examined, and the balance in their hands ascertained.

Sec. 14. *And be it further enacted,* That from and after the first day of April next, each of the registers and receivers of public monies of the several land-offices established by law, either north of the river Ohio, or south of the state of Tennessee, shall, in addition to the commission heretofore allowed, receive one half per cent. on all the monies paid for public lands sold in their respective offices, and an annual salary of five hundred dollars, the register and receiver of the land-office at Marietta excepted, the annual salary of whom shall be two hundred dollars. And from and after the same day the fees payable by virtue of former laws, to the registers of the several land-offices, for the entry of lands and for certificates of monies paid, shall no longer be demandable from nor paid by the purchasers of public lands. And it shall be the duty of the Secretary of the Treasury to cause, at least once every year, the books of the officers of the land-offices to be examined, and the balance of public monies in the hands of the several receivers of public monies of the said offices, to be ascertained.

Fees heretofore demandable for patents no longer payable.

Registers of the land-offices to transmit the final certificates of purchasers to the register of the treasury,—postage to be paid by the purchasers.

Sec. 15. *And be it further enacted,* That from and after the first day of April next, the fees heretofore payable for patents for lands, shall no longer be paid by the purchasers. And it shall be the duty of every register of a land-office on application of the party, to transmit, by mail, to the register of the treasury, the final certificate granted by such register to the purchaser of any tract of land sold at his office: and it shall be the duty of the register of the treasury, on receiving any such certificate, to obtain and transmit, by mail, to the register of the proper land-office, the patent to which such purchaser is entitled; but, in every such instance, the party shall previously pay to the proper deputy postmaster, the postage accruing on the transmission of such certificate and patent.

Commissions to remain in force till the end

Sec. 16. *And be it further enacted,* That the President of the United States shall have full power to appoint and commission the several registers and receivers of public monies of the land-offices established by this

act, in the recess of Congress; and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

of the next session of Congress.

Sec. 17. *And be it further enacted,* That the several superintendents of the public sales directed by this act, shall receive six dollars each, for each day's attendance on the said sales.

Per diem allowance to superintendents of sales.

Sec. 18. *And be it further enacted,* That a sum not exceeding twenty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying this act into effect; which sum shall be paid out of any unappropriated monies in the treasury.

Sum appropriated to carry this act into effect.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XXXVI.—*An Act altering the time for the next meeting of Congress.*

Congress shall meet on the first Monday in November, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the expiration of the present session, the next meeting of Congress shall be on the first Monday of November next.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XXXVIII.—*An Act erecting Louisiana into two territories, and providing for the temporary government thereof.*(a)

Act of Feb. 20, 1811, ch. 21. Act of April 8, 1812, ch. 50. Act of April 14, 1812, ch. 57.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans; the government whereof shall be organized and administered as follows:

Lands south of the Mississippi territory in Louisiana made the territory of Orleans.

Sec. 2. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon, shall be made known; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

The executive power—how constituted.

To hold his office three years.

The governor's powers, duties and authority.

Sec. 3. A secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor

A secretary to be appointed.

(a) Prior acts relating to Louisiana.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof, Oct. 31, 1803, chap. 1; an act authorizing the creation of a stock to the amount of eleven millions two hundred and fifty thousand dollars for the purpose of carrying into effect the convention of the thirtieth of April, 1803, between the United States of America and the French Republic, and making provision for the payment of the same, Nov. 10, 1803, chap. 2; an act making provision for the payment of claims of citizens of the United States, on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, 1803, between the United States and the French Republic, November 10, 1803, chap. 3; an act to repeal an act entitled, "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act entitled, An act to regulate the duties on imports and tonnage," Nov. 25, 1803, chap. 5.

In case of vacancy, the government to devolve upon him.

A legislative council to be appointed by the President.

The governor with the advice and consent of the council, may alter or repeal laws, &c.

Legislative powers of the council.

No law to be valid that is repugnant to the constitution, &c. of the U. States; to be a perfect equality and freedom in religious matters.

Laws to be published: and from time to time to be reported to the President, who is to lay them before Congress, for their approbation.

Governor and council to have no control over the primary disposal of the soil, nor to tax the lands of the U. States, nor to decide upon interfering land claims.

Governor may convene and prorogue the council:—made his duty to obtain information concerning the people, &c. of Louisiana, and report it to the President.

Judicial arrangement for the territory.

Inhabitants of the territory entitled to the benefit of the writ of habeas corpus; bailable but in certain cases, and exempt from all cruel and unusual punishments.

Governor, &c. may be appointed by the President, in the recess of the senate; but in that

in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor, the government of the said territory shall devolve on the secretary.

Sec. 4. The legislative powers shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least, in the said territory, and hold no office of profit under the territory or the United States. The governor, by and with advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions or worship; in all which he shall be free to maintain his own, and not burthened for those of another. The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time, report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said territory. The governor shall convene and prorogue the legislative council, whenever he may deem it expedient. It shall be his duty to obtain all the information in his power, in relation to the customs, habits, and dispositions of the inhabitants of the said territory, and communicate the same from time to time, to the President of the United States.

Sec. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may from time to time establish. The judges of the superior court and the justices of the peace, shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases criminal and civil in the superior court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.

Sec. 6. The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, shall be appointed by the President of the United States, in the recess of the Senate; but shall be nominated at their next meeting for their advice and consent. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States

shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor; and all other officers before such persons as the governor shall direct. The governor shall receive an annual salary of five thousand dollars; the secretary of two thousand dollars; and the judges of two thousand dollars each; to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory. The members of the legislative council shall receive four dollars each per day, during their attendance in council.

case he must nominate them at the next meeting of the senate.

Governor, &c. to take an oath of office, &c.

Compensation of the governor, &c.

Sec. 7. *And be it further enacted*, That the following acts, that is to say:

Certain acts of Congress to be in force in the territory.

An act for the punishment of certain crimes against the United States.

Act of June 5, 1794, ch. 50.

An act, in addition to an act, for the punishment of certain crimes against the United States.

Act of April 24, 1800, ch. 35.

An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States.

Act of June 14, 1797, ch. 1.

An act for the punishment of certain crimes therein specified.

Act of Jan. 30, 1759, ch. 1.

An act respecting fugitives from justice, and persons escaping from service of their masters.

Act of Feb. 12, 1793, ch. 7.

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

Act of March 22, 1794, ch. 11.

An act to prevent the importation of certain persons into certain states, where by the laws thereof, their admission is prohibited.

Act of Feb. 28, 1803, ch. 10.

An act to establish the post-office of the United States.

Act of March 2, 1799, ch. 43.

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.

Act of March 26, 1804, ch. 34.

An act for the more general promulgation of the laws of the United States.

Act of March 3, 1795, ch. 50.

An act, in addition to an act, intituled an act for the more general promulgation of the laws of the United States.

Act of March 2, 1799, ch. 30.

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.

Act of Feb. 21, 1793, ch. 11.

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

Act of April 17, 1800, ch. 25.

An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned.

Act of May 31, 1790, ch. 15.

An act, supplementary to an act, intituled An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.

Act of April 29, 1802, ch. 66.

An act providing for salvage in cases of recapture.

Act of March 2, 1799, ch. 24, sec. 7.

An act respecting alien enemies.

Act of July 6, 1798, ch. 66.

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated, so as to take effect in every other state.

Act of May 26, 1790, ch. 11.

An act for establishing trading houses with the Indian tribes.

Act of April 18, 1796, ch. 13.

An act for continuing in force a law, intituled An act for establishing trading houses with the Indian tribes. And

Act of April 30, 1802, ch. 39.

An act making provision relative to rations for Indians, and to their visits to the seat of government, shall extend to, and have full force and effect in the above mentioned territories.

Act of May 13, 1800, ch. 68.

Sec. 8. There shall be established in the said territory a district court, to consist of one judge, who shall reside therein, and be called the district judge, and who shall hold, in the city of Orleans, four sessions annually; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every

District court of the U. States created in the territory, the court to consist of one judge.

Sessions and jurisdiction of the court.

third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers, which are by law given to, or may be exercised by the judge of Kentucky district; and shall be allowed an annual compensation of two thousand dollars, to be paid quarter yearly out of the revenues of impost and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky district is entitled for similar services.

A clerk to be appointed: his fees and emoluments.

An attorney and a marshal to be also appointed.

Their compensation.

Repealed May 22, 1812.

There shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall moreover be paid two hundred dollars, annually, as a compensation for all extra services.

How juries are to be selected.

Sec. 9. All free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the courts of the said territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively, shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

Importation of slaves forbidden under a penalty.

Sec. 10. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought, shall thereupon become entitled to, and receive his or her freedom. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, which shall have been imported since the first day of May, one thousand seven hundred and ninety-eight, into any port or place within the limits of the United States, or which may hereafter be so imported, from any port or place without the limits of the United States; and every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and no slave or slaves shall directly or indirectly be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom.

Importation of slaves brought to the U. States since May, one thousand seven hundred and ninety-eight, forbidden under a penalty.

No slaves to be brought into the territory but by citizens of the U. States, bona fide owners of them at their removal.

Certain laws of the territory declared in force.

Sec. 11. The laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

Sec. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the district of Louisiana, the government whereof shall be organized and administered as follows:

The remaining part of Louisiana made a separate district.

The executive power now vested in the governor of the Indiana territory, shall extend to, and be exercised in the said district of Louisiana. The governor and judges of the Indiana territory shall have power to establish, in the said district of Louisiana, inferior courts, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, that no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship; in all of which he shall be free to maintain his own, and not burthened for those of another: *And provided also*, that in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. The judges of the Indiana territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of. It shall be the duty of the secretary of the Indiana territory to record and preserve all the papers and proceedings of the governor, of an executive nature, relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district, all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease, and be of no effect.

The executive power of Indiana extended to this district, and the legislative also.

Proviso.

In all criminal cases the trial to be by jury.

The judges to hold two annual sessions of the district court in the Indiana territory.

The secretary of the territory to keep a record of executive proceedings and transmit copies to the President.

Laws to be published by the governor, and copies to be sent to the President, for the sanction of Congress.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of eighteen and forty-five, shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who whether a captain, a major or a colonel, shall be the commanding officer of the district, and as such, shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrol, aided by militia if necessary, to arrest unauthorized settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

District of Louisiana to be subdivided.

Militia formed out of the inhabitants of the particular districts.

Officers to be appointed, &c.

Sec. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.

Laws now in force in the district of Louisiana, not inconsistent with this act, continued in force.

Sec. 14. *And be it further enacted*, That all grants for lands within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, in the year one thousand eight hundred and three, the title whereof was, at the date of the treaty of St. Ildefonso, in the crown, government or nation of Spain, and every act and pro-

Certain grants for lands in the territories ceded to the U. States which were in

the crown of Spain at the time of the treaty of St. Ildefonso declared void.

ceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted, or pretended, be, and the same are hereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity.(*a*) *Provided nevertheless*, that any thing in this section con-

Proviso.

(*a*) Decisions of the Supreme Court on Louisiana land titles:—By the treaty of St. Ildefonso, made on the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which at the time of the cession was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory, before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. Foster et al. *v.* Neilson, 2 Peters, 254.

If a Spanish grantee had obtained possession of the land in dispute so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

The controversy in relation to the country lying between the Mississippi and the Perdido rivers, and the validity of the grants made by Spain in the disputed territory, after the cession of Louisiana to the United States, were carefully examined and decided in the case of Foster and Elam *v.* Neilson. The supreme court, in that case, decided that the question of boundary between the United States and Spain was a question for the political departments of the government; that the legislative and executive branches having decided the question, the courts of the United States are bound to regard the boundary determined by them as the true one; that grants made by the Spanish authorities of lands, which, according to this boundary line belonged to the United States, gave no title to the grantees, in opposition to those claiming under the United States; unless the Spanish grants were protected by the subsequent arrangements made between the two governments; and that no such arrangements were to be found in the treaty of 1819, by which Spain ceded the Floridas to the United States, according to the fair import of its words, and its true construction. Garcia *v.* Lee, 12 Peters, 511.

In the case of Foster and Elam *v.* Neilson, the supreme court said, that the Florida treaty of 1819 declares that all grants made before the 24th January, 1818, by the Spanish authorities, "shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic majesty:" and in deciding the case of Foster and Elam, the court held that even if this stipulation applied to lands in the territory in question, yet the words used did not import a present confirmation by virtue of the treaty itself, but that they were words of contract; "that the ratification and confirmation, which were promised, must be the act of the legislature; and until such shall be passed, the court is not at liberty to disregard the existing laws on the subject." Afterwards, in the case of the United States *v.* Percheman, 7 Peters, 86, in reviewing the words of the eighth article of the treaty, the court, for the reasons there assigned, came to a different conclusion; and held that the words were words of present confirmation, by the treaty, where the land had been rightfully granted before the cession; and that it did not need the aid of an act of Congress to ratify and confirm the grant. This language was, however, applied by the court, and was intended to apply to grants made in a territory which belonged to Spain at the time of the grant. The case then before the court was one of that description. It was in relation to a grant of land in Florida, which unquestionably belonged to Spain at the time the grant was made; and where the Spanish authorities had an undoubted right to grant, until the treaty of cession in 1819. It is of such grants that the court speak, when they declare them to be confirmed and protected by the true construction of the treaty; and that they do not need the aid of an act of Congress to ratify and confirm the title of the purchaser. The court do not apply this principle to grants made within the territory of Louisiana. The case of Foster and Elam *v.* Neilson, must in all other respects be considered as affirmed by the case of Percheman; as it underwent a careful examination in that case, and as none of its principles were questioned, except that referred to. Garcia *v.* Lee, 12 Peters, 511.

The acts of the commissioners appointed to adjust and settle land titles in Louisiana, under the acts of Congress authorizing and confirming the same, are conclusive as to all titles to lands which have been confirmed, according to the provisions of the different acts of Congress on the subject. Strother *v.* Lucas, 12 Peters, 410. See also The United States *v.* Percheman, 7 Peters, 86.

tained shall not be construed to make null and void any bona fide grant, made agreeably to the laws, usages and customs of the Spanish government to an actual settler on the lands so granted, for himself, and for his wife and family; or to make null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages and customs of the Spanish government, to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the twentieth day of December, one thousand eight hundred and three: *And provided further*, that such grant shall not secure to the grantee or his assigns more than one mile square of land, together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government. And that if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall, on conviction thereof, in any court of record of the United States, or the territories of the United States, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person, who shall attempt a settlement thereon.

Grants to actual settlers excepted.

Proviso.

Limitation of such grants.

Prohibition of settlements on the lands of the United States.

Sec. 15. The President of the United States is hereby authorized to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the individuals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. And in order to maintain peace and tranquillity with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress, passed on the thirtieth day of March, one thousand eight hundred and two, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," is hereby extended to the territories erected and established by this act; and the sum of fifteen thousand dollars of any money in the treasury not otherwise appropriated by law, is hereby appropriated to enable the President of the United States to effect the object expressed in this section.

President authorized to enter into certain agreements with the Indian Tribes, owning lands on the east side of the Mississippi.

The act to regulate trade, &c. and to preserve peace on the frontiers, extended to the territory ceded by France to the United States.

Act of March 30, 1802, ch. 13.

Sec. 16. The act, passed on the thirty-first day of October, one thousand eight hundred and three, intituled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, and for the temporary government thereof," shall continue in force until the first day of October next, any thing therein to the contrary notwithstanding; on which said first day of October, this act shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress which may happen thereafter.

Limitation of a former and the commencement of this act.

Act of October 31, 1803, ch. 1.

This act to be in force on the 1st of October, 1804, and to continue for one year.

Approved, March 26, 1804.

Statute I.
March 26, 1804.

Act of March 16, 1802, ch. 9. Act of March 3, 1815, ch. 78. Act of April 24, 1816, ch. 69. Act of April 14, 1818, ch. 56. Act of May 12, 1820, ch. 96. Act of March 2, 1821, ch. 12.

More surgeon's mates may be appointed.

An equivalent in malt liquors or low wines for whiskey, &c.

Chap. XXXIX.—*An Act, in addition to "An act for fixing the military peace establishment of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in addition to the surgeon's mates, provided for by the "act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

Sec. 2. *And be it further enacted,* That an equivalent in malt liquor or low wines, may be supplied the troops of the United States, instead of the rum, whiskey or brandy which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary to the preservation of their health.

Approved, March 26, 1804.

Statute I.
March 26, 1804.

Act of April 30, 1790, ch. 9.

Punishment to a person other than the owner who shall cast away, &c. a vessel at sea.

Punishment to the owner for the like offence.

Persons may be tried and punished for crimes under the revenue laws in five years from

Chap. XL.—*An Act in addition to the act intituled "An act for the punishment of certain crimes against the United States."* (*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, not being an owner, who shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or other vessel unto which he belongeth, being the property of any citizen or citizens of the United States, or procure the same to be done, and being thereof lawfully convicted, shall suffer death.

Sec. 2. *Be it further enacted,* That if any person shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or vessel of which he is owner, in part or in whole, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath underwritten, or shall underwrite any policy or policies of insurance thereon, or if any merchant or merchants that shall load goods thereon, or of any other owner or owners of such ship or vessel, the person or persons offending therein being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer death.

Sec. 3. *And be it further enacted,* That any person or persons guilty of any crime arising under the revenue laws of the United States, or incurring any fine or forfeiture by breaches of the said laws, may be prosecuted, tried and punished, provided the indictment or information be found at any time within five years after committing the offence or

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(*a*) Destroying a vessel at sea to the injury of the underwriters. Under the second section of the act of March 26th, 1804, chap. 40, on an indictment for destroying a vessel with intent to prejudice the underwriters, it is sufficient to show the existence of an association actually carrying on the business of insurance, by whose known officers, de facto, the policy was executed, and to prejudice whom the vessel was destroyed; without proving the existence of a legal corporation authorized to insure, or a compliance on the part of such corporation with the terms of its charter, or the validity of the policy of insurance. United States *v.* Amedy, 11 Wheat. 392; 6 Cond. Rep. 362.

The law not making it an offence in the owner to destroy his vessel to the prejudice of the underwriters or the cargo, no evidence can be given to establish charges against the defendant for such destruction, to the prejudice of the underwriters on the cargo, even if the indictment contained such a charge. Evidence of the value of the property insured may be given to show inducements to destroy or preserve it. The United States *v.* Richard Johns, 1 Wash. C. C. R. 363.

It is necessary in the indictment to state that the intent was to prejudice the underwriters. *Ibid.*

The prosecutor on an indictment for destroying a vessel, must show that the insurance is a valid insurance, and if made by an incorporated insurance company, the act of incorporation must be shown, and the contract of insurance must be shown to have been executed. *Ibid.*

The legal meaning of the term "destroy" by the act of Congress is to unfit the vessel for service beyond the hope of ordinary means. This, as to the extent of the injury, is synonymous with "cast away." Both mean, such an act as causes the vessel to perish and to be lost, or to be irrecoverable by ordinary means. *Ibid.*

incurring the fine or forfeiture, any law or provision to the contrary notwithstanding.

Approved, March 26, 1804.

the time of commission.

Act of March 2, 1799, ch. 110.

Statute I.

Chap. XLIII.—*An Act to make further appropriations for the purpose of extinguishing the Indian claims.*

March 26, 1804.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding fifteen thousand dollars, be appropriated to defray the expense of such treaty or treaties as the President of the United States shall deem it expedient to hold with the Indians, south of the river Ohio, for the purpose of extinguishing Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of six dollars per day, during the time of actual service of such commissioner.

Appropriation.

Sec. 2. *And be it further enacted,* That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Approved, March 26, 1804.

Statute I.

Chap. XLIV.—*An Act to authorize the adjournment of District Courts by Marshals, in certain cases.*

March 26, 1804.

Act of Sept. 24, 1789, ch. 20.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the inability of the judge of any district court to attend on the day appointed for holding a special or an adjourned district court, such court may, by virtue of a written order from the judge thereof, directed to the marshal of the district, be adjourned by the marshal to the next stated term of said court, or to such day prior thereto, as in the said order shall be appointed.

In case of the inability of the judge of any district court to attend, the marshal may adjourn the court.

Approved, March 26, 1804.

Statute I.

Chap. XLVI.—*An Act further to protect the commerce and seamen of the United States against the Barbary powers.*

March 26, 1804.

[Expired.]

Act of April 21, 1806, ch. 38.

Act of Feb. 27, 1813, ch. 40.

1807, ch. 30.

1808, ch. 11.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of equipping, officering, manning, and employing such of the armed vessels of the United States, as may be deemed requisite by the President of the United States, for protecting the commerce and seamen thereof, and for carrying on warlike operations against the regency of Tripoli, or any other of the Barbary powers, which may commit hostilities against the United States, and for the purpose also of defraying any other expenses incidental to the intercourse with the Barbary powers, or which are authorized by this act: a duty of two and an half per centum ad valorem, in addition to the duties now imposed by law, shall be laid, levied, and collected upon all goods, wares and merchandise, paying a duty ad valorem, which shall, after the thirtieth day of June next, be imported into the United States from any foreign port or place: and an addition of ten per centum shall be made to the said additional duty in respect to all goods, wares and merchandise imported in ships or vessels not of the United States: and the duties imposed by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security and time of payment

An additional ad valorem duty of two and a half per cent. imposed for defraying expenses in relation to the Barbary States.

Upon goods imported after the 30th June next.

The first section of this act continued in force by acts of 1806 and 1813.

respectively, as are already prescribed by law in relation to the duties now in force on the articles on which the said additional duty is laid by this act.

Distinct account of the duties imposed by this act: proceeds to be called the "Mediterranean fund:" when the duties cease.

Sec. 2. *And be it further enacted,* That a distinct account shall be kept of the duties imposed by this act, and the proceeds thereof shall constitute a fund, to be denominated "The Mediterranean Fund," and shall be applied solely to the purposes designated by this act: and the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States, of a treaty of peace with the regency of Tripoli; unless the United States should then be at war with any other of the Barbary powers, in which case the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States of a treaty of peace with such power: *Provided however,* that the said additional duty shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to the day on which the said duty is to cease.

Proviso, that the additional duties shall be collected on all goods imported before the act ceases.

President authorized to employ a naval force in the Mediterranean.

President may purchase or build two additional vessels of war.

Sec. 3. *And be it further enacted,* That the President of the United States, if he shall deem it necessary, shall be, and he is hereby authorized to cause to be purchased or built, officered, manned and equipped, two vessels of war, to carry not more than sixteen guns each, and likewise to hire or accept on loan in the Mediterranean sea, as many gun boats as he may think proper.

An additional sum appropriated, not to exceed one million of dollars.

President authorized to borrow this sum.

Bank of the U. States authorized to lend.

See acts of 1809, ch. 7, 1810, ch. 5, 1813, ch. 40.

Accounts to be laid before Congress.

Sec. 4. *And be it further enacted,* That a sum not exceeding one million of dollars, to be paid out of any money in the treasury not otherwise appropriated, shall be, and the same is hereby appropriated (in addition to the sum heretofore appropriated for the same objects) for the purpose of defraying any of the expenses authorized by this act, which may be incurred during the present year: or if necessary the President of the United States is hereby authorized to borrow the said sum, or such part thereof as he may think proper, at a rate of interest not exceeding six per centum per annum, from the Bank of the United States, which is hereby empowered to lend the same, or from any other body or bodies politic or corporate, or from any person or persons; and so much of the proceeds of the duties laid by this act, as may be necessary, shall be and is hereby pledged for replacing in the treasury, the said sum of one million of dollars, or so much thereof as shall have been thus expended, and for paying the principal and interest of the said sum, or so much thereof as may be borrowed, pursuant to the authority given in this section: and an account of the several expenditures made under this act, shall be laid before Congress during their next session.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XLVII.—*An Act in addition to an act intituled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."* (a)

Certain aliens permitted to become citizens of the U. States who resided in the U. States between the 18th June, 1798, and 14th April, 1802.

Act of April 14, 1802, ch. 28.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, intituled "An act to establish an

(a) See notes to act of March 26, 1790, chap. 3, vol. i. 103, 104.

uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

Sec. 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

After an alien shall have complied with certain directions his widow and children made citizens of the U. States.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XLVIII.—*An Act in relation to the Navy Pension Fund.*

Act of March 2, 1799, ch. 24, sec. 9, 10. Act of April 23, 1800, ch. 33, sec. 9, 10. Act of April 16, 1816, ch. 58. Act of March 3, 1817, ch. 60. Act of March 3, 1819, ch. 79.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the money accruing or which has already accrued to the United States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as commissioners of the navy pension fund, shall be paid to the treasurer of the United States.

Money arising from captures, not already paid over, to be paid to the treasurer.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer of the United States, to receive all the money so accruing, and to disburse the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account of the monies thus received and disbursed shall be rendered by the said treasurer to the accounting officers of the treasury, in the same manner as is provided for other public monies received by him.

How the money is to be disbursed by the treasurer.

A distinct quarterly account of it to be rendered.

Sec. 3. *And be it further enacted*, That it shall be the duty of the accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report from time to time, all such settlements, as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts.

Accountant of the navy to receive and settle all navy pension accounts, and report the same.

Sec. 4. *And be it further enacted*, That the comptroller of the treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of monies due to the United States.

Comptroller authorized to institute suits for prize money.

Sec. 5. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized to appoint a secretary, who shall perform all such duties in relation to the fund, as they shall require of him; and shall receive for his services, a salary not exceeding two hundred and fifty dollars per annum, to be paid quarter yearly at the treasury of the United States, and charged to the same fund.(*a*)

Commissioners of the navy pension fund may appoint a secretary. His duties and emoluments.

(*a*) See note to chapter 53, *post*, page 297, Navy Pension Fund. By an act passed 10th July, 1832, Congress authorized the appointment of a separate and permanent navy agent at Washington, and directed the performance of the duties, "not only for the navy yard in the City of Washington, but from the navy department, under the direction of the Secretary of the Navy, in the payment of such accounts and claims as the secretary may direct." These duties would not have been so specially stated in this act, if they had been considered by Congress as coming within the ordinary duties of an agent of the navy yard at Washington, under the act of 1804. But independent of this consideration, it is enough to know, that the duties in question were discharged by the defendant, under the construction given to the law by the Secretary of the Navy. United States *v.* Macdaniel, 7 Peters, 1.

The United States instituted a suit to recover a balance charged on the books of the treasury department, against the defendant, who was a clerk in the navy department, upon a fixed annual salary, and acted as agent for the payment of moneys due to the navy pensioners, the privateer pensioners, and for navy disbursements, for the payment of which, funds were placed in his hands by government. He claimed these commissions at the treasury, and the claim had been there rejected by the accounting offi-

Commissioners to make rules and regulations for the admission of pensioners.

Sec. 6. *And be it further enacted,* That the commissioners of the navy pension fund be, and they are hereby authorized and directed to make such regulations, as may to them appear expedient, for the admission of persons on the roll of navy pensioners, and for the payment of the pensions.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XLIX.—*An Act to erect a Lighthouse at the mouth of the Mississippi river, and also a Lighthouse at or near the pitch of Cape Lookout, in the state of North Carolina; and a beacon at the north point of Sandy Hook.*

Lighthouse to be built at the Mississippi under contract to be approved by the President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under the direction of the President of the United States, it shall be the duty of the Secretary of the Treasury to provide by contract, to be approved by the President, for building a lighthouse at the mouth of the river Mississippi, on such site as the President of the United States may deem most proper for the convenience and accommodation thereof.

Lighthouse to be built at or near the pitch of Cape Lookout in North Carolina, under contract to be approved by the President.

Jurisdiction of the soil to be first conveyed to the United States.

Lighthouses at both places to be provided with keepers, &c. &c.

Appropriation for the foregoing purposes.

Sec. 2. *And be it further enacted,* That as soon as land sufficient shall be obtained at a reasonable price for the purpose and the jurisdiction of the land so to be obtained shall have been ceded to the United States by the state of North Carolina, it shall be the duty of the Secretary of the Treasury, to provide by contract, for building a lighthouse on or near the pitch of Cape Lookout, in the said state of North Carolina, which contract shall be approved by the President of the United States; and it shall be the duty of the said secretary to furnish the said lighthouses on Cape Lookout and the mouth of the Mississippi with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same. And the President is hereby authorized to make such appointments.

Sec. 3. *And be it further enacted,* That the sum of twenty-five thousand dollars be, and is hereby appropriated for the purpose of defraying the charges and expenses which shall accrue in consequence of the two first sections of this act, to be paid out of any monies in the treasury not otherwise appropriated.

A beacon to be erected at the north point of Sandy Hook. Appropriation.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, as soon as the fee of the soil shall have vested in the United States, to cause a beacon to be erected on the north point of Sandy Hook, and the sum of two thousand dollars out of any unappropriated monies is hereby appropriated for that purpose.

Approved, March 26, 1804.

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cers, and if they had allowed the same, he was not now indebted to the government. The United States, on the trial of the case in the circuit court, denied the right of the defendant to these commissions, as they had not been allowed to him by any department of the government, and asserted that the jury had not power to allow them on the trial. By the Court—The rejection of the claim to commissions by the treasury department, formed no objection to the admission of it as evidence of offset before the jury. Had the claim never been presented to the department, it could not have been admitted as evidence by the court. But, as it had been made out in form and presented to the proper accounting officers, and had been rejected, the circuit court did right in submitting it to the jury, if the claim was considered as equitable. *Ibid.*

It would be a novel principle to refuse payment to the subordinates of a department because their chief, under whose direction they had faithfully served the public, had given an erroneous construction to the law. *Ibid.*

The Secretary of the Navy, in authorizing the defendant to make the disbursements on which the claim for compensation is founded, did not transcend those powers, which, under the circumstances of the case, he might well exercise. *Ibid.*

STATUTE I.

March 26, 1804.

CHAP. L.—*An Act supplementary to the act intituled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."*

Twelfth amendment to the constitution of the U. States, 22.

Act of March 1, 1792, ch. 8, vol. i. 239.

The secretary of state to notify the executives of the proposed amendment when ratified and to have it published.

Transcripts of the notification to be delivered to the electors; who are to give their votes conformably with the amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the amendment proposed during the present session of Congress, to the constitution of the United States, respecting the manner of voting for President and Vice President of the United States, shall have been ratified by the legislatures of three fourths of the several states, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published, in at least one of the newspapers printed in each state, in which the laws of the United States are annually published.(*a*) The executive authority of each state shall cause a transcript of the said notification to be delivered to the electors appointed for that purpose, who shall first thereafter meet in such state, for the election of a President and Vice President of the United States: and whenever the said electors shall have received the said transcript of notification, or whenever they shall meet more than five days subsequent to the publication of the ratification of the above-mentioned amendment, in one of the newspapers of the state, by the Secretary of State, they shall vote for President and Vice President of the United States, respectively, in the manner directed by the above-mentioned amendment, and having made and signed three certificates of all the votes given by them, each of which certificate shall contain two distinct lists, one, of the votes given for President, and the other, of the votes given for Vice President: they shall seal up the said certificates, certifying on each, that lists of all the votes of such state given for President, and of all the votes given for Vice President, is contained therein, and shall cause the said certificates to be transmitted and disposed of, and in every other respect act in conformity with the provisions of the act to which this is a supplement. And every other provision of the act to which this is a supplement, and which is not virtually repealed by this act, shall extend and apply to every election of a President and Vice President of the United States, made in conformity to the above-mentioned amendment to the constitution of the United States.

How certificates of their votes are to be made, and forwarded.

Provisions of a former, not inconsistent with this act extended to all future elections.

Act of March 1, 1792, ch. 8, vol. i. 239.

And whereas, the above-mentioned amendment may be ratified by the legislatures of three fourths of the states, and thereupon become immediately valid, to all intents and purposes, as part of the constitution, on a day so near the day fixed by law for the meeting of the electors in the several states, that the electors shall not in every state be apprised of the said ratification, and may vote in a manner no longer conformable with the constitution, as amended, whereby several states might be deprived of their vote in the election of a President and Vice President: for remedy whereof,

Electors to vote by distinct ballots for President and Vice President, according to the 1st sec. of the 2d art. of the constitution, and according to the proposed amendment: if they be uninformed at the time of the fate of the amendment:—

Sec. 2. *Be it further enacted,* That the electors who shall be appointed in each state for the election of a President and Vice President of the United States, shall at every such election, unless they shall have received a transcript of the notification of the ratification of the above-mentioned amendment to the constitution, or unless they shall meet more than five days subsequent to the publication of the said ratification by the Secretary of State, in one of the newspapers of the state, vote for President and Vice President of the United States, in the following manner, that is to say: they shall vote for two persons as President and Vice President, in conformity with the first section of the second article of the constitution. And in other respects act in conformity with the

(*a*) The amendment was proposed in October 1803, and was ratified before September 1804.

And to make returns accordingly.

Which of these are to be opened and inspected.

provisions of the act to which this act is a supplement; and they shall likewise vote for one person as President, and for one person as Vice President, in conformity with the above-mentioned amendment of the constitution; and in other respects act in conformity with the provisions of the first section of this act. But those certificates only, of votes given for President and Vice President of the United States, shall be opened by the president of the Senate, for the purpose of being counted, which shall contain the list or lists of votes given in conformity with the constitution, as in force on the day fixed by law for the meeting of the electors, by whom the said votes shall have been given.

In case of a vote under the constitution of the U. States, as it now stands, and one according to the amendment proposed, lists of the electors to be given to the electors, and one of these lists forwarded.

Sec. 3. *And be it further enacted,* That whenever, by the provisions of the second section of this act, it shall be the duty of the electors for any state, to vote in conformity, both with the constitution, and of the proposed amendment thereto, the executive authority of such state shall cause six lists of the names of the electors for the state, to be made and certified, and to be delivered to the said electors, on or before the day fixed by law for them to meet and vote for President and Vice President; and the said electors shall enclose one of the said lists in each of the certificates by them made and sealed, in conformity with the provisions of this act, and of the act to which this is a supplement.

Approved, March 26, 1804.

Statute I.

March 27, 1804.

Act of April 14, 1792, ch. 24.
Act of Feb. 28, 1803, ch. 9.
Repeal of part of a former act.
Act of March 3, 1817, ch. 40.

Chap. LI.—*An Act to repeal a part of the act intituled "An act supplementary to the act concerning Consuls and Vice Consuls, and for the further protection of American seamen."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth section of the act, intituled "An act supplementary to the act concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eighth of February, one thousand eight hundred and three, be, and the same is hereby repealed.

Powers of attorney for the transfer of stock and receipt of interest, in other respects formal, not to be affected by the want of consular certificates.

Sec. 2. *And be it further enacted,* That all powers of attorney for the transfer of any stock of the United States, or for the receipt of interest thereon, executed in a foreign country, since the thirtieth day of June one thousand eight hundred and three, according to the forms in use at the treasury of the United States prior to the said thirtieth day of June, one thousand eight hundred and three, shall be valid to all intents and purposes: any provision in the aforesaid section hereby repealed to the contrary notwithstanding.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Act of Dec. 31, 1792, ch. 1.
No ship or vessel to be registered as a vessel of the U. States, if owned by persons residing in foreign countries a certain length of time.

Chap. LII.—*An Act to amend the act intituled "An act concerning the registering and recording of ships and vessels."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel shall be entitled to be registered as a ship or vessel of the United States, or if registered, to the benefits thereof, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be in the capacity of a consul or other public agent of the United States:(*a*) *Provided,* that

(*a*) A naturalized citizen, who in time of peace, returns to his native country for the purposes of trade, but with the intention of returning again to his adopted country, continuing in the former country a year after the commencement of hostilities, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicil in his native country, and his goods are subject to capture and condemnation. The Frances, 8 Cranch, 335; 3 Cond. Rep. 154. See also the Dos Hermanos, 2 Wheat. 76; 4 Cond. Rep. 39.

nothing herein contained shall be construed to prevent the registering anew of any ship or vessel before registered, in case of a *bona fide* sale thereof to any citizen or citizens resident in the United States: *And provided also,* that satisfactory proof of the citizenship of the person on whose account a vessel may be purchased, shall be first exhibited to the collector, before a new register shall be granted for such vessel.

Any ship or vessel before registered, &c.

Satisfactory proof of the citizenship of the purchaser to be first exhibited to the collector.

Sec. 2. *And be it further enacted,* That the proviso in the act, intituled "An act in addition to an act, intituled An act concerning the registering and recording of ships and vessels," passed the twenty-seventh of June, one thousand seven hundred and ninety-seven, shall be taken and deemed to extend to the executors or administrators of the owner or owners of vessels, in the said proviso described.

Proviso in a former act extended to the representatives of a deceased owner of a ship.

Act of June 27, 1797, ch. 5.

Approved, March 27, 1804.

Statute I.

Chap. LIII.—*An Act supplementary to the act, intituled "An act providing for a Naval Peace Establishment, and for other purposes."*

March 27, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to attach to the navy yard at Washington, and to the frigates and other vessels laid up in ordinary in the Eastern Branch, a captain of the navy, who shall have the general care and superintendence of the same; and shall perform the duties of agent to the navy department, and shall be entitled to receive for his services, the pay and emoluments of a captain commanding a squadron on separate service.(*a*) And the President of the United States is hereby further authorized to attach permanently to the said navy yard and vessels, one other commissioned officer of the navy, who shall receive for his services, the pay and emoluments of a captain commanding a twenty gun ship, one surgeon and one surgeon's mate of the navy, who shall be severally allowed for their services, the same pay, rations and emoluments, as are allowed to a surgeon and to a surgeon's mate in the army of the United States; one sailing master, one head carpenter, one plumber, one head block maker, one head cooper, two boatswains, two gunners, one sail maker, one store keeper, one purser, one clerk of the yard, and also, such seamen and marines, as in the opinion of the President shall be deemed necessary: *Provided,* that the number of seamen or marines, shall not at any time be greater than what is at present authorized by the act to which this is a supplement.

A captain of the navy to be attached to the navy yard and vessels in ordinary at Washington. His duties, pay and emoluments.

Who else are to be attached to the navy yard and vessels in ordinary at Washington.

Proviso.

Sec. 2. *And be it further enacted,* That that part of the act to which this is a supplement, which attaches to each frigate laid up in ordinary, one sailing master, one boatswain, one gunner, one carpenter, and one cook, one serjeant or corporal of marines and eight marines, and to the large frigates twelve, and to the small frigates ten seamen, and which declares that the sailing master shall have the care of the ship, and shall execute such duties of a purser as may be necessary, shall be, and hereby is repealed.

Repeal of a part of a former act.

Approved, March 27, 1804.

Statute I.

Chap. LIV.—*An Act supplementary to the act, intituled "An act concerning the City of Washington."*

March 27, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several compensa-

(*a*) The act of March 27, 1804, by which the President of the United States was authorized to attach to the navy yard at Washington, a captain in the navy, for the performance of certain duties, was correctly construed by the navy department until 1829, allowing to the defendant commissions on sums paid by him as special agent of the navy department in making the disbursements. United States *v.* M'Daniel, 7 Peters, 1.

Act of March 3, 1803, ch. 29. Commencement of the compensations and allowances established by an act of Congress, concerning city of Washington.

tions and allowances established by the act, intituled "An act concerning the city of Washington," shall be computed from the first day of June, one thousand eight hundred and two, being the time when the services, so compensated and allowed, commenced under the authority of the President of the United States.

Allowance to the surveyor.

Sec. 2. *And be it further enacted,* That the surveyor of the said city shall receive as a compensation for his services an allowance of three dollars per day.

Superintendent authorized to pay the compensations and to defray other expenses:

Sec. 3. *And be it further enacted,* That the superintendent of the city of Washington be, and he hereby is authorized to pay the said compensations and allowances, from the said first day of June, one thousand eight hundred and two, in conformity with the provision of the said recited act, until Congress shall otherwise direct; and also to pay and discharge all expenses of an incidental nature, which have been or may be incurred in the discharge of the functions of his office and the office of surveyor, which shall be approved by the President of the United States.

And to settle with P. C. L'Enfant.

Sec. 4. *And be it further enacted,* That the said superintendent be, and he hereby is authorized and directed to settle and pay the claim of Peter Charles L'Enfant, for his services whilst employed by the late board of commissioners, in the manner, and on the terms heretofore proposed by the said commissioners.

Out of what fund these compensations, &c. are to be paid.

Sec. 5. *And be it further enacted,* That the several expenses authorized by this act, shall be paid and discharged out of any funds of the city of Washington, in possession of the superintendent, which are not otherwise appropriated.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LV.—*An Act concerning the Public Buildings at the City of Washington.*

Appropriation for the public buildings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That fifty thousand dollars shall be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, to be applied under the direction of the President of the United States, in proceeding with the public buildings at the city of Washington, and in making such necessary improvements and repairs thereon, as he shall deem expedient.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LVI.—*An Act supplementary to the act intituled "An act to prescribe the mode in which the public acts, records and judicial proceedings in each State shall be authenticated so as to take effect in every other State."* (a)

Act of May 26, 1790, ch. 11. The attestation of the keeper of the records which may be kept in any public office of a state not appertaining to a court, under his seal of office, with a certificate of the presiding judge, or of the governor, chancellor, &c., that the attestation is in due

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all records and exemplifications of office books, which are or may be kept in any public office of any state, not appertaining to a court, shall be proved or admitted in any other court or office in any other state, by the attestation of the keeper of the said records or books, and the seal of his office thereto annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county or district, as the case may be, in which such office is or may be kept; or of the governor, the secretary of state, the chancellor or the keeper of the great seal of the state, that the said attestation is in due form, and by the proper officer; and the said certificate, if given by the presiding justice of a court, shall be farther authenticated by the clerk or prothonotary of the said court, who shall certify under his hand and the seal of his office, that

(a) See notes to act of May 26, 1790, chap. 11, vol. i. p. 122.

the said presiding justice is duly commissioned and qualified; or if the said certificate be given by the governor, the secretary of state, the chancellor or keeper of the great seal, it shall be under the great seal of the state in which the said certificate is made. And the said records and exemplifications, authenticated as aforesaid, shall have such faith and credit given to them in every court and office within the United States, as they have by law or usage in the courts or offices of the state from whence the same are, or shall be taken.

form, shall have full force and credit in every court of the U. S. as in the courts of the state.

Sec. 2. *And be it further enacted*, That all the provisions of this act, and the act to which this is a supplement, shall apply as well to the public acts, records, office books, judicial proceedings, courts and offices of the respective territories of the United States, and countries subject to the jurisdiction of the United States, as to the public acts, records, office books, judicial proceedings, courts and offices of the several states.

To what acts the provisions of this law shall apply.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LVII.—*An Act for imposing more specific duties on the importation of certain articles; and also, for levying and collecting light money on foreign ships or vessels, and for other purposes.*(a)

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, the following articles, in addition to those already exempted from duty, shall and may be imported free from any duty, namely, rags of linen, of cotton, of woollen and of hempen cloth; bristles of swine, regulus of antimony, unwrought clay, unwrought burr stones, and the bark of the cork tree.

Additional articles exempted from duty.

Sec. 2. *And be it further enacted*, That from and after the thirtieth day of June next, the duties now in force upon the articles herein after enumerated and described, at their importation into the United States, shall cease; and that, in lieu thereof, there shall be thenceforth laid, levied and collected upon the said articles, at their said importation, the several and respective rates or duties following, that is to say:

Additional duties imposed.

On foreign caught dried fish, fifty cents per quintal; on foreign caught pickled fish, as follows, to wit: On salmon, one hundred cents per barrel; on mackerel, sixty cents per barrel; on all other pickled fish, forty cents per barrel; on cables, tarred cordage, white lead, red lead, almonds, currants, prunes and plums, figs, raisins imported in jars and boxes, and muscadel raisins, two cents per pound; on all other kinds of raisins, one cent and a half per pound; on tallow, yellow ochre in oil, anchors and sheet iron, one cent and a half per pound; on Spanish brown, dry yellow ochre, slit and hoop iron, one cent per pound; on starch, three cents per pound; on hair powder, glue, and seines, four cents per pound; on pewter plates and dishes, four cents per pound; on untarred cordage, two cents and a half per pound; on quicksilver, six cents per pound; on Chinese cassia and gunpowder, four cents per pound; on cinnamon and cloves, twenty cents per pound; on mace, one dollar and twenty-five cents per pound; on nutmegs, fifty cents per pound; on black glass quart bottles, sixty cents per gross; on window glass, as follows:—On all not above eight inches by ten, one dollar and sixty cents per hundred square feet; not above ten inches by twelve, one dollar and seventy-five cents per hundred square feet; and on all above ten inches by twelve, two dollars and twenty-five cents per hundred square feet; on segars, two dollars per thousand; on kid and Morocco shoes, fifteen cents a pair; on foreign lime, fifty cents per cask containing sixty gallons; and on Sicily wine, thirty cents per gallon.

Specific articles and rates.

Sec. 3. *And be it further enacted*, That an addition of ten per centum

(a) See act of March 3, 1805, chap. 40.

Ten per cent. additional ad valorem duty upon importations in foreign vessels of the specified goods.

shall be made to the several rates of duties above specified and imposed in respect to all such goods, wares and merchandise as aforesaid, as shall, after the said thirtieth day of June, be imported in ships or vessels not of the United States.

Manner and terms of collection.

Sec. 4. *And be it further enacted,* That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment respectively, as the several duties now in force on the respective articles herein before enumerated: *Provided however,* that no drawbacks shall be allowed on the exportation of foreign fish, or fish oil, or of playing cards.

No drawback on the exportation of foreign fish or fish oil, or of playing cards.

Duties and drawbacks to apply to any specific quantity of goods in a rateable proportion.

Sec. 5. *And be it further enacted,* That all duties and drawbacks which, by virtue of this act, shall be payable and allowable on any specific quantity of goods, wares and merchandise, shall be deemed to apply, in proportion to any quantity greater or less than such specific quantity.

"Light money" to be levied on foreign vessels.

Act of March 3, 1805, ch. 40.

Proviso.

Sec. 6. *And be it further enacted,* That a duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all ships or vessels not of the United States, which, after the aforesaid thirtieth day of June next, may enter the ports of the United States: *Provided however,* that nothing in this act shall be so construed as to contravene any provision of the treaty or conventions concluded between the United States of America and the French Republic, on the thirtieth day of April, one thousand eight hundred and three: *And provided also,* that the said light money shall be levied and collected in the same manner, and under the same regulations, as the tonnage duties now imposed by law.

Proviso.

Act of March 3, 1805, ch. 40.

The person exercising the duties of the late intendent of Louisiana to have the same jurisdiction in certain cases with the district courts of the U. States.

1804, ch. 38.

Fines, penalties or forfeitures, by whom they may be remitted, &c. &c.

Sec. 7. *And be it further enacted,* That the person exercising the powers which, under the Spanish government, were vested in the intendent of the province of Louisiana, shall, until a district court of the United States shall be established in the territory of Orleans, in conformity with the provisions of the act, intituled "An act erecting Louisiana into two territories; and providing for the temporary government thereof," have and exercise, in all cases whatever arising within the said territory under the laws regulating and providing for the collection of duties on imports and tonnage, or under any other revenue laws of the United States, the same jurisdiction and powers which, by law, are given to the district and circuit courts of the United States. And the powers to remit fines, penalties or forfeitures, and to remove disabilities, which, by law, are vested in the Secretary of the Treasury, may and shall, in all cases of such fines, penalties, forfeitures or disabilities incurred within the territory of Orleans, and until a governor of the said territory shall be appointed and shall enter into the functions of his office, be exercised by the person exercising the powers which, under the Spanish government, were vested in the governor of the province of Louisiana; and the said powers to remit fines, penalties or forfeitures, and to remove disabilities, may and shall, in like manner, be exercised by the governor of the said territory, from the time when he shall enter into the functions of his office, in conformity with the provisions of the said act, until the end of the next session of Congress, and no longer.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LVIII.—*An act relative to the compensations of certain officers of the customs, and to provide for appointing a surveyor in the district therein mentioned.*

Salaries of certain officers of the customs augmented.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June, in the present year, the salaries heretofore allowed by law, to the several collectors of the customs, for the districts of Bath, Ports-

mouth, Newport, Middletown, New Haven, Delaware, Richmond, Wilmington in North Carolina, Newbern, and Edenton, shall cease and be discontinued. And there shall be allowed and paid, annually, to the officers of the customs hereafter named, the following sums respectively, viz:

Act of March 2, 1799, ch. 23.

To the collector for the district of Natchez, in addition to the fees and other emoluments of office, the sum of two hundred and fifty dollars; and to each of the surveyors at New London, Middletown, New Haven and Alexandria, in addition to the allowances already established by law, the sum of fifty dollars.

Allowance to the collector of Natchez, and to the surveyors of New London, Middletown, New Haven and Alexandria.

Sec. 2. *And be it further enacted,* That from and after the said last day of June, in lieu of the commissions heretofore allowed by law, there shall be allowed to the collectors of the customs for Wilmington, in North Carolina, and Newbern, two and a half per cent.

To the collectors of Wilmington and Newbern, in North Carolina.

To the collectors for Petersburg and Richmond, two per cent.

Petersburg and Richmond.

To the collectors for Kennebunk and New London, one and three quarters per cent.

Kennebunk and New London.

To the collector for Bath, one and an half per cent.

Bath.

To the collectors for New Haven and Middletown, one and three eighths per cent.

New Haven and Middletown.

To the collectors for Providence and Alexandria, one and one quarter per cent.

Providence and Alexandria.

To the collector for Newburyport, one and one eighth per cent.

Newburyport.

To the collector for Portland, three quarters of one per cent.

Portland.

And to the collectors for Salem and Beverly, five eighths of one per cent. on all monies by them respectively received on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels.

Salem and Beverly.

Sec. 3. *And be it further enacted,* That there shall be appointed a surveyor for the district of Marblehead, to reside at Marblehead; who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

Surveyor to be appointed for Marblehead.

Allowance to him.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LIX.—*An Act for the appointment of an additional judge for the Mississippi territory; and for other purposes.*

[Obsolete.]

Act of March 2, 1810, ch. 16.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed an additional judge for the Mississippi territory, who shall reside at or near the Tombigbee settlement, and who shall possess and exercise, within the district of Washington, as fixed and ascertained by an act of general assembly of the Mississippi territory, intituled, "An act for the more convenient organization of the courts of the said territory," the jurisdiction heretofore possessed and exercised by the superior court of the said territory within the said district of Washington, and to the exclusion of the original jurisdiction of the said superior court within the same: *Provided always,* that the said superior court shall have full power and authority to issue writs of error to the court established by this act and to hear and determine the same, when sitting, for the district of Adams, as fixed and ascertained by the act of the general assembly of the Mississippi territory, herein before mentioned.

An additional judge to be appointed for the Mississippi territory.

His place of residence.

His duties and authorities.

Proviso.

Sec. 2. *Be it further enacted,* That the said superior court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favour of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain, in which case the cause shall be remanded in order to a final determination.

Upon the reversal of a judgment of the court established by this act, the judgment of the superior court to be final: but in certain

cases, when the cause shall be remanded to the court below.

Plaintiffs in error, other than executors or administrators, to give security.

Sec. 3. *Be it further enacted*, That when any person, not being an executor or administrator, applies for a writ of error, such writ of error shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error shall give security, to be approved of by a judge of the said superior court, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money and all costs, or otherwise abide the judgment in error, if he fail to make his plea good.

Proceedings commenced in the superior court of Washington district transferred to that established by this act.

Officers to issue and execute process and to record the proceedings authorized to act for both courts.

Sec. 4. *Be it further enacted*, That all pleas, process, and proceedings whatever, which may have been commenced in the said superior court within the aforesaid district of Washington, shall be, and the same are hereby transferred to the court established by this act, and the officers appointed to issue or execute the process of the said superior court within the district of Washington, and to record the proceedings of the same, are hereby authorized and required to issue and execute the process of the court established by this act, and to record the proceedings thereof.

Sessions of the court.

Places and times of holding them.

Sec. 5. *Be it further enacted*, That the court established by this act, shall hold two terms in each and every year, at the place where the courts for Washington county, within the said territory, shall be held, to commence on the days following, to wit: on the first Monday in May and September, annually; and shall then and there proceed to hear and determine the pleas, process and proceedings depending before them, in the same manner as the said superior court within the district of Washington aforesaid, might or could have done, in case this act had not been passed.

Salary, &c. &c. of the judge.

Sec. 6. *And be it further enacted*, That the judge to be appointed by virtue of this act, shall receive the same salary, and payable in the same manner, which is established by law for judges of the said superior court of the Mississippi territory.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Chap. LX.—*An Act to provide for a more extensive distribution of the Laws of the United States.*

Four hundred copies of the laws of the U. States, to be procured by the Secretary of State, and one hundred of them to be distributed, in proportions, in the territory of Orleans and district of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the department of State, be, and he hereby is authorized and empowered to procure four hundred copies of the laws of the United States: one hundred copies of which shall be distributed in just proportions in the territory of Orleans and district of Louisiana, the other three hundred copies to be reserved for the disposal of Congress.

One thousand copies printed at the close of each session of Congress to be reserved for future disposition.

Sec. 2. *And be it further enacted*, That one thousand copies of the laws of the United States which shall be printed at the close of each session shall be reserved for the disposal of Congress: and that the distribution of the remainder shall be extended to the territory of Orleans, and district of Louisiana, and to such other territories as are or may hereafter be established, in the same manner and proportion as is already provided by law for distributing them among the several states and territories: and the Secretary of State shall cause to be published in one newspaper in each of the territories of the United States, where newspapers are printed, the laws which have passed during the present session, and which may hereafter be passed by Congress.

Distribution of the remainder to be extended to the different territories.

Laws of the present and future sessions to be published in the territories.

Sec. 3. *And be it further enacted*, That there shall be transmitted, by the Secretary of State, to each member of the Senate and House of Representatives, and to each territorial delegate, as soon as may be, after the expiration of each session of Congress, a copy of all the laws which shall have been passed at such session.

Appropriation to defray the

Sec. 4. *And be it further enacted*, That the sum of two thousand dollars be, and the same hereby is appropriated for defraying the expense

authorized by this act, payable out of any money in the treasury, not otherwise appropriated.

expense of carrying this act into effect.

Approved, March 27, 1804.

Statute I.

March 27, 1804.

Act of March 3, 1803, ch. 27.

Chap. LXI.—*An Act supplementary to the act intituled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee."*(a)

Notice to be given to the register of the land-office by persons claiming lands in the Mississippi territory west of Pearl river, and their claims to be recorded.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons claiming lands in the Mississippi territory, by virtue of any British or Spanish grant, or by virtue of the three first sections of the act to which this is a supplement, or of the articles of agreement and cession with the state of Georgia, may, after the last day of March, in the year one thousand eight hundred and four, and until the last day of November, then next following, give notice in writing, of their claims, to the register of the land-office, for the lands lying west of Pearl river, and have the same recorded in the manner prescribed by the fifth section of the act to which this is a supplement: *Provided however*, that where lands are claimed by virtue of a complete Spanish or British grant, in conformity with the articles of agreement and cession between the United States and the state of Georgia, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey and the plot; but all the subsequent conveyances or deeds shall be deposited with the register, to be by him laid before the commissioners when they shall take the claim into consideration: and the powers vested by law in the

Proviso in favor of Spanish and British grants.

(a) Under the act of Congress of March 3, 1803, chap. 27, entitled, "An act regulating grants of lands, and providing for the disposal of the lands of the United States south of the state of Tennessee," such lands only were authorized to be offered for sale as had not been appropriated by the previous sections of the law, and certificates granted in pursuance thereof. A right therefore to a particular grant of land, derived from a donation certificate given under the law, is superior to the title of any one who purchased the same land at the public sales, unless there is some fatal infirmity in the certificate which renders it void. Ross *v.* Barland et al., 1 Peters, 666.

The act of Congress requires no precise form for the donation certificate. It is sufficient if the proofs be exhibited to the court of the commissioners to satisfy them of the facts entitling the party to the certificate. It is sufficient if the consideration, the occupancy, and the quantity granted appears: nothing more is necessary to certify to the government the party's right, or to enable him, after it is surveyed by the proper officer, to obtain a patent. *Ibid.*

The 2d section of the act of March 3, 1803, was intended to confer a bounty on a numerous class of individuals; and in construing the ambiguous words of the section, it is the duty of the court to adopt that construction which will best effect the liberal intentions of the legislature. *Ibid.*

The time when the territory over which the law operated was evacuated by the Spanish troops, was very important, as the law was intended to provide for those who were actually, at that time, inhabitants of, and cultivated the soil within it; but whether it was in 1797 or 1798, was comparatively unimportant. The decision of the commissioners upon the period when the evacuation took place is sufficient; and the court are disposed to adopt the construction of the act given by the commissioners, west of Pearl river, that the evacuation took place on the 30th March, 1798, by which persons claiming within the objects of the section were entitled to certificates. *Ibid.*

Congress have treated as erroneous the construction given to the law by the commissioners to settle claims to lands east of Pearl river; who have decided that only those who have settled on the lands within the territory in the year 1797, were entitled to donation certificates, and who had granted to others preemption certificates. *Ibid.*

The commissioners appointed under the act of Congress relative to claims to lands south of the state of Tennessee, were authorized to hear evidence as to the time of the actual evacuation of the territory by the Spanish troops, and to decide upon the fact. The law gave them power to hear and decide all matters respecting such claims, and to determine thereon according to justice and equity, and declared their deliberations shall be final. The court are bound to presume that every fact necessary to warrant the certificate in the terms of it, was proved before the commissioners; and that subsequently it was shown to them that the final evacuation of the territory took place on the 30th March, 1798. *Ibid.*

It is the settled doctrine of the judicial department of the government of the United States, that the treaty of 1819 with Spain, ceded to the United States, no territory west of the Perdido river. It had already been acquired under the Louisiana treaty. Pollard's Lessee *v.* Files, 2 Howard's Sup. Court Rep. 591.

In the interval between the Louisiana treaty, and the time when the United States took possession of the territory west of the Perdido, the Spanish government had a right to grant permits to settle and improve by cultivation, and to authorize the erection of establishments for mechanical purposes. *Ibid.*

These incipient concessions were not regarded by Congress, but are recognized in the acts of 1804, 1812, 1819, and as claims are within the acts of 1824. *Ibid.*

commissioners appointed for the purpose of ascertaining the claims to lands lying west of Pearl river, shall, in every respect, extend and apply to claims which may be made by virtue of this section; and the same proceedings shall thereupon be had as are prescribed by the act aforesaid, in relation to claims which shall have been exhibited on or before the last day of March, in the year one thousand eight hundred and four.

Commissioners authorized to adjourn from time to time. Proviso.

Sec. 2. *And be it further enacted,* That the commissioners aforesaid, appointed to adjust the claims to lands lying west of Pearl river, shall have power to adjourn from time to time, and for such time as they may think fit: *Provided however,* that they shall meet on the first day of December, in the year one thousand eight hundred and four, and shall not afterwards adjourn for a longer time than three days, nor until they shall have completed the business for which they were appointed: *And provided also,* that nothing contained in this act, nor in that to which this is a supplement, shall be construed to prevent the said commissioners, nor those appointed to adjust the claims to lands lying east of Pearl river, from acting and deciding at any time, on any claim which has been exhibited in the manner prescribed by law, although the evidence of the same may not, at that time, have been transcribed on the books of the register.

Proviso.

What evidence may be required by the boards of commissioners concerning Spanish grants.

Sec. 3. *And be it further enacted,* That when any Spanish grant, warrant, or order of survey, shall be produced to either of the said boards of commissioners, for lands which were not, at the date of such grant, warrant, or order of survey, or within one year thereafter, inhabited, cultivated, or occupied by, or for the use of the grantee: or whenever either of the said boards shall not be satisfied, that such grant, warrant, or order of survey, did issue, at the time when the same bears date, the said commissioners shall not be bound to consider such grant, warrant, or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper: and the said boards shall make a full report to the Secretary of the Treasury, to be by him laid before Congress, for their final decision of all claims grounded on such grants, warrants, or orders of survey, as may have been disallowed by the said boards, on suspicion of their being antedated, or otherwise fraudulent.

Boards of commissioners to make reports to the Secretary of the Treasury in certain cases.

Agent to be appointed by the Secretary of the Treasury.

Sec. 4. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby authorized to employ an agent, whose compensation shall not exceed one thousand five hundred dollars in full for all his services, for the purpose of appearing before the said commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as he may deem fraudulent and unfounded. And each of the said boards of commissioners shall have the same powers to compel the attendance of witnesses, as are now vested in the courts of the United States.

Board of commissioners for adjusting claims to land, south of Pearl river, authorized to employ an assistant clerk and a translator of the Spanish language.

Sec. 5. *And be it further enacted,* That the board of commissioners, appointed to adjust the claims to lands lying west of Pearl river, shall be authorized to employ an assistant clerk, and also a translator of the Spanish language, to assist them in the despatch of the business which may be brought before them, and for the purpose of recording Spanish grants, deeds, or other evidences of claims on the register's books; the said translator shall receive for the recording done by him, the fees already provided by law, and may be allowed, not exceeding fifty dollars, for every month he shall be employed, provided that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars: the assistant clerk shall be allowed a sum not exceeding five hundred dollars for his services; and each of the commissioners of the said board, in addition to the compensation now fixed by law, shall be allowed six dollars for every day he shall attend on the board, after the last day of November, in the year one thousand eight hundred and four:

Provided, that this additional compensation shall not exceed two thousand dollars, for each of the said commissioners.

Compensation not to exceed $2000.

Sec. 6. *And be it further enacted*, That from and after the first day of April, in the year one thousand eight hundred and four, the surveyor of the lands of the United States, south of the state of Tennessee, shall receive an annual compensation of two thousand dollars, in lieu of the annual compensation now fixed by law. And the lands claimed by virtue of Spanish grants, legally and fully executed, and the titles to which were confirmed by the articles of agreement and cession between the United States and the state of Georgia, shall be surveyed in the manner prescribed by the act to which this is a supplement, at the expense of the United States; any thing in the said act to the contrary notwithstanding.

Salary of the surveyor of lands south of Tennessee.

Lands claimed under Spanish grants, the titles to which are not confirmed, to be surveyed at the expense of the United States.

Sec. 7. *And be it further enacted*, That the tract of country lying north of the Mississippi territory, and south of the state of Tennessee, and bounded on the east by the state of Georgia, and on the west by Louisiana, shall be, and the same is hereby annexed to, and made a part of the Mississippi territory.*

Lands north of the Mississippi territory and south of the state of Tennessee, and bounded on Georgia and Louisiana, made part of the Mississippi territory.

Sec. 8. *And be it further enacted*, That so much of the eighth section of an act, intituled "An act regulating grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," as provides, "that no certificate shall be granted for lands lying east of the Tombigby river," be, and the same hereby is repealed: *Provided*, that no certificate shall be granted for any lands to which the Indian title has not been extinguished.

Repeal of part of a former act. 1803, ch. 27.

Sec. 9. *And be it further enacted*, That the commissioners appointed in pursuance of the act aforesaid, be, and they are hereby authorized and required to make, on or before the first day of December next, a full report to the Secretary of the Treasury, of all claims that have been, or may be laid before them, for lands held by warrant of survey and improvement, in cases where the claimants were minors, and not heads of families, at the time such warrants were issued, with the circumstances which occasioned the issuing of such warrants, and the validity which has been considered as attached to the same.

Commissioners to make a report to the Secretary of the Treasury in a certain case.

*1798, ch. 28. 1803, ch. 27.

Sec. 10. *And be it further enacted*, That for the purpose of carrying this act into effect, a sum not exceeding twenty thousand dollars, shall be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

Appropriation for carrying this act into effect.

Sec. 11. *And be it further enacted*, That the execution of so much of the twelfth section of the act to which this is a supplement, as excepts "such town lots, not exceeding two, in the town of Natchez, and such an out lot adjoining the same, not exceeding thirty acres, as may be the property of the United States, to be located by the governor of the Mississippi territory, for the use of Jefferson College," be, and the same is hereby suspended until the end of the next session of Congress.

Part of the twelfth section of the act to which this is a supplement suspended.

Sec. 12. *And be it further enacted*, That transcripts of the records of the British province of West Florida, to claims for land therein, and which have been delivered to the government of the United States, may be produced as evidence, and shall be entitled to the same weight in any court of the United States, as if the same had been delivered or shall be delivered, to either of the registers of the land-offices in the Mississippi territory, before the last of March, one thousand eight hundred and four, any thing in this act, or in the fifth section of the act to which this is a supplement, to the contrary notwithstanding.

Transcripts of the British records of West Florida to be evidence in certain cases.

Sec. 13. *And be it further enacted*, That the sum of three thousand dollars be, and the same is hereby appropriated, for the purpose of extending the external commerce, and exploring the limits of the United States, in the new acquired territory of Louisiana, out of any monies in the treasury not otherwise appropriated.

Appropriation for extending the external commerce, and exploring the limits of the U. States in Louisiana.

Sec. 14. *And be it further enacted*, That Major-General La Fayette

Major-General La Fayette authorized to make his location upon public lands in the territory of Orleans.

be, and he is hereby authorized and empowered to locate and survey the lands allowed him by the fourth section of an act, intituled "An act to revive and continue in force an act in addition to an act, intituled An act in addition to an act, regulating the grants of land appropriated for military services, and for the society of United Brethren for propagating the gospel among the heathen, and for other purposes," on any lands the property of the United States, in the territory of Orleans; and on presenting the surveys of the said land to the Secretary of the Treasury, the President of the United States is hereby authorized to issue letters patent to the said Major-General La Fayette for the quantity of lands allowed by the said act.

1803, ch. 30.

Approved, March 27, 1804.

1804.

Resolution *to instruct the joint committee of inrolled Bills to wait on the President of the United States, respecting a variance between an engrossed and inrolled Bill.*

A variance between an engrossed bill and an inrolled bill to be corrected.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee for inrolled bills be instructed to wait on the President of the United States, and lay before him the engrossed bill, intituled "An act for the relief of the captors of the Moorish armed ships Meshouda and Mirboha," with the several amendments thereto, as the same was finally passed by both houses of Congress; and to state the variance between the said engrossed bill and the inrolment thereof, as approved by the President, and to request that he will cause the said inrolled bill to be returned to this house, in which it originated, for the purpose of rendering the said bill conformable with the engrossed bill and the amendments thereto, as passed by the two houses of Congress.

1304. ch. 30.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, That, in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes as part of the said constitution, to wit:—

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ACTS OF THE EIGHTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fifth day of November, 1804, *and ended on the third day of March,* 1805.

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States and President of the Senate; JOSEPH ANDERSON, President of the Senate pro tempore, from the 19th to the 31st January, and from the 1st to the 3d of March, 1805; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An Act making a further appropriation for carrying into effect the treaty of amity, commerce and navigation, between his Britannic Majesty and the United States of America.*

Nov. 24, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding seventy thousand dollars, be, and the same hereby is appropriated, to be paid under the direction of the President of the United States out of any monies in the treasury, not otherwise appropriated, for the purpose of carrying into effect the seventh article of the treaty of amity, commerce and navigation between his Britannic Majesty and the United States of America.

Appropriation for carrying into effect the seventh article of the treaty between England and the United States.

APPROVED, November 24, 1804.

STATUTE II.

CHAP. II.—*An Act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five.*

Dec. 6, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to make good a deficiency of the appropriation for the contingent expenses of both houses of Congress, authorized by the act of the fourteenth of March last, the farther sum of two thousand five hundred dollars be, and the same hereby is appropriated.

Specific appropriation.

SEC. 2. *And be it further enacted,* That towards defraying the expense of firewood, stationery and other contingent expenses of both houses of Congress, during the year one thousand eight and five, the sum of three thousand dollars be, and the same hereby is appropriated: which several sums shall be paid and discharged out of the fund of six hundred thousand dollars reserved by the act "making provision for the debt of the United States."

1790, ch. 34.

APPROVED, December 6, 1804.

Statute II.

Jan. 2, 1805.

[Obsolete.]

Certain copies of the laws and journals of Congress to be placed in the Library.

Act of March 27, 1804, ch. 60.

Secretary of Senate to receive three hundred copies of the laws reserved for the disposal of Congress; to be placed in the Library and assorted with others at the end of the last session of every Congress, the laws of that Congress received in the Library to be bound in one volume.

By whom the laws and journals may be taken from the Library.

Expense of binding how defrayed.

The President of Senate and Speaker of the House of Representatives to make regulations concerning laws, not repugnant to this act.

Deficiency of a former appropriation for the purchase of laws made up.

Chap. III.—*An Act for the disposal of certain copies of the Laws of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That three hundred copies of the laws of the United States, which have been procured by the Secretary of State, in obedience to the law passed for that purpose, and three hundred copies of the journals of Congress, which have been procured in pursuance of the resolution of the second of March, one thousand seven hundred and ninety-nine, shall be placed in the library of Congress.

Sec. 2. *And be it further enacted,* That the secretary of the Senate, for the time being, be, and he is hereby authorized to receive three hundred copies of the laws of the United States, out of the thousand copies reserved by law for the disposal of Congress, as soon as the same shall be printed after each session; which he shall cause to be placed in the library, and assorted respectively with the sets of copies mentioned in the first section of this act; excepting only, that at the close of the present session, which will complete the eighth Congress, and in like manner after each particular session in future, which shall complete a Congress, he shall cause the several copies, reserved by him as aforesaid, for all the sessions of each respective Congress, to be bound in one volume, making three hundred volumes for each Congress, as aforesaid; which he shall cause to be placed in the library, assorted with the respective sets of copies mentioned in the first section of this act. And the several copies of the laws and journals of Congress, mentioned in this act, shall not be taken out of the library, except by the President and Vice President of the United States, and members of the Senate and House of Representatives for the time being. And the expense of binding shall be paid, from time to time, out of the fund appropriated to defray the contingent expenses of both houses of Congress.

Sec. 3. *And be it further enacted,* That the president of the Senate and speaker of the House of Representatives, for the time being, be, and they are hereby empowered to establish such regulations and restrictions in relation to the copies of the laws and journals of Congress, directed by this act to be placed in the library, as to them shall seem proper, and from time to time, to alter and amend the same: *Provided,* that no regulation nor restriction shall be valid, which is repugnant to the provisions contained in this act.

Sec. 4. *And be it further enacted,* That to make up the deficiency of the appropriation heretofore made, for the purchase of four hundred copies of the laws of the United States, the sum of eleven hundred and forty-four dollars be, and the same is hereby appropriated, payable out of any money in the treasury, not otherwise appropriated.

Approved, January 2, 1805.

Statute II.

Jan. 5, 1805.

Part of a former act, imposing restrictions on the exportation of goods from New Orleans, repealed.

Act of Feb. 24, 1804, ch. 13, sec. 6.

Chap. IV.—*An Act concerning drawbacks on goods, wares and merchandise.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the sixth section of the act, intituled "An act for laying and collecting duties on imports and tonnage within the territory ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic; and for other purposes," as prohibits the allowance of drawbacks of duties on goods, wares and merchandise exported from the port of New Orleans, other than those imported into the same place directly from a foreign port or place, shall be, and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That any goods, wares, or mer

chandise, which shall be exported from the United States, or the district of Mississippi, in the manner prescribed by law, to any foreign port or place, situated to the westward or southward of Louisiana, shall be deemed and taken to be entitled to such drawback of duties as would be allowable thereon, when exported to any other foreign port or place, any thing in the act, intituled "An act to regulate the collection of duties on imports and tonnage," to the contrary notwithstanding.

Goods exported to the westward or southward of Louisiana, entitled to drawbacks.

Act of March 2, 1799, ch. 22.

This act shall commence and be in force from and after the first day of March next.

Commencement of this act.

Approved, January 5, 1805.

Statute II.

Jan. 11, 1805.

Chap. V.—*An Act to divide the Indiana Territory into two separate governments.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, all that part of the Indiana territory, which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan.

Territory of Michigan taken from the Indiana territory.

Boundaries of the new territory and commencement of a temporary government for it.

Sec. 2. *And be it further enacted,* That there shall be established within the said territory, a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

Its government.

Vol. i. 51, act of August 7, 1789, ch. 8.

Sec. 3. *And be it further enacted,* That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the Indiana territory; and the duties and emoluments of superintendent of Indian affairs, shall be united with those of governor.

Officers to exercise the same powers, be subject to the same duties, and to receive the same compensations as in the Indiana territory.

Duties of superintendent of Indian affairs vested in the governor.

Sec. 4. *And be it further enacted,* That nothing in this act contained, shall be construed so as, in any manner, to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the said territory of Michigan, from and after the aforesaid thirtieth day of June next.

Government of Indiana not affected by this act, except in the establishment of that of Michigan.

Sec. 5. *And be it further enacted,* That all suits, process, and proceeding, which, on the thirtieth day of June next, shall be pending in the court of any county, which shall be included within the said territory of Michigan; and also all suits, process, and proceedings, which on the said thirtieth day of June next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Suits or legal proceedings pending on the 30th June, 1805, in the district of country, or arising therein, which forms the territory of Michigan, to be proceeded in to judgments, as if this act had not passed.

Detroit made the seat of government.

Sec. 6. *And be it further enacted,* That Detroit shall be the seat of government of the said territory, until Congress shall otherwise direct.

Approved, January 11, 1805.

Statute II.

Jan. 11, 1805.

Chap. VI.—*An Act declaring Cambridge, in the state of Massachusetts, to be a port of delivery.*

Town of Cambridge in the district of Boston made a port of delivery.

1799, ch. 22.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town or landing place of Cambridge, in the state of Massachusetts, shall be a port of delivery, to be annexed to the district of Boston and Charlestown, and shall be subject to the same regulations as other ports of delivery in the United States.

Approved, January 11, 1805.

Statute II.

Jan. 19, 1805.

Chap. VII.—*An Act authorizing the corporation of Georgetown to make a dam or causeway from Mason's island to the western shore of the river Potomac.*

Corporation of Georgetown empowered to levy a tax on the real property within its jurisdiction for erecting a causeway.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation of Georgetown have power to levy a tax, not exceeding one per cent. per annum, on the real property in said town, and its additions within the jurisdiction of the said corporation, for the purpose of defraying the expense of erecting a dam or causeway across that arm of the river Potomac which passes between Mason's island and the western shore of the said river: that the same shall not be erected until the consent of the proprietor or proprietors of the island and of the western shore of the river opposite thereto, shall be first obtained. The power hereby granted to the said corporation of levying an extra tax, to cease and determine when the object for which it is granted, shall be completely effected.

Power to cease when the object is effected.

Approved, January 19, 1805.

Statute II.

Jan. 25, 1805.

Chap. IX.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and five.*

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and five, the following sums be, and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and the pay of the seamen, four hundred and fifteen thousand five hundred and seventy-eight dollars.

For provisions, two hundred and twenty-seven thousand seven hundred and eighty-six dollars, and forty cents.

For medicine, instruments, hospital stores, and all expenses on account of the sick, ten thousand seven hundred and fifty dollars.

For repairs of vessels, store rent, and other contingent expenses, four hundred and eleven thousand nine hundred and fifty-one dollars, and two cents.

For the pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, eighty-two thousand five hundred and ninety-three dollars, and sixty cents.

For clothing for the same, sixteen thousand five hundred and thirty-six dollars and ninety-eight cents.

For military stores for the same, one thousand six hundred and thirty-five dollars.

For medicine, medical services, hospital stores, and all expenses on

account of the sick belonging to the marine corps, one thousand two hundred and fifty dollars.

Specific appropriations.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenters' bills, fuel, premium for enlisting, music, and other contingent expenses, eight thousand four hundred and nineteen dollars.

For the expense of navy yards, docks, and other improvements, the pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For completing the marine barracks at the city of Washington, three thousand five hundred dollars.

Sec. 2. *And be it further enacted*, That the several sums herein specifically appropriated, and amounting altogether to the sum of one million two hundred and forty thousand dollars, shall be paid, first, out of the monies accruing at the end of the year one thousand eight hundred and five, from the duties laid by the act passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," provided that the sum to be paid from the proceeds of the said duties shall not exceed five hundred and ninety thousand dollars; secondly, out of any balance remaining unexpended of former appropriations for the support of the navy, and lastly, out of any monies in the treasury, not otherwise appropriated.

Act of March 25, 1804, ch. 46.

Approved, January 25, 1805.

Statute II.

Jan. 25, 1805.

Chap. X.—*An Act making an appropriation for completing the south wing of the Capitol, at the City of Washington, and for other purposes.*

Appropriation for completing the south wing of the Capitol, to be applied under the direction of the President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding one hundred and ten thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, towards completing the south wing of the Capitol, at the city of Washington.

Sec. 2. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, to such necessary alterations and repairs, as he may deem requisite, in the north wing of the Capitol, and other public buildings at the city of Washington; which said sums shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, January 25, 1805.

Statute II.

Jan 30, 1805.

Chap. XI.—*An Act to provide for completing the valuation of lands and dwelling-houses, and the enumeration of slaves in South Carolina, and for other purposes.*

Act of July 9, 1798, ch. 70.
Act of Jan. 2, 1800, ch. 3.

Secretary of the treasury to employ clerks, upon such terms as may be reasonable, for completing, &c. the abstracts of the valuation of lands, &c. &c. in the state of South Carolina, under the direc-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to employ clerks, for such compensation as he shall judge reasonable, to complete, register, and record, under the direction of the supervisor of the district of South Carolina, the lists and abstracts of the valuation of lands and dwelling-houses, and of the enumeration of slaves within the state of South Carolina; and under the direction of the supervisor aforesaid, to add to, or to deduct from the valuations aforesaid, of each individual, such a rate per centum as has been determined by the commissioners appointed for the said state, under the act, intituled "An act to provide for the valua-

tion of the supervisor.

The clerks, under the direction of the supervisor, to make the proper additions to or deductions from the valuations.

Lists and abstracts, when finished, to have the same force and effect as if they had been completed, &c. &c. agreeably to the provisions of the acts quoted in this law.

An additional per diem allowance to the supervisor.

Proviso.

Act of July 14, 1798, ch. 75.

Supervisor of S. Carolina to appoint one or more surveyors, when the assessment of the direct tax therein is completed.

The surveyors to make out the lists of the sums payable.

The lists to have the effect of lists made by distinct surveyors of revenue.

Powers, and duties; compensation.

Supervisors, with the approbation of the treasury may unite several assessment districts into one district.

Settlement of the accounts of the commissioners and assessors.

1798, ch. 70.

Allowance to the commissioners.

tion of lands and dwelling-houses, and the enumeration of slaves within the United States," agreeably to the provisions of the said act, of the act intituled "An act, supplementary to the act, intituled An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," and of the act intituled "An act to provide for equalizing the valuation of unseated lands:" which lists and abstracts, thus completed in conformity with the revisions and equalizations made by the commissioners aforesaid, shall have the same force and effect as if they had been completed, registered, and recorded, under the direction of the commissioners aforesaid, agreeably to the provisions of the above-mentioned acts. The supervisor aforesaid, shall be allowed, in addition to his annual compensation, at the rate of three dollars per diem, for each and every day employed by him, in completing or superintending the completion of the lists and abstracts aforesaid: *Provided*, that the whole amount of the said additional allowance shall not exceed five hundred dollars, and the said allowance, as well as the compensation of the clerks employed by virtue of this section, shall be paid out of the monies appropriated, or which may hereafter be appropriated for defraying the expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

Sec. 2. *And be it further enacted*, That the supervisor of the district of South Carolina be, and he is hereby authorized and directed, as soon as the assessment of the direct tax to be levied and collected in the state of South Carolina, by virtue of the act, intituled "An act to lay and collect a direct tax, within the United States," shall have been completed, to appoint for the whole of the said state, one or more surveyors of the revenue; who shall be authorized to make out the lists containing the sums payable, according to such assessment, for every dwelling-house, tract, or lot of land and slave within the said state; which lists shall have the same force and effect, as if they had been made for each assessment district, by a distinct surveyor of the revenue: the surveyor or surveyors of the revenue, thus appointed for the whole state of South Carolina, shall likewise perform all the other duties, exercise all the powers, and receive the same compensation, which, by virtue of the provisions still in force in any former act or acts, were directed to be performed, exercised, and received by the surveyors of the revenue for the several assessment districts; and so much of any act, or acts, as directed the appointment of one surveyor of the revenue for each assessment district, is, so far as relates to the state of South Carolina, hereby repealed.

Sec. 3. *And be it further enacted*, That the several supervisors, or officers acting as supervisors, may, with the approbation of the Secretary of the Treasury, unite, whenever such measure shall be thought expedient for the better collection of the direct tax, two or more assessment districts into one district, and appoint only one collector of the said tax for the assessment districts, thus united; any thing in any former act or acts to the contrary notwithstanding.

Sec. 4. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized to settle the accounts of any of the commissioners or assessors employed in making the valuations, and enumerations above mentioned in the state of South Carolina, although the same may not have been presented to, and certified by the commissioners aforesaid, in conformity with the provisions of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States."

Sec. 5. *And be it further enacted*, That any of the commissioners aforesaid, who shall, on the request of the Secretary of the Treasury, attend for the purpose of assisting the supervisor of the district of South Carolina, in completing the lists and abstracts of the valuations, and enumerations in the manner provided by the first section of this act,

shall be allowed the same rate of compensation, as is provided by law for attending a meeting of the board of commissioners.

Sec. 6. *And be it further enacted,* That a sum not exceeding thirteen thousand five hundred and ninety-three dollars, and twenty-three cents, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same is hereby appropriated, for defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

Appropriation.

Approved, January 30, 1805.

Statute II.

Feb. 11, 1805.

Chap. XIV.—*An Act concerning the mode of surveying the Public Lands of the United States.*(a)

Act of May 18, 1796, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the surveyor-general shall cause all those lands north of the river Ohio, which, by virtue of the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river," were subdivided, by running through the townships, parallel lines each way, at the end of every two miles, and by marking a corner on each of the said lines, at the end of every mile; to be subdivided into sections, by running straight lines from the mile corners thus marked, to the opposite corresponding corners, and by marking on each of the said lines, intermediate corners as nearly as possible equidistant from the corners of the sections on the same. And the said surveyor-general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July last, and on which the surveying fees had been paid, according to law, by the purchaser, to be surveyed and marked, by running straight lines from the half-mile corners, heretofore marked, to the opposite corresponding corners; and intermediate corners shall, at the same time, be marked on each of the said dividing lines, as nearly as possible equidistant from the corners of the half section on the same line: *Provided,* that the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile which has not yet been surveyed, and which shall be actually run, surveyed, and marked by virtue of this section. And the expense of making the subdivisions, directed by this section, shall be defrayed out of the monies appropriated, or which may be hereafter appropriated, for completing the surveys of the public lands of the United States.

Mode of surveying public lands north of the Ohio.

Corners to be marked.

Half sections purchased before July 1, 1804, to be surveyed and marked.

Whole expense of survey not to exceed three dollars per mile.

How the expense of making the surveys is to be paid.

Sec. 2. *And be it further enacted,* That the boundaries and contents of the several sections, half sections, and quarter sections of the public lands of the United States, shall be ascertained in conformity with the following principles, any act or acts to the contrary notwithstanding:

Principles upon which the boundaries and contents of the public lands are to be ascertained.

1st. All the corners marked in the surveys, returned by the surveyor-general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the said surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor-general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned by either of the surveyors aforesaid, shall be held and considered as the true length thereof.

Boundary lines run and marked by the surveyor south of the Tennessee river to be the proper boundaries of sections.

(a) See notes to the act of May 18, 1796, chap. 29, vol. i. 465.

Boundary lines not actually run to be ascertained.

And the boundary lines, which shall not have been actually run, and marked as aforesaid, shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, where no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained, by running from the established corners, due north and south, or east and west lines, as the case may be, to the water-course, Indian boundary line, or other external boundary of such fractional township.

Surveys to be returned.

3d. Each section, or subdivision of section, the contents whereof shall have been, or by virtue of the first section of this act, shall be returned by the surveyor-general, or by the surveyor of the public lands south of the state of Tennessee, respectively, shall be held and considered as containing the exact quantity, expressed in such return or returns: and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one half, or the one fourth part respectively, of the returned contents of the section of which they make part.

Part of a former act repealed.

Act of March 26, 1804, ch. 35.

Sec. 3. *And be it further enacted*, That so much of the act entituled "An act making provision for the disposal of the lands in the Indiana territory, and for other purposes," as provides the mode of ascertaining the true contents of sections or subdivisions of sections, and prevents the issue of final certificates, unless the said contents shall have been ascertained, and a plot certified by the district surveyor, lodged with the register, be, and the same is hereby repealed.

Approved, February 11, 1805.

Statute II.

Feb. 14, 1805.

Chap. XV.—*An Act for carrying into more complete effect the tenth article of the treaty of friendship, limits and navigation with Spain.*

Cargoes of Spanish vessels, arriving in distress in the U. States, may be reshipped in other vessels without any charges, &c.

Act of March 2, 1799, ch. 22. sec. 60, vol. i. 672.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts, or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the sixtieth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage," the said cargo, or any part thereof, may, if the said ship or vessel should be condemned, as not sea worthy, or be deemed incapable of performing her original voyage, afterwards be re-laden on board any other vessel or vessels, under the inspection of the officer who superintended the landing thereof, or other proper person. And no duties, charges, or fees whatever, shall be paid on such part of the cargo, as may be re-laded and carried away, either in the vessel in which it was originally imported, or in any other whatever.

Collector of Norfolk to refund certain duties on goods reshipped which were landed from the Spanish brig Nancy.

Proviso.

Sec. 2. *And be it further enacted*, That the collector of the district of Norfolk, in Virginia, shall be, and he hereby is authorized and required to refund to the owners or agents of the Spanish brigantine Nancy, (which vessel arrived in distress at that port, in the year one thousand eight hundred and four) the amount of the duties secured by him on such part of her cargo as was re-exported: *Provided*, that the debenture or debentures issued by the said collector for the drawback of the duties on the exportation of the said cargo, shall be duly surrendered to him, and cancelled.

Approved, February 14, 1805.

Statute II.
Feb. 14, 1805.

[Expired.]

Postmaster-General authorized to make a new contract for carrying the mail between Fayetteville and Charleston.

Proviso.

Chap. XVI.—*An Act authorizing the Postmaster-General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General shall be, and hereby is authorized to make a new contract for carrying the mail in a line of stages between the town of Fayetteville, in the state of North Carolina, and the city of Charleston, in the state of South Carolina, upon such terms and conditions as he may deem most conducive to the interest of the United States: *Provided,* that he does not exceed the sum of four thousand two hundred dollars, annually, beyond the amount of the present contract; and that no contract made in virtue of this act shall extend beyond the time to which the present contract extends.

Approved, February 14, 1805.

Statute II.
Feb. 14, 1805.

[Obsolete.]

Specific appropriations.

Chap. XVII.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and five; for the Indian department; and for the expense of fortifications, arsenals, magazines, and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:—

For the pay of the army of the United States, three hundred and two thousand seven hundred and ninety-six dollars.

For forage, four thousand four hundred and eighty-eight dollars.

For the subsistence of the officers of the army and corps of engineers, thirty-one thousand three hundred and twenty-nine dollars, and fourteen cents.

For the subsistence of non-commissioned officers, musicians, and privates, one hundred and seventy-nine thousand and nine dollars, and sixty-nine cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital department, twelve thousand dollars.

For camp equipage, fuel, tools, expense of transportation, and other contingent expenses of the war department, eighty-one thousand dollars.

For fortifications, arsenals, magazines and armories, one hundred and thirty-three thousand two hundred and ninety-six dollars, and eighty-eight cents.

For purchasing maps, plans, books, and instruments for the war department, and military academy, five hundred dollars.

For the pay and subsistence of the commandants in Louisiana, five thousand nine hundred and seventy-one dollars, and seventy-seven cents.

For the Indian department, ninety-two thousand six hundred dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of any monies in the treasury, not otherwise appropriated.

Approved, February 14, 1805.

Statute II.
Feb. 22, 1805.

Act of March 2, 1799, ch. 22.

Chap. XVIII.—*An Act supplementary to the act intituled "An act to regulate the collection of duties on imports and tonnage."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same terms of credit,

The same terms of credit for the payment of duties on goods imported by sea from foreign places, north of the equator, and on the eastern shores of America, as are allowed on West India articles.

Vessels may proceed with their foreign cargoes to foreign ports, or places, free of duties.

Proviso.

1799, ch. 22.

which are granted by law, for the payment of duties on articles the produce of the West Indies, and no other, shall be allowed on goods, wares and merchandise imported by sea into the United States from all foreign ports and islands lying north of the Equator, and situated on the eastern shores of America, or in its adjacent seas, bays and gulfs.

Sec. 2. *And be it further enacted,* That it shall be lawful for any ship or vessel to proceed with any goods, wares or merchandise, brought in her, and which shall in the manifest delivered to the collector of the customs, be reported as destined or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel: *Provided,* that such manifest so declaring to re-export such goods, wares, or merchandise, shall be delivered to such collector, within forty-eight hours after the arrival of such ship or vessel. And, *Provided also,* that the master or commander of such ship or vessel shall give bond as required by the thirty-second section of the act, intituled "An act to regulate the collection of duties on imports and tonnage."

Approved, February 22, 1805.

Statute II.

March 1, 1805.

[Expired.]

Act of Feb. 27, 1801, ch. 12.

Assent of Congress given to a law of Maryland, enabling the state to collect a duty on vessels coming from a foreign voyage.

Chap. XIX.—*An Act to continue in force "An act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer."*

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 granted and declared to the operation of an act of the general assembly of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in said act intended.

Limitation of the operation of this act.

Sec. 2. *And be it further enacted,* That this act shall be in force for nine years from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, March 1, 1805.

Statute II.

March 1, 1805.

Act of March 3, 1804, ch. 20.

Further time given to the supervisor of Kentucky for the performance of certain duties.

Chap. XX.—*An Act to amend the act intituled "An act further to amend the act intituled, An act to lay and collect a direct tax within the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supervisor of the district of Kentucky, is hereby allowed the further time of three months, from the end of two years after the completion of the sales of lands within his district, for the payment of the direct tax, to perform the several duties enjoined by the fourth section of the act, intituled "An act further to amend the act, intituled An act to lay and collect a direct tax within the United States," any thing in the said act to the contrary notwithstanding.

Approved, March 1, 1805.

Statute II.

March 1, 1805.

[Obsolete.]

Specific appropriations.

Chap. XXI.—*An Act making appropriations for the support of Government, for the year one thousand eight hundred and five.*

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

the civil list in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys and public piers; for defraying the expenses of surveying the public lands in the territories of Indiana and Mississippi; for the unexpended balances of former appropriations, defraying the expenses of the second census, and the purchase and erection of wharves and stores under the quarantine law; and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated; that is to say:

Specific appropriations.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, one hundred and ninety-eight thousand nine hundred and sixty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, including the sum of three thousand dollars appropriated by the act of the sixth of December, one thousand eight hundred and four, twenty-eight thousand dollars.

For defraying the expenses incidental to the dismantling the late library room of Congress, and fitting it up for the accommodation of the House of Representatives, at the ensuing session, seven hundred dollars.

For expenses of removal of the library, all other contingent expenses of the same, and librarian's allowance for the year one thousand eight hundred and five, nine hundred dollars.

For the expense of labelling, lettering and numbering five thousand seven hundred volumes of laws and journals of the old Congress, directed by the act of the present session for the disposal of certain copies of the laws of the United States, to be deposited in the library, five hundred and seventy dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred and sixty dollars.

For the incidental and contingent expenses in the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the second session of the eighth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For printing the laws, and other contingent expenses of the government of the Indiana territory, in consequence of the union with it of that of the territory of Louisiana, three hundred and fifty dollars. 1804, ch. 38.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including those engaged on the business belonging to the late office of the commissioner of the revenue, thirteen thousand four hundred and forty-nine dollars and eighty-one cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expense of stationery, printing, and incidental and contingent expenses in the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons

Specific appropriations.

employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For the expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation of the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States northwest of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several land-offices, two thousand six hundred dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing the public accounts for the year one thousand eight hundred and five, one thousand two hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and five, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For the erection of a fireproof brick building for the preservation of the records of the treasury; the cellars in which they have hitherto been kept, being found from their dampness improper for that use, nine thousand dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expenses of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of twelve hundred dollars, for compensation to his clerks in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery, store rent and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand one hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars. Specific appropriations. 1799, ch. 40.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

For compensation to the Postmaster-General, assistant postmaster-general, clerks and persons employed in the Postmaster-General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars. 1799, ch. 40.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster-General out of the funds of the office, two thousand dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans of the state of Pennsylvania, in consequence of the removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars.

For compensation to the surveyor-general, and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, coining, carpenters, millwrights and smiths' work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand five hundred dollars.

For the repairs of furnaces, cost of rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, two thousand nine hundred dollars.

For compensation to the governor, judges, secretary, and legislative council of the territory of Orleans, nineteen thousand two hundred and forty dollars.

For incidental and contingent expenses of the legislative council, and of the secretary of the said territory, two thousand dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

Specific appropriations.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For the expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department, respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars.

1799, ch. 40.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia, and to the attorney-general, fifty-five thousand nine hundred dollars.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, east and west Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and likewise for defraying the expense of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For the payment of an annuity granted to the children of the late Colonel John Harding and Major Alexander Trueman, by an act of Congress passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and five, to the fourth of March, one thousand eight hundred and six, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and certain contingent expenses, one hundred and fifteen thousand two hundred and nine dollars and thirty-six cents.

For fixing buoys in Long Island sound, in addition to the sums heretofore appropriated for that object, three thousand dollars.

For erecting beacons in the harbor of New York, in addition to the sums heretofore appropriated for that object, six thousand dollars.

For erecting a beacon and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth day of July, one thousand seven hundred and ninety-eight, (the balance of a former appropriation for the same object, having been carried to the credit of the surplus fund,) two thousand four hundred and ninety-four dollars, and eighty-nine cents.

For reviving so much of unexpended balances of appropriations granted by an act passed the sixth of April, one thousand eight hundred and two, and which have been carried to the surplus fund, to wit:

For erecting public piers in the river Delaware, five thousand eight hundred and eighty-eight dollars, and seventy-nine cents. Specific appropriations.

For erecting certain lighthouses, and fixing buoys in Long Island sound, nine thousand six hundred and seventy-eight dollars and thirty-eight cents.

And for building a lighthouse on Cumberland South Point, four thousand dollars.

For completing the lighthouse at the mouth of the Mississippi, and the lighthouse at or near the pitch of Cape Lookout, in addition to the sum heretofore appropriated to those objects, by the act of the twenty-sixth of March, one thousand eight hundred and four, twenty thousand dollars.

Towards completing the surveys of public lands in the state of Ohio, and in the Indiana and Mississippi territories, forty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For defraying certain expenses heretofore incurred in the war and navy departments, and which, in due course of settlement in those departments, have been adjusted, and cannot be discharged out of any existing appropriation, twenty thousand dollars.

For the expense of taking the second census of the inhabitants of the United States, being the balance of a former appropriation carried to the surplus fund, fourteen thousand one hundred and sixty-two dollars, and seventy-seven cents.

For the expense of wharves and stores for quarantine of ships and vessels, being the balance of a former appropriation carried to the credit of the surplus fund, seventeen thousand one hundred and forty-three dollars, and one cent.

For the expense of returning the votes for President and Vice President of the United States for the term commencing the fourth day of March, one thousand eight hundred and five, one thousand six hundred and twenty-four dollars. 1792, ch. 8.

For defraying the contingent expenses of government, (the unexpended balance of a former appropriation for the same object, being carried to the credit of the surplus fund,) twenty thousand dollars.

For expenses of intercourse with foreign nations, fifty-seven thousand and fifty dollars.

For the expenses of the intercourse between the United States and the Barbary powers, including the compensation of the consuls at Algiers, Morocco, Tunis and Tripoli, sixty-three thousand five hundred dollars.

For the contingent expenses of intercourse with the Barbary powers, two hundred thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the salaries of the agents at Paris and Madrid, for prosecuting claims in relation to captures, four thousand dollars.

For payment of demands for French vessels and property captured, pursuant to the convention between the United States and the French Republic, the balance of a former appropriation for the same object, by the act of the third of April, one thousand eight hundred and two, having been carried to the surplus fund, twenty-one thousand dollars. 1802, ch. 17.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any monies in the treasury, not otherwise appropriated. 1790, ch. 34.

Approved, March 1, 1805.

Statute II.
March 2, 1805.

Act of March 26, 1804, ch. 38.
Act of Feb. 20, 1811, ch. 21.
Act of April 18, 1812, ch. 50.
President authorized to establish a government within the territory of Orleans, similar (except in particular respects) to that of the Mississippi territory:
Officers to be appointed, &c. &c.
The rights secured to the citizens of Mississippi to be extended to those of Orleans.
Ordinance of July 13, 1787, vol. i. 51.
Ordinance of Congress in relation to a general assembly to be in force in Orleans from the 4th of July, 1805.
Representatives to be chosen.
Subsequent elections to be regulated by the legislature.
Ratio of representation.
Time of the first meeting of the legislature.
Annual meetings to be held.
Neither House to adjourn without the consent of the other.
Laws not inconsistent with this act, to continue in force.
Second paragraph of the ordinance, and 6th art. of compact not to be in force in Orleans.
Compensations of the officers.

Chap. XXIII.—*An Act further providing for the government of the territory of Orleans.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to establish within the territory of Orleans, a government in all respects similar, (except as is herein otherwise provided,) to that now exercised in the Mississippi territory; and shall, in the recess of the Senate, but to be nominated at their next meeting, for their advice and consent, appoint all the officers necessary therein, in conformity with the ordinance of Congress, made on the thirteenth day of July, one thousand seven hundred and eighty-seven, and that from and after the establishment of the said government, the inhabitants of the territory of Orleans shall be entitled to and enjoy all the rights, privileges, and advantages secured by the said ordinance, and now enjoyed by the people of the Mississippi territory.

Sec. 2. *And be it further enacted,* That so much of the said ordinance of Congress, as relates to the organization of a general assembly, and prescribes the powers thereof, shall, from and after the fourth day of July next, be in force in the said territory of Orleans; and in order to carry the same into operation, the governor of the said territory shall cause to be elected twenty-five representatives, for which purpose he shall lay off the said territory into convenient election districts, on or before the first Monday of October next, and give due notice thereof throughout the same; and shall appoint the most convenient time and place within each of the said districts, for holding the elections: and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected. All subsequent elections shall be regulated by the legislature; and the number of representatives shall be determined, and the apportionment made in the manner prescribed by the said ordinance.

Sec. 3. *And be it further enacted,* That the representatives to be chosen as aforesaid shall be convened by the governor, in the city of Orleans, on the first Monday in November next; and the first general assembly shall be convened by the governor as soon as may be convenient, at the city of Orleans, after the members of the legislative council shall be appointed and commissioned: and the general assembly shall meet, at least, once in every year, and such meeting shall be on the first Monday in December, annually, unless they shall, by law, appoint a different day. Neither house, during the session, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two branches are sitting.

Sec. 4. *And be it further enacted,* That the laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

Sec. 5. *And be it further enacted,* That the second paragraph of the said ordinance, which regulates the descent and distribution of estates; and also the sixth article of compact which is annexed to, and makes part of said ordinance, are hereby declared not to extend to, but are excluded from all operation within the said territory of Orleans.

Sec. 6. *And be it further enacted,* That the governor, secretary, and judges, to be appointed by virtue of this act, shall be severally allowed the same compensation which is now allowed to the governor, secretary, and judges, of the territory of Orleans. And all the additional officers authorized by this act, shall respectively receive the same compensations for their services, as are by law established for similar offices in the Mississippi territory, to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory of Orleans.

(*a*) By the act of April 8, 1812, chap. 50, Louisiana was admitted into the Union.

Sec. 7. *And be it further enacted*, That whenever it shall be ascertained by an actual census, or enumeration of the inhabitants of the territory of Orleans, taken by proper authority, that the number of free inhabitants included therein shall amount to sixty thousand, they shall thereupon be authorized to form for themselves a constitution and state government, and be admitted into the Union upon the footing of the original states, in all respects whatever, conformably to the provisions of the third article of the treaty, concluded at Paris, on the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic: *Provided*, that the constitution so to be established shall be republican, and not inconsistent with the constitution of the United States, nor inconsistent with the ordinance of the late Congress, passed the thirteenth day of July, one thousand seven hundred and eighty-seven, so far as the same is made applicable to the territorial government hereby authorized to be established: *Provided however*, that Congress shall be at liberty, at any time prior to the admission of the inhabitants of the said territory to the right of a separate state, to alter the boundaries thereof as they may judge proper:—*Except only*, that no alteration shall be made which shall procrastinate the period for the admission of the inhabitants thereof to the rights of a state government according to the provision of this act.

People of the territory of Orleans, when the number of free inhabitants shall have amounted to 60,000, permitted to establish a government for themselves.

Must establish a republican government.

Congress to retain the privilege of altering the boundaries of the territory of Orleans, before its admission into the Union.

No alteration to be made which may defer its admission.

Sec. 8. *And be it further enacted*, That so much of an act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant with this act, shall, from and after the first Monday of November next, be repealed. And the residue of the said act shall continue in full force, until repealed, any thing in the sixteenth section of the said act to the contrary notwithstanding.

Part of the act erecting Louisiana into two territories, &c. repealed.

The rest to remain in force.

1804, ch. 38.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

Chap. XXIV.—*An Act further to amend an act, intituled "An act regulating the grants of land; and providing for the disposal of the lands of the United States, south of the state of Tennessee."*(a)

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 61.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons who may have obtained, or shall obtain certificates from the board of commissioners appointed to ascertain the claims to lands in the Mississippi territory, shall be allowed three months after the respective date of such certificates, for entering the same with the register of the proper land-office; and certificates, thus entered, shall have the same force and effect, as if they had been duly entered with the said register, on or before the first day of January, one thousand eight hundred and five.

Persons obtaining certificates from the board of commissioners in the Mississippi territory, allowed a further time for entering them.

Sec. 2. *And be it further enacted*, That the commissioners appointed to ascertain the claims to lands, in the above-mentioned territory, east of Pearl river, shall be authorized to grant certificates for lands lying in the island known by the name of Nannee Hubba, formed by the cut off of the river Tombigbee and Alabamaha; and persons having claims for lands lying either in said island, or east of the Tombigbee and Alabamaha rivers, shall be permitted to file the same with the register of the land-office, till the first day of May, one thousand eight hundred and five; and the commissioners shall decide on the same, in the same manner as if they had been presented before the thirty-first day of March, one thousand eight hundred and four.

Commissioners appointed to ascertain the claims to land in the Mississippi territory, east of Pearl river, authorized to grant certificates for land in the island of Nannee Hubba; and persons having claims permitted to file them before the 1st May, 1805.

Sec. 3. *And be it further enacted*, That each of the last mentioned commissioners, shall be allowed at the rate of six dollars a day, for every day he shall attend, subsequent to the first day of April, one thousand

Per diem allowances to the

(a) See notes to act of March 27, 1804, chap. 61.

commissioners for their attendance after 1st April.

Whole additional allowance limited.

Compensations of the clerks of the boards of commissioners in the Mississippi territory.

eight hundred and five: *Provided*, that such additional allowance shall not exceed five hundred dollars for each commissioner.

Sec. 4. *And be it further enacted*, That the clerk of each of the boards of commissioners appointed to ascertain the claims to lands in the above-mentioned territory, shall be allowed at the rate of seven hundred and fifty dollars a year, from the time when he entered on the duties of his office, to the time when the board shall adjourn sine die.

Claimants under British grants legally and fully completed, allowed a further time for filing their claims.

Register to make report to Secretary of the Treasury of the grants thus recorded.

The lands included in the grants not to be disposed of for one year.

Grants not filed, &c. according to this act to be no bar to other Spanish and American grants.

Sec. 5. *And be it further enacted*, That persons claiming lands in the Mississippi territory, by virtue of British grants, legally and fully completed, who may not have filed their claims with the proper register of the land-office, in conformity with the provisions heretofore made for that purpose, may, until the first day of December one thousand eight hundred and five, file such claims with the register of the land-office west of Pearl river, and have the same recorded. And the said register shall, on or before the first day of January, one thousand eight hundred and six, make to the Secretary of the Treasury, a full report of all the British grants thus recorded; which report shall immediately after be laid before Congress. The lands contained in such grants shall not be otherwise disposed of until the end of one year, after that time. And if any such person shall neglect to file such British grant, and to have the same recorded, in the manner and time hereby provided, neither such grant nor any other evidence of such claim, which shall not have been recorded as above directed, shall ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States, or against any title legally and fully executed, derived from the Spanish government;—any act or acts to the contrary notwithstanding.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

Chap. XXVI.—*An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.*(a)

The titles of persons residing in the ced-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons,

(a) Acts which have been passed relative to lands and land titles in Louisiana:—An act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 14, 15. An act for ascertaining and adjusting the titles and claims within the territory of Orleans, and the district of Louisiana, March 2, 1805, chap. 26. An act supplementary to an act entitled, "An act for ascertaining and adjusting the titles and claims to lands within the territory of Orleans, and the district of Louisiana," April 21, 1806, chap. 39. An act respecting claims to lands in the territories of Orleans and Louisiana, March 3, 1807, chap. 36. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, February 15, 1811. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 16, 1811, March 3, 1811, chap. 46. An act giving further time for registering claims to lands in the western district of the territory of Orleans, March 10, 1812, chap. 38. An act for ascertaining the title and claims to land, in that part of Louisiana which lies east of the river Mississippi and the island of New Orleans, April 25, 1812, chap. 67. An act giving validity to the sale of certain tracts of public land, sold in the western district of the territory of Orleans, now the state of Louisiana, July 1, 1812, chap. 118. An act giving further time for registering claims to land in the eastern and western districts of the territory of Orleans, now state of Louisiana, February 27, 1813, chap. 38. An act for the final adjustment of land titles in the state of Louisiana and territory of Mississippi, April 12, 1814, chap. 52. An act supplementary to an act for ascertaining the titles and claims to land in that part of Louisiana which lies east of the river Mississippi and island of New Orleans, April 18, 1814, chap. 85. An act concerning certificates of confirmation of claims to lands in the state of Louisiana, April 18, 1814, chap. 93. An act to provide for the appointment of a surveyor of the public lands in the territories of Illinois and Missouri, April 29, 1816, chap. 151, sec. 3. An act for the confirmation of certain claims in the western district of Louisiana, and in the territory of Missouri, April 29, 1816, chap. 159. An act concerning pre-emption rights given in the purchase of lands to certain settlers in the state of Louisiana, and in the territory of Missouri and Illinois, April 29, 1816, chap. 162. An act explanatory of the act entitled, "An act for the final adjustment of the land titles in the state of Louisiana, and territory of Missouri," March 3, 1819, chap. 84. An act to authorize the President of the United States to take possession of East and West Florida, and to establish a temporary government therein, March 3, 1819, chap. 91. An act for adjusting the claims to land, and establishing land-offices in the districts east of the island of Orleans, March 3, 1819, chap. 98. An act confirming the titles to lots in the town of Mobile, and in the former province of West Florida, which

and the legal representatives of any person or persons, who on the first day of October, in the year one thousand eight hundred, were resident within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred, obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of said territories, any duly registered warrant, or order of survey for lands lying within the said territories to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided however*, that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years: nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.

ed territories on 1st Oct. 1800, who held lands under French or Spanish grants, to which the Indian title has been extinguished, and which were settled or occupied on that day for or by these persons, confirmed.

No such incomplete title to be confirmed unless the grantee was at its date the head of a family, or above the age of twenty-one years; nor unless the condition of the grant shall have been fulfilled.

Sec. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person, who being either the head of a family, or twenty-one years of age, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer, and in conformity with the

Grants to actual settlers of the lands occu-

claims have been favourably reported on by the commissioners appointed by the United States, May 7, 1822, chap. 122. An act supplemental to the several acts for adjusting the claims to land, and establishing land-offices in the districts east of the island of New Orleans, May 8, 1822, chap. 128. An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana, February 21, 1823, chap. 15. An act to revive and continue in force the seventh section of an act entitled, "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh of May, 1820, and for other purposes, February 28, 1823, chap. 18. An act providing for the examination of the titles to land in that part of the state of Louisiana, situated between the Rio Hondo and the Sabine river, March 3, 1823, chap. 29. An act supplementary to the several acts for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, May 26, 1824, chap. 175. An act supplementary to an act providing for the examination of the titles to land in that part of the state of Louisiana situated between the Rio Hondo and the Sabine river, May 26, 1824, chap. 182. An act to confirm the supplementary report of the commissioners of the western district of Louisiana, March 31, 1826, chap. 18. An act to confirm certain claims to lands in the district of Opelousas in Louisiana, May 16, 1826, chap. 62. An act granting the right of preference to the purchasers of public lands in the St. Helena district in the state of Louisiana, March 19, 1828, chap. 19. An act to confirm claims to lands in the district between the Rio Hondo and Sabine river, May 24, 1828, chap. 92. An act to authorize the registers of the several land-offices in Louisiana, to receive entries of land, in certain cases, and give to purchasers thereof, certificates of the same, May 5, 1830, chap. 86. An act for the final adjustment of the land claims in the southeastern land district of the state of Louisiana, July 4, 1832, chap. 166. An act in reference to pre-emption rights in the southeastern district of Louisiana, June 28, 1834, chap. 125. An act further to provide for the location of certain land in the territory of Arkansas, June 28, 1834, chap. 106. An act for the final adjustment of claims to lands in the state of Louisiana, February 6, 1835, chap. 17. An act supplementary to an act entitled, "An act to entitle the inhabitants of Louisiana to enter the back lands," February 24, 1834, chap. 24. An act supplementary to an act of the fourth of July, one thousand eight hundred and thirty-two, entitled, "An act for the final adjustment of claims of lands in the southeastern district of Louisiana," March 3, 1835, chap. 46. An act confirming claims to lands in the state of Louisiana, July 4, 1836, chap. 358. An act supplementary to the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved June 18, 1838, June 1, 1840, chap. 12. An act to confirm land patents, March 3, 1841, chap. 13. An act to confirm certain entries of land, in the state of Louisiana, and to authorize the issuing patents for the same, April 14, 1842, chap. 10. An act confirming certain land claims in Louisiana, July 6, 1842, chap. 22. An act to set aside certain reservations of lands on account of live oak in the southeastern district of Louisiana, March 3, 1843, chap. 77.

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle, which would have been held equally sacred, although it had not been inserted in the treaty. Soulard et al. *v.* The United States, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract, those which are executory as well as those which are executed. In this respect the relation of the inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away. *Ibid.*

For the decisions of the Supreme Court on the subject of Louisiana land titles, see notes to act of March 26, 1804, chap. 38, *ante*, page 288.

pied by them, with the permission of the proper Spanish officer, and in conformity with the Spanish usages, &c.

No more than one tract to be granted to such person, and not to exceed one mile square.

This donation not to be made to any one who claims any other under a French or Spanish grant.

Territory of Orleans to be laid off into two districts, for the ascertainment of land titles therein.

A register to be appointed for this purpose in each.

His compensation, duties, &c.

Act of May 10, 1800, ch. 55.

A recorder of land titles to be appointed for Louisiana district.

His compensation, &c.

Persons claiming lands under French or Spanish grants, &c. to have their claims recorded, &c.

Record to be made before the first day of March, 1806.

By whom the foregoing claims are to be recorded, and the officer's fees, &c., for recording them.

Where lands are claimed by virtue of a complete French or Spanish grant, no other evidence of the claim to be recorded but the original grant or patent. Other deeds to be deposited with the register, and laid before the commissioners.

1806, ch. 39.

laws, usages and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land; the tract of land thus inhabited and cultivated, shall be granted: *Provided however*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than one mile square, together with such other and further quantity, as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government: *Provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

Sec. 3. *And be it further enacted*, That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct; in each of which, he shall appoint, in the recess of the Senate, but who shall be nominated at their next meeting, for their advice and consent, a register; who shall receive the same annual compensation, give security in the same manner, and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. The President of the United States shall likewise appoint a recorder of land titles in the district of Louisiana, who shall give security in the same manner, and in the same sums, and shall be entitled to the same annual compensation, as the registers of the several land-offices.

Sec. 4. *And be it further enacted*, That every person claiming lands in the above-mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the territories, may, and every person claiming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, shall, before the first day of March, one thousand eight hundred and six, deliver to the register of the land-office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and shall also, on or before that day, deliver to the said register or recorder, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the register or recorder, or by the translator herein after mentioned, in books to be kept by them for that purpose, on receiving from the parties at the rate of twelve and an half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant, or order of survey, and the plat; but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners herein after directed to be appointed,

when they shall take the claim into consideration.(a) And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void, and for ever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same, at such place in their respective districts, as the President of the United States shall direct.

Neglect to deliver notice of claim, and to record evidence of it, so far as derived under the two first sections of this act, to be forever barred.

Register and recorder to commence the execution of their offices on or before the 1st September, 1805.

Sec. 5. *And be it further enacted,* That two persons to be appointed by the President alone, for the district of Louisiana, and two persons to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans, shall, together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts, the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall, previous to their entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I do solemnly swear, (or affirm,) that I will impartially exercise and discharge the duties imposed on me by an act of Congress, intituled 'An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana,' to the best of my skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall have directed therein, for the residence of the register or recorder, on or before the first day of December next, and they shall not adjourn to any other place, nor for a longer time than three days, until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. Each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths, to compel the attendance of, and examine witnesses, and such other testimony as may be adduced, to demand and obtain from the proper officer and officers, all public records, in which grants of land, warrants, or orders of survey, or any other evidence of claims to land, derived from either the French or Spanish governments, may have been recorded; to take transcripts of such record or records, or of any part thereof; to have access to all other records of a public nature, relative to the granting, sale, transfer, or titles of lands, within their respective districts; and to decide in a summary way, according to justice and equity, on all claims filed with the register or recorder, in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which, though not thus filed, may be found of record on the public records of such grants; which decisions shall be laid before Congress in the manner herein after directed, and be subject to their determination thereon: *Provided however*, that nothing in this act contained, shall be construed so as to recognize any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, or to authorize the commissioners aforesaid to make any decision thereon.

Commissioners to be appointed for the district of Louisiana, and the districts to be laid off under this act for ascertaining land titles, &c.

The oath of office which they must take.

Commissioners to meet in their respective districts at such places as may be the residence of the recorders, registers, &c. on or before the 1st December, and not to adjourn until they shall have finished their business.

Powers of the boards of commissioners.

To administer oaths, compel the attendance of witnesses, demand all public records of grants of land.

To take transcripts of records.

To decide summarily according to justice and equity on all complete titles under French or Spanish grants.

Decisions of the boards to be laid before Congress.

(a) By the 3rd section of the act of February 28, 1806, chap. 11, the claimants to lands within the territory of Louisiana, whose tracts have not been surveyed by the officers of the Spanish government prior to 20th December, 1803, are exempted from these provisions.

No title under a grant subsequent to October 1, 1800, to be recognized.

The boards to appoint a clerk.

His duties.

Transcripts of decisions in favor of claimants to be delivered to the surveyor-general, and the Secretary of the Treasury.

Reports of rejected claims likewise to be made, and filed in the proper land-office, and to be laid by the Secretary of the Treasury before Congress.

The said boards respectively shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made, which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land-offices, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favour of the claimants to land; both of which shall be signed by a majority of the said commissioners, and one of which shall be transmitted to the officer exercising in the district the authority of surveyor-general; and the other to the Secretary of the Treasury. It shall likewise be the duty of the said commissioners, to make to the Secretary of the Treasury a full report of all the claims filed with the register of the proper land-office, or recorder of land titles, as above directed, which may have been rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper; which reports, together with the transcripts of the decisions of the commissioners in favour of the claimants, shall be laid by the Secretary of the Treasury before Congress, at their next ensuing meeting. When any Spanish or French grant, warrant, or order of survey, as aforesaid, shall be produced to either of the said boards, for lands, which were not at the date of such grant, warrant, or order of survey, or within one year thereafter, inhabited, cultivated, or occupied, by or for the use of the grantee; or whenever either of the said boards shall not be satisfied that such grant, warrant, or order of survey, did issue at the time when the same bears date, but that the same is antedated or otherwise fraudulent; the said commissioners shall not be bound to consider such grant, warrant, or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of two thousand dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation, to wit: "I do solemnly swear, (or affirm,) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners, for examining the claims to land, as enjoined by an act of Congress, intituled 'An act ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana.'" Which oath or affirmation shall be entered on the minutes of the board.

Grants antedated or otherwise defective, not to be considered as conclusive evidence of title.

Compensations of the commissioners' clerks, &c.

Their oaths of office, &c.

Agents to be employed for each board of commissioners.

Their compensations not to exceed 1500 dollars each.

Their duties.

Agent for the district of Louisiana to collect information concerning the title to the lead mines, and lay it before the commissioners.

Board of commissioners to employ a translator, to assist in the despatch of business, and to record Span-

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as said agents may deem fraudulent and unfounded. It shall also be the duty of the said agent for the district of Louisiana, to examine into and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power, with respect to the claims to, and value of the said mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon, to the Secretary of the Treasury, to be by him laid before Congress, at their next ensuing session. The said board of commissioners shall each be authorized to employ a translator of the Spanish and French languages, to assist them in the despatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidences of claims on the registers' books. The said translator shall receive, for the recording done by him, the fees already

provided by law, and may be allowed, not exceeding fifty dollars, for every month he shall be employed; provided that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars.

ish or French claims. &c.

Fees to the translator.

Sec. 7. *And be it further enacted,* That the powers vested by law in the surveyor of the lands of the United States, south of the state of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been, or shall hereafter be extinguished, within the said territory of Orleans; and it shall be the duty of the said surveyor to cause such of the said lands, as the President of the United States shall expressly direct, to be surveyed, and divided, as nearly as the nature of the country will admit, in the same manner, and under the same regulations as is provided by law, in relation to the lands of the United States northwest of the river Ohio, and above the mouth of Kentucky river.

Powers of the surveyor of lands south of the state of Tennessee to extend over those of the U. States, &c.

Made his duty to cause these lands to be surveyed and divided.

Sec. 8. *And be it further enacted,* That the location, or locations of lands which Major General La Fayette is by law authorized to make on any lands, the property of the United States, in the territory of Orleans, shall be made with the register or registers of the land-offices established by this act in the said territory: the surveys thereof shall be executed under the authority of the surveyor of the lands of the United States, south of Tennessee; and a patent or patents therefor shall issue, on presenting such surveys to the Secretary of the Treasury, together with a certificate of the proper register, or registers, stating that the land is not rightfully claimed by any other person: *Provided,* that no location or survey made by virtue of this section shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

Gen. La Fayette's locations.

How and where to be made.

Proviso.

Sec. 9. *And be it further enacted,* That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

Appropriation for carrying this law into effect.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

Chap. XXVII.—*An Act to authorize the Secretary of War to issue military land warrants, and for other purposes.*

Act of May 18, 1796, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is authorized from and after the passing of this act, to issue warrants for military bounty lands to the sixty-three persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same, to the Secretary of War; and also, to such persons as shall, before the first day of April next, produce to him satisfactory evidence of the validity of their claims, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, intituled "An act in addition to an act, intituled An act in addition to 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."

Act of April 15, 1806, ch. 24.

Secretary of war authorized to issue warrants for military bounty land to certain persons referred to; and to others producing satisfactory evidence of their claims before the 1st April, &c.

Sec. 2. *And be it further enacted,* That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, intituled "An act in addition to an act, entituled 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."

Where the foregoing warrants may be located.

1802, ch. 30.

Sec. 3. *And be it further enacted,* That the act, intituled "An act in addition to an act, intituled An act in addition to an act, regulating the

Former act continued in

force until the 1st March.

1802, ch. 30.

grants of lands appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen," approved the twenty-sixth day of April, eighteen hundred and two, be, and the same is hereby continued in force until the first day of March, eighteen hundred and six.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

Act of June 20, 1790, ch. 29.

Regulations of the 8th section of the act referred to, so far as that section relates to a medicine chest for a vessel of 150 tons, extended to smaller vessels, &c.

Chap. XXVIII.—*An Act to amend the act, intituled "An act for the government and regulation of seamen in the merchants' service."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions, regulations, and penalties which are contained in the eighth section of the act, intituled "An act for the government and regulation of seamen in the merchants' service," so far as relates to a chest of medicines to be provided for vessels of one hundred and fifty tons burthen and upwards, shall be extended to all merchant vessels of the burthen of seventy-five tons, or upwards, navigated with six persons or more, in the whole, and bound from the United States to any port or ports in the West Indies.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

Appropriation for building a number of gun boats.

Chap. XXIX.—*An Act to appropriate a sum of money for the purpose of building Gun Boats.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for the purpose of enabling the President to cause to be built a number of gun boats, not exceeding twenty-five, for the better protection of the ports and harbors of the United States.

Approved, March 2, 1805.

Statute II.

March 2, 1805.

President authorized to grant permission for opening and improving a road from Brooklyn ferry, &c., in New York, to erect a bridge across a part of the navy yard of the U. S. in said town, &c.

Chap. XXX.—*An Act to authorize the erection of a bridge across a mill pond and marsh in the Navy Yard, belonging to the United States, in the town of Brooklyn, in the state of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized, by a proper instrument in writing under his hand, in due form, to grant to such person or persons, or body corporate, by their proper name of incorporation, as shall be authorized by an act of the legislature of the state of New York, to open and improve a road from Brooklyn ferry, in that state, along the shore of the Wallaboght, to Bushwick, to erect a bridge across the mill pond and marsh, being part of the navy yard belonging to the United States, in the said town of Brooklyn, and to maintain such bridge under such restrictions and on such conditions as he shall prescribe: *Provided nevertheless,* that if, at any future time, it shall appear to the President of the United States, that the property of the United States is injured by such bridge, he may revoke the permission granted by him for erecting the same:

Proviso.

Proviso.

And provided also, That no toll shall be demanded at any time for any article the property of the United States which may be conveyed to or for their use, over or across the said bridge, or from any person or persons employed in the said navy yard, who may pass or repass on the said bridge.

Approved, March 2, 1805.

Statute II.

March 3, 1805.

Chap. XXXI.—*An Act further providing for the government of the district of Louisiana.*(a)

District of Louisiana changed into that of the territory of Louisiana, with a different government.

1804, ch. 38.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the country ceded by France to the United States, under the general name of Louisiana, which, by an act of the last session of Congress, was erected into a separate district, to be called the district of Louisiana, shall henceforth be known and designated by the name and title of the Territory of Louisiana, the government whereof shall be organized and administered as follows:

Executive power vested in a governor.

How appointed, &c.

The executive power shall be vested in a governor, who shall reside in said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory, superintendent ex officio of Indian affairs, and shall appoint and commission all officers in the same, below the rank of general officers; shall have power to grant pardons for offences against the same, and reprieves for those against the United States, until the decision of the President thereon shall be known.

His powers and authorities.

Secretary to be appointed—

His duties, &c.

Sec. 2. There shall be a secretary, whose commission shall continue in force for four years, unless sooner revoked by the President of the United States, who shall reside in the said territory, and whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and of the legislative body, and transmit authentic copies of the same every six months, to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be exercised by the secretary.

Legislative powers, in whom and how vested.

No law to be valid if inconsistent with the constitution and laws of the United States.

All criminal trials shall be by jury.

Laws to be published and laid before Congress, and if disapproved of by Congress to cease.

Sec. 3. The legislative power shall (be) vested in the governor and in three judges, or a majority of them, who shall have power to establish inferior courts in the said territory, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, that no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship, in all of which he shall be free to maintain his own and not be burthened with those of another. *And provided also*, that in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. And the governor shall publish throughout the said territory, all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease and be of no effect.

Judges to be appointed, to hold their offices for four years, to hold two courts in a year.

At what place.

Their jurisdiction.

Sec. 4. There shall be appointed three judges, who shall hold their offices for the term of four years, who, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general: shall possess the same jurisdiction which is possessed by the judges of the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of.

Governor to lay out the territory into districts, &c.

Sec. 5. *And be it further enacted*, That for the more convenient distribution of justice, the prevention of crimes and injuries, and execution of process criminal and civil, the governor shall proceed from time

(a) By the act of June 4, 1812, chap. 95, entitled, "An act for providing for the government of the territory of Missouri," the territory of Louisiana shall be called "Missouri."

to time as circumstances may require, to lay out those parts of the territory in which the Indian title shall have been extinguished, into districts, subject to such alteration as may be found necessary; and he shall appoint thereto such magistrates and other civil officers as he may deem necessary, whose several powers and authorities shall be regulated and defined by law.

To appoint magistrates, &c. for the same.

Sec. 6. *And be it further enacted*, That the governor, secretary and judges, to be appointed by virtue of this act, shall respectively receive the same compensations for their services as are by law established for similar offices in the Indiana territory, to be paid quarter yearly out of the treasury of the United States.

Compensations of the Governor, &c.

Sec. 7. *And be it further enacted*, That the governor, secretary, judges, justices of the peace, and all other officers civil or military, before they enter upon the duties of their respective offices, shall take an oath, or affirmation, to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary and judges before the governor; and all other officers before such person as the governor shall direct.

Oaths of office of the Governor, &c.

Before whom the oaths of office shall be taken.

Sec. 8. *And be it further enacted*, That the governor, secretary, and judges, to be appointed by virtue of this act, and all the additional officers authorized thereby, or by the act for erecting Louisiana into two territories, and providing for the temporary government thereof, shall be appointed by the President of the United States, in the recess of the Senate, but shall be nominated at their next meeting for their advice and consent.

Governor, &c. to be appointed by the President during the recess of the Senate; but to be nominated by him at the next succeeding session for the Senate's concurrence.

Sec. 9. *And be it further enacted*, That the laws and regulations, in force in the said district, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

Laws in force to continue in force, unless they be inconsistent with the act.

Sec. 10. *And be it further enacted*, That so much of an act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant to this act, shall, from and after the fourth day of July next, be repealed, on which said fourth day of July, this act shall commence and have full force.

Repeal of part of a former law. Act of March 26, 1804, ch. 38.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XXXII.—*An Act to amend the charter of Georgetown.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the second Monday in March current, the corporation of Georgetown, in the district of Columbia, shall be divided into two branches; the first branch to be composed of five members, and a recorder, and to be called "the board of aldermen;" and the second branch to be composed of eleven members, and to be called "the board of common council-men;" which said two branches shall be elected as hereafter particularly provided.

Corporation of Georgetown divided into two branches, after the 2nd Monday in March.

The first, how constituted.

The second, how constituted.

Sec. 2. *And be it further enacted*, That after the passage of this act, and before the said day above mentioned, the present members of the said corporation shall meet at their usual place of meeting, and then and there choose, by ballot, from their body, five persons to compose the said board of aldermen, which said persons, when chosen as aforesaid, shall compose the said board of aldermen, and be, and continue such, until the fourth Monday in February, one thousand eight hundred and six; and that the present recorder of the said corporation shall be the president of the said board of aldermen until the time last aforesaid: that

Members of the corporation forthwith to choose by ballot out of their own body, the board of aldermen, or 1st branch.

Term of their service.

Present recorder to be the

the other members of the said corporation, (except the mayor,) shall compose the said second branch, called the board of common council-men, and be and continue such, until the time aforesaid, and shall choose out of their own body a president, to be and continue such until the time aforesaid; and when thus organized, said corporation shall have, exercise, and possess, all the powers and rights now vested in the said corporation, and to be herein and hereby vested in them.

president of the board of aldermen.

2nd branch or board of common council-men, to be composed of the other members of the corporation.

Powers, &c.

Sec. 3. *And be it further enacted*, That the present mayor of the corporation of Georgetown, shall be, and continue such, until the first Monday of January next.

Sec. 4. *And be it further enacted*, That on the fourth Monday of February next, the free white male citizens of Georgetown, of full age, and having resided within the town aforesaid, twelve months previously, and having paid tax to the corporation, shall assemble at a place to be appointed, as hereafter directed, and then and there shall proceed to elect, by ballot, five fit and proper persons, citizens of the United States, and residents of the said town, one whole year next before the said day of election, above twenty-one years of age, and having paid a tax to said corporation, to compose the said board of aldermen; and shall also, at the same time, proceed as aforesaid, to elect eleven fit and proper persons, having the qualifications last aforesaid, to compose the said board of common council; the said board of aldermen to continue two years, and the said board of common council to continue one year: and the said mayor, together with such other fit persons as shall be named and appointed by the said corporation, shall be judges of the election, and the five persons voted for as aldermen, who shall have the greatest number of legal votes, on the final casting up of the polls, shall be declared duly elected for the board of aldermen: and the eleven persons voted for as common council, who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected for the board of common council; and that the like election for aldermen be held on the fourth Monday in February, every two years thereafter; and for the said common council, on the said fourth Monday in February, annually, for ever thereafter.

An election to be held.

Qualifications of the voters.

For the board of aldermen, and of that of the common council-men.

Term of the service of the members of each Board.

Mayor, &c. to be judges of the elections.

Annual and biennial elections for the aldermen and common council-men, to be held.

Sec. 5. *And be it further enacted*, That on the first Monday of January next, and on the same day, annually, for ever thereafter, the said corporation shall, by a joint ballot of the said two branches present, choose some fit and proper person to be mayor of the said corporation, and some fit and proper person, learned in the law, to be the recorder of the said corporation, to continue in office one year.

Two branches, by joint votes, to make annual appointments of a mayor and recorder.

Sec. 6. *And be it further enacted*, That the said mayor, before he acts as such, and the said recorder, before he acts as such, shall, respectively, make oath, before some justice of the peace, for the county of Washington aforesaid, in the presence of both branches of the said corporation, that he will well and faithfully discharge the several and respective duties of his office; and that each member of the said two branches shall, before he acts as such, in the presence of the corporation, take an oath to discharge the duties and trust reposed in him, with integrity and fidelity.

Oaths of office, &c.

Sec. 7. *And be it further enacted*, That four members of the board of aldermen, and seven members of the board of common council, shall form a quorum to do business: the said corporation shall hold two sessions in each year; one to commence on the first Monday in March, and the other on the first Monday in December, with power to adjourn from day to day, to be held at such place as the mayor may designate, not otherwise provided for by ordinance: *Provided always*, that the mayor shall have power, on urgent occasions, to convene said corporation, on application of at least five members, in writing, giving reasonable notice of such intended meeting.

Quorums for doing business.

Semi-annual sessions to be held.

Proviso.

The two branches to be judges of the elections and returns of their own members, &c.

Ordinances may originate in either branch, but must be approved of by the mayor to become laws; if approved of to be signed by him. If disapproved of, to be returned with his objections in writing, &c. upon a reconsideration, on a majority of two thirds, to become laws.

Clerk of the corporation to record the laws and resolutions and to have them published.

Recorder to have a casting vote.

Same power given to the President of the 2nd branch.

Mayor to see that the laws be executed, &c. &c.

Delinquents may be removed from office by the corporation.

Mayor to lay before the corporation, in writing, such alterations in the laws, as he may deem necessary; to exercise the powers of a justice of the peace, and to receive an annual compensation.

Qualifications of the Mayor.

Vacancies in either branch, how to be supplied.

Corporation to fill the vacancies in the offices of mayor and recorder.

Specific powers of the corporation.

Sec. 8. *And be it further enacted*, That each of the said branches shall judge of the elections, qualifications and returns of its own members, and may compel the attendance of the members of each branch by reasonable penalties: and either branch shall have power to appoint their president, pro tempore, in case of the absence of the one duly chosen, as aforesaid. Any ordinance may originate in either branch, and no ordinance shall be passed, but by a majority of both branches, nor unless it shall pass both branches during the same session, and be approved of by the mayor, who shall sign the same, unless he objects thereto, within forty-eight hours from the time the same is presented to him for signature; if he does so object, he shall immediately return the same to the said corporation, with his objections, in writing, and if on reconsideration, two thirds of each branch of the corporation shall be of opinion that the said law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law; and he shall sign the same; if the said mayor shall not return his objections to the same, to the said corporation, within the time aforesaid, it shall become a law, and shall be signed by him; the clerk of the corporation shall record in a book to be kept by him for that purpose, all the laws and resolutions which shall be passed as aforesaid, and deliver a copy of them to the public printer, to be printed by him for the use of the people.

Sec. 9. *And be it further enacted*, That in case the aldermen composing the first branch shall, at any time, on any question before them, be equally divided, the recorder shall have the casting vote, and determine such question to the same effect as if the same had been determined by a majority of the aldermen present; and similar power is hereby given to the president of the second branch in case of an equal division in that body.

Sec. 10. *And be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed, and to report the negligence or misconduct of any officer to the said corporation, who on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures thereupon as shall be just and lawful; he shall lay before the said corporation, from time to time, in writing, such alterations in the laws of the said corporation as he shall deem necessary and proper; he shall have and exercise the powers of a justice of the peace in the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the said corporation; no person shall be eligible to the said office of mayor unless a citizen of the United States, of the age of thirty years, a resident of the said town for five years then last past, and unless he shall have paid a tax to said corporation.

Sec. 11. *And be it further enacted*, That in case of a vacancy in either branch of the said corporation, by death, removal, or otherwise, of either of the members, a fit person or persons qualified, as aforesaid, shall be elected by the people, in the manner aforesaid, to fill such vacancy immediately thereafter; the mayor giving however at least five days' notice of such election: and in case of the vacancy of the mayor or recorder, the said corporation shall, within five days thereafter, as herein before directed, proceed to the choice of a fit person or persons, qualified, as aforesaid, to fill his or their place.

Sec. 12. *And be it further enacted*, That the said corporation shall have power to impose a tax, not exceeding in any one year, fifty cents in the hundred dollars, on all property within the said town; and the sessions of the said corporation shall be held as heretofore, until the said second Monday in March current; and the said corporation shall have, possess and enjoy, all the rights, immunities, privileges and powers heretofore enjoyed by them; and shall be called by the same name as heretofore, and shall have perpetual succession; and in addition thereto,

they shall have power to regulate the inspection of flour and tobacco in said town; to prevent the introduction of contagious diseases within said town and precincts; to establish night watches and patroles, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for regulating and licensing ordinaries, auctions and retailers of liquors, hackney carriages, wagons, carts and drays within said town and precincts; to restrain or prohibit gambling; to provide for licensing, regulating or restraining theatrical or other public amusements; to regulate and establish markets; to pass all laws for the regulation of weights and measures; to provide for the licensing and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks to be made and used within said town; the inspection of salted provisions, and the assize of bread; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to erect workhouses; to open, extend, and regulate streets within the limits of the said town; provided they make to the person or persons who may be injured by such opening, extension or regulation just and adequate compensation, to be ascertained by the verdict of an impartial jury, to be summoned and sworn by a justice of the peace of the county of Washington, and to be formed of twenty-three men, who shall proceed in like manner as has been usual in other cases where private property has been condemned for public use; and they shall have the power of restraining, regulating and directing the manner of building wharves and docks; also to direct the manner in which the improvements thereon to be erected, shall be made, so that they may not become injurious to the health of the town; in addition to the power heretofore granted to the said corporation by the act of Congress, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," of laying a tax of two dollars per foot front for paving the streets, lanes and alleys of the said town; they shall have the power upon petition, in writing, of a majority of the holders of the real property fronting on any street or alley, if, in their judgment it shall be deemed necessary, to lay such further and additional sum on each front foot, on said street, or part of a street, as will be sufficient to pave said street or part of a street, lane or alley, so petitioned for; and the like remedy shall be used for the recovery thereof, as is now used for the recovery of the public county taxes in the said county of Washington; and they shall have power by ordinance to direct or order the paved streets to be cleansed and kept clean, and appoint an officer for that purpose; to make and keep in repair all necessary sewers and drains, and to pass regulations necessary for the preservation of the same.

Specific powers of the corporation.

1802, ch. 52.

Sec. 13. *And be it further enacted,* That the duties on all licenses to be granted as aforesaid, shall be to and for the proper use and benefit of the said corporation; and the said corporation shall have power to pass all laws not inconsistent with the laws of the United States, which may be necessary to give effect and operation to all the powers vested in the said corporation; and to appoint constables and collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, whose duties and powers shall be prescribed in such manner as the said corporation shall deem fit for the purpose aforesaid.

Duties on licenses to enure to the benefit of the corporation.

Further grant of powers to the corporation.

Sec. 14. *And be it further enacted,* That the jurisdiction of the said corporation shall extend to the limits of the original plan of said town, and to such additions as are recognized by law; and that a survey as soon as conveniently may be after the passage of this law, shall be made, under the direction of the said corporation, ascertaining said limits,

Local extent of the corporation's jurisdiction.

A survey to be made to ascertain the precise limits.

and a plat thereof made and returned to said corporation, which, when approved of by them, shall be preserved, and become a record.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XXXIII.—*An Act supplementary to the act intituled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic Majesty."*

1802, ch. 49. Last payment due under the convention may be made in Great Britain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to cause the last payment due under the convention of the eighth day of January, one thousand eight hundred and two, between the United States of America and his Britannic majesty, to be made in Great Britain: *Provided,* that the same may be effected without any risk to the United States.

Proviso.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XXXIV.—*An Act to establish the districts of Gennessee, of Buffaloe Creek, and of Miami; and to alter the port of entry of the district of Erie.*

District of Gennessee established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of March next, all the shores and waters of the lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the westward of the western extremity of Sodus bay, but excluding all the rivers and waters emptying into the said bay, and to the eastward of the eastern extremity of a certain creek or bay, lying between Niagara and the Gennessee river, and known by the name of Oak Orchard creek, shall be a district, to be called the district of Gennessee, of which the river Gennessee shall be the sole port of entry; and a collector for said district shall be appointed, to reside on the river Gennessee.

The river Gennessee a port of entry. Collector to be appointed, &c.

District of Buffaloe creek established.

Sec. 2. *And be it further enacted,* That all the shores, rivers and waters heretofore belonging to the district of Niagara, which empty into Lake Erie, or into the river Niagara, above the falls of Niagara, shall, from and after the thirty-first day of March next, be a district, to be called the district of Buffaloe Creek, of which Buffaloe Creek shall be the sole port of entry; and a collector for the said district shall be appointed, to reside on Buffaloe Creek.

Collector to be appointed &c. &c.

District of Miami established.

Sec. 3. *And be it further enacted,* That from and after the thirty-first day of March next, all the shores, rivers and waters of Lake Erie, within the jurisdiction of the United States, which lie between the west bank of Vermilion river, and the north cape, or extremity of Miami bay, into which the river Miami of Lake Erie empties itself, and including all the waters of the said river Miami, shall be a district, to be called the district of Miami; and the President of the United States is authorized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish, not exceeding two other places, to be ports of delivery only; and a collector for the said district shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established, as aforesaid.

Port of entry at or near Sandusky, and two others, in the discretion of the President, may be established as ports of delivery—collector and surveyors to be appointed, &c. &c.

President may designate port of entry in district of Erie.

Sec. 4. *And be it further enacted,* That the President be, and he is hereby authorized to designate such place in the district of Erie, as he shall judge expedient, to be the port of entry of the said district.

Allowances to the officers to

Sec. 5. *And be it further enacted,* That the several collectors and surveyors who may be appointed by virtue of this act, or by virtue of the

third section of an act passed the third of March, one thousand eight hundred and three, which authorizes the establishment of a new collection district on Lake Ontario, in addition to the fees and commissions allowed by law, respectively, receive the same annual salary, which by law is allowed to the collectors and surveyors of the several districts comprising the northern and western boundaries of the United States.

be appointed under this act.

1799, ch. 23.
1803, ch. 26.

Approved, March 3, 1805.

Statute I.

March 3, 1805.

[Repealed.]

Post roads discontinued.

Act of April 30, 1810, ch. 37.

Chap. XXXV.—*An Act further to alter and establish certain post roads; and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be discontinued, namely:

From Williesville by Waldon's store, Speed's and Wilson's, Sterling Yancey's and Norman's store, to Person Courthouse in North Carolina.

From Wilkes to Ash Courthouse, in North Carolina.

From New Dublin by Tazewell, Russell and Lee Courthouse, to Cumberland Gap in Virginia:

From Georgetown by Concord and Laurel, to Salisbury in Maryland.

From Ringo's tavern, to Flemington in New Jersey.

From Worcester to Lancaster in Massachusetts.

From Springfield to Northampton.

From Boston to Bridgewater.

From Vincennes to Kaskaskias.

From Annapolis by Kent Island and Queenstown to Centreville.

Sec. 2. *And be it further enacted,* That the following post roads be established:

Post roads established.

In Massachusetts.—From Worcester by Holden, Rutland, Hubbardstown, Templeton, Winchendon and Fitzwilliam, to Keen in New Hampshire; from Weymouth landing by Abington, East Bridgewater and West Bridgewater, to Taunton.

In New Jersey.—From Cooper's ferry by Haddinfield, Longacoming, Blue Anchor, Great Egg Harbor, River Bridge and Somers Point, to Absecome in Gallaway township.

In Pennsylvania.—From Alexandria by Centre Furnace and Bellefont, to Williamsport; from Bristol by Attleboro, Newtown and Doylestown, to Quakertown; from New Hope through Doylestown, Montgomery's Square, to Norristown; from Norristown by Pawlingsford, Pughtown, Morgantown, Churchtown and New Holland, to Lancaster; from Philadelphia through Germantown, White Marsh, Montgomery Square and Quakertown, to Bethlehem; from Bethlehem by Lausanne to Berwic; from Presqu'ille to Buffaloe Creek.

In Maryland.—From Annapolis by Rockhall to Chestertown.

In Virginia.—From Randolph Courthouse, to Frankfort; from Genito by Carsell's store to Amelia Courthouse, from thence to Perkinsonville; from Prince Edward Courthouse, by Hunter's tavern, to Lynchburg; from Lynchburg, by Campbell and Pittsylvania Courthouse, to Danville; from Smithfield by Sleepy Hole ferry to Portsmouth; from Sleepy Hole to Suffolk.

In North Carolina.—From Williamsboro', by Bullock's and Brown's stores, Sterlingville and the Red House, in Caswell county, to Caswell Courthouse; from Richland, by Onslow Courthouse, to Swanborough; from Raleigh, by Paul's ferry on Neuse, cross-roads at Watson's, Little river at Richardson's, Contentney at Woodward's, Tossnot at Dew's, to Tarborough; from Greensville Courthouse, in the state of South Carolina, to Ashville in the state of North Carolina.

(a) By the 2d section of the act of April 30, 1810, chap. 37, all post roads established by any previous act of Congress, were discontinued.

Post roads established.

In Georgia.—From Darien, by Tatnall and Montgomery Courthouse, to Fort Wilkinson; from Washington in Kentucky, to Cincinnati in Ohio.

In Indiana.—From Vincennes to Cahokia.

In Upper Louisiana.—From St. Louis to St. Charles.

In Orleans Territory.—From Natchez, in the Mississippi territory, by Caddy's ferry, Cahola and Rapid Settlements, to Natchitoches; from Washington City, by Athens in Georgia, to New Orleans; and from Knoxville in Tennessee to the Tombigby settlements in the Mississippi territory, so as to intersect the post road from Athens in Georgia to New Orleans, at the most convenient point between Athens and the said settlements.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XXXVI.—*An Act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse.*

Appropriation for carrying Indian treaties into effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses, that may arise in carrying into effect the treaties lately made between the United States and the tribes of Indians, called the Delawares, Piankeshaws, Sacs and Foxes, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same are hereby appropriated for the payment of the annuities stipulated in the said treaties to be paid to the said Indians; that is to say, to the Delawares, three hundred dollars, annually, for five years, and the further sum of three hundred dollars, annually, for ten years: to the Piankeshaws, annually, for ten years, the sum of two hundred dollars; and to the Sacs and Foxes, one thousand dollars, annually, so long as the treaty with them shall continue in force.

Annuity to the Delawares.

To the Piankeshaws.

To the Sacs and Foxes.

Appropriation for exploring Indian country.

Sec. 2. *And be it further enacted,* That for the purpose of exploring the Indian country, and of ascertaining proper and convenient places for establishing trading houses with the different Indian tribes within the territory of the United States, a sum of five thousand dollars be, and the same is hereby appropriated out of any monies in the treasury, not otherwise appropriated.

For establishing additional trading houses with Indian tribes.

Act of April 18, 1796, ch. 13.

Sec. 3. *And be it further enacted,* That for the purpose of establishing additional trading houses with the Indian tribes, a sum not exceeding one hundred thousand dollars, be, and the same is hereby appropriated, (the balance of a former appropriation being carried to the credit of the surplus fund) to be paid out of any monies in the treasury, not otherwise appropriated.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XXXVIII.—*An Act to extend jurisdiction in certain cases, to the Territorial Courts.*

Superior courts of the several territories of the United States invested with the jurisdiction of the district court of Kentucky, in cases in which the U. States are concerned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superior courts of the several territories of the United States, in which a district court has not been established by law, shall, in all cases in which the United States are concerned, have and exercise, within their respective territories, the same jurisdiction and powers which are by law given to, or may be exercised by the district court of Kentucky district: and writs of error and appeals shall lie, from decisions therein, to the supreme court, for the

same causes, and under the same regulations, as from the said district court of Kentucky district.(a)

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XL.—*An Act to amend an act intituled "An act for imposing more specific duties on the importation of certain articles, and also for levying and collecting light money on foreign ships or vessels, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of the act, intituled "An act for imposing more specific duties on the importation of certain articles; and also for levying and collecting light money on foreign ships or vessels, and for other purposes," shall not be deemed to operate upon unregistered ships or vessels, owned by citizens of the United States, in those cases, where such ship or vessel is in possession of a sea letter, or other regular document, issued from a custom-house of the United States, proving such ship or vessel to be American property: *Provided however,* that upon the entry of every such ship or vessel from any foreign port or place, if the same shall be at the port or place at which the owner, or any of the part owners reside, such owner or part owners shall make oath or affirmation, that the sea letter or other regular document possessed by such ship or vessel, contains the name or names of all the persons who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred since the date of such sea letter or document, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by way of trust, confidence or otherwise, in such ship or vessel. And if the owner, or any part owner, shall not reside at the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation to the like effect. And if the owner or part owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges granted by this act.

The sixth section of act for imposing more specific duties, &c. &c. not to operate upon unregistered vessels of U. States, if possessed, *bona fide,* of sea letters, &c.

Act of March 27, 1804, ch. 57.

If entry of any such ship or vessel shall be made at the port where the owner resides, he shall make oath or affirmation that the sea letter contains the names of every person who is owner or part owner of the vessel.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XLI.—*An Act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whensoever any treason, felony, misprision of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, shall hereafter be committed within the jurisdiction of the United States, and the case shall be cognizable by, or under their authority, if the person committing the same shall be on board of any foreign armed vessel, in any port or harbor of the United States, or in the waters within their jurisdiction, it shall be the duty of any judge or justice of any court of the United States, upon satisfactory proof thereof to him made, to issue his warrant specifying the nature of the offence, and directed to a marshal, commanding him to take the body of the offender, and bring him before the said judge or justice, to be dealt with according to law. And if the said marshal shall deem the ordinary posse comitatus insufficient to insure

Persons committing treason, felony, &c. &c. within the jurisdiction of the U. States, and taking refuge in foreign armed vessels in our ports, may be arrested upon the warrants of a judge or justice of the U. States.

(a) By the 10th section of the act of September 24, 1789, "An act to establish the judicial courts of the United States," chap. 20, vol. i. 77, it is provided "that the district court in Kentucky district shall, besides the jurisdiction given in the act, have jurisdiction of all other causes except appeals and writs of error, as afterwards made cognizable in a circuit court; and shall proceed thereon in the same manner as a circuit court; and writs of error and appeals shall lie from decisions therein, to the supreme court under the same regulations."

Marshals may have the aid, upon an order of the judge or justice, of any military force in his vicinity, if the *posse comitatus* be insufficient to insure the execution of process.

the execution of the said warrant, he shall apply to the said judge or justice, who shall immediately issue his order, directed to any officer having command of militia, or any officer having command of regular troops, or of armed vessels of the United States, in the vicinity, requiring him to aid the said marshal with all the force under his command, or such part as may be necessary in executing the warrant aforesaid. And the said marshal conforming himself in all things to the instructions which he shall receive from the President of the United States, or from any other person authorized by the President, shall first demand the surrender of the person charged with the offence; and if delivery be not made, or if the marshal be obstructed from making the demand, he shall use all the means in his power by force and arms, to arrest the offender, and all others who are with him, giving him aid and countenance in evading the arrest, and he shall convey the said offender and all others arrested, as aforesaid, and deliver them to the civil authority, to be dealt with according to law. If death ensue to the person ordered to be arrested, or to any of those giving him aid and countenance, it shall be justified; but if to the marshal, or to any of those supporting him in the discharge of his duty, the persons engaged in resisting the civil authority shall be punished as in cases of felonious homicide.

Justifiable homicide.

Felonious homicide.

Aid of United States to be given to executives of particular states, in order to the arrest of offenders against their laws, taking refuge in public armed vessels of foreign nations in the ports or harbors of the United States.

Sec. 2. *And be it further enacted*, That whensoever after the passage of this act any felony, misprision of felony, misdemeanor, or breach of the peace shall be committed within the body of a county in any one of the United States, and any process of law shall be issued under the authority of the state, for the purpose of arresting the offender, if the said offender shall be on board of any foreign armed vessel, in any port or harbor of the United States, and within the jurisdiction of the state in which the offence was committed, it shall be lawful for the governor or other supreme executive officer of the state in which the said offence shall have been committed, upon due proof thereof, and upon his being satisfied that the ordinary posse comitatus is insufficient to insure the execution of the said process, to issue his order directed to any officer having command of regular troops or armed vessels of the United States, in the vicinity, requiring him to aid the officer charged with the execution of the process, with all the force under his command, or such part thereof as may be necessary, in arresting the offender and all those giving aid and countenance in resisting the civil authority. And if the said offender shall flee to any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process shall be, and he is hereby authorized to pursue the said offender into such place, taking with him, if necessary, the said armed force, and there arrest him, in virtue of the said process. And if the said offender shall flee to and be on board of any foreign armed vessel being in any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process shall first demand the delivery of the said offender of and from the person or persons having charge and command of the said foreign armed vessel, declaring the authority and cause for which the demand is made; and if the said offender be not delivered according to the said demand, or if the officer charged with the execution of the process be obstructed in attempting to make the demand, then he shall use all the means in his power, by force and arms, to enter on board of the said foreign armed vessel, there to search for and arrest the said offender, and all those who are with him giving him aid and countenance, in preventing and resisting the execution of the said process; and the officer charged with the execution of the said process shall convey the said offender and deliver him over to the civil authority of the state, to be dealt with according to law; and all those arrested for being concerned in resisting the execution of

Offenders flying beyond the jurisdiction of the state and within the exclusive jurisdiction of the U. States may be pursued and taken.

Offenders flying to armed vessels in places where U. States have exclusive jurisdiction, how to be dealt with, with those who afford them aid in making resistance, &c. &c.

the process shall be delivered over to the civil authority of the United States, and shall be punished in the same manner as if they had been concerned in knowingly and wilfully obstructing, resisting or opposing any officer of the United States in serving or attempting to serve any warrant or other legal or judicial writ issued under the authority of the United States. But if any of those concerned in making the arrest be killed in a place within the exclusive jurisdiction of the United States, those engaged in resisting the civil authority shall be punished as in cases of felonious homicide; and if the person charged with the offence, or any of those concerned with him in resisting, be killed, in a place under the exclusive jurisdiction of the United States, it shall be justified.

Felonious homicide.

Justifiable homicide.

Sec. 3. *And be it further enacted*, That if any commanding officer of militia, of regular troops, or armed vessels of the United States, shall refuse to obey the requisition authorized by this act, he shall forfeit a sum not exceeding five thousand dollars.

Penalty on commanding officers of the militia who refuse to obey the requisition authorized by this act.

Sec. 4. And in order to prevent insults to the authority of the laws, whereby the peace of the United States with foreign nations may be endangered, *Be it further enacted*, That it shall be lawful for the President of the United States, either to permit or interdict at pleasure, the entrance of the harbors and waters under the jurisdiction of the United States to all armed vessels belonging to any foreign nation, and by force to repel and move them from the same, except when they shall be forced in by distress, by the dangers of the sea, by being pursued by an enemy, or when charged with dispatches or business from the government to which they belong; in which cases, as well as in all others when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbor or waters, shall take such position therein, as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States, and not conforming thereto, shall be required to depart from the United States.

The entrance, into our ports and harbors, of foreign armed vessels, may be permitted or interdicted at the pleasure of the President.

When they shall have entered, they are to conform to regulations, &c. and not conforming may be required to depart.

Sec. 5. *And be it further enacted*, That whensoever any armed vessel of a foreign nation entering the harbors or waters within the jurisdiction of the United States, and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or the militia thereof, as he shall deem necessary to compel the said armed vessel to depart; or if he shall think it proper, it shall be lawful for him to forbid, by proclamation, all intercourse with such vessel, and with every armed vessel of the same nation, and the officers and crew thereof; to prohibit all supplies and aid from being furnished them, and also to instruct the collector of the district, where such armed vessel shall be, and of any and of every other district of the United States, to refuse permission to any vessel belonging to the same nation, or to its citizens or subjects, to make entry or unlade, so long as the said armed vessel shall remain in the harbors or waters of the United States, in defiance of the public authority. And if after the publication of said proclamation, and due notice thereof, any person shall afford any aid to such armed vessel, or to any other, contrary to the prohibition contained in the said proclamation, either in repairing the said vessel, or in furnishing her, her officers or crew with supplies of any kind, or in any manner whatsoever, or if any pilot shall assist in navigating the said armed vessel, or any other, contrary to the prohibition contained in the said proclamation, unless it be for the purpose of carrying the armed vessel required to depart, as aforesaid, beyond the limits and jurisdiction of the United States, the

Force may be employed to compel the departure of foreign armed vessels.

Or all intercourse with them and others of the same nation, may be interdicted if they do not depart.

Refusal of permission to trade with the vessels of the same nation, while the offending one remains in our ports, authorized.

Penalties.

person or persons so offending, shall forfeit and pay a sum not exceeding one thousand dollars, and shall also be liable to be bound to their good behaviour.

Entrance in our ports of any officer of a foreign armed vessel committing a trespass or tort upon vessels of the U. States on the high seas forbidden.

If found in the U. States contrary to the interdiction, how to be dealt with.

Sec. 6. *And be it further enacted*, That whensoever any officer of an armed vessel commissioned by any foreign power, shall on the high seas commit any trespass or tort, or any spoliation on board any vessel of the United States, or any unlawful interruption or vexation of trading vessels actually coming to or going from the United States, it shall be lawful for the President of the United States, on satisfactory proof of the facts, by proclamation to interdict the entrance of the said officer, and of any armed vessel by him commanded within the limits of the United States, and if at any time after such proclamation made, he shall be found within the limits of the United States, he shall be liable therefor to be arrested, indicted and punished by fine and imprisonment, in any court in the United States having competent jurisdiction, and it shall be a part of the sentence that he shall within such time after the payment of his fine and the expiration of his term of imprisonment, as the court shall direct, leave the United States, never to return. And if he shall return within the limits of the United States, after the passing of such sentence, or be found therein after the period limited by the court as aforesaid, he shall again be liable to be indicted, fined and imprisoned at the discretion of the court: *Provided always*, that if the said officer shall also have committed any other offence made punishable by this act, he shall be liable to prosecution and punishment; the provisions of this section to the contrary notwithstanding.

To be liable to prosecution and punishment for other offences.

Collectors and marshals to be instructed touching the execution of this act.

Sec. 7. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and required to give, as soon as may be, after the passage of this act, to the collectors of the respective districts, and to such other persons as he may think proper, the necessary instructions for carrying this act into effect, particularly marking out the line of conduct to be observed by the marshal, and the several collectors in performing the duties enjoined by this act.

This act may be given in evidence, &c.

Sec. 8. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of, or in obedience to this act, he may plead the general issue and give this act in evidence, any law, custom or usage to the contrary, notwithstanding.

Limited to two years, and to the end of the next succeeding session of Congress.

Sec. 9. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

[Expired.]

Chap. XLII.—*An Act to regulate the clearance of armed merchant vessels.*

Owners, &c. of armed vessels bound to the W. Indies, &c. &c. to give bonds, &c. &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after due notice of this act at the several custom-houses, no vessel owned in whole, or in part, by any citizen or citizens of the United States, or by any person or persons residing within the same, or the territories thereof, and armed, or provided with the means of being armed at sea, shall receive a clearance, or be permitted to leave the port where she may be so armed, or provided, for any island in the West Indies, or for any port or place situated on the continent of America, between Cayenne and the southern boundary of Louisiana, without bond with two sufficient sureties being given by the owner or owners, agent or agents, together with the master or commander, to the use of the United States, in a sum equal to double the value of said vessel, her arms, ammunition, tackle, apparel and furniture, conditioned that such arms and ammunition shall not be used for any unlawful purposes, but merely for resistance and defence,

Arms, &c. &c. to be returned or otherwise accounted for.

in case of involuntary hostility; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any port or place in the West Indies; which bond may be sued for, and recovered with costs of suit, in the name and for the use of the United States, in any court competent to try the same.

Bonds may be sued for and recovered, &c. &c.

Sec. 2. *And be it further enacted*, That no armed merchant vessel or vessel prepared for armament, owned as aforesaid, shall receive a clearance, or be permitted to depart from any port in the United States, for any port or place, other than those described in the first section of this act, unless the owner or owners, agent or agents, and the commander of such vessel shall make oath that such vessel is not bound, or intended to proceed to any island in the West Indies, or any port or place on the continent between Cayenne and the southern boundary of Louisiana, nor on the continent of America between Cayenne and the southern boundary of Louisiana, and also unless a bond be given by the owner or owners, agent or agents, and commander, in a sum equal to double the value of such vessel, her arms, tackle, apparel and furniture, to the use of the United States, conditioned that such vessel shall not proceed to any island in the West Indies, or port on the continent as aforesaid, unless compelled thereto by unavoidable accident; and if so compelled, that no part of the cargo of such vessel shall be sold except so much thereof as may be absolutely necessary to defray the expenses necessary to enable such vessel to proceed on her intended voyage.

Armed merchant vessels, &c. &c. not to proceed to any other ports than those described in the first section of this act, &c. &c.

Sec. 3. *And be it further enacted*, That if any armed vessel, as aforesaid, shall proceed to sea without a clearance, contrary to the provision of this act, such vessel, with her arms, ammunition, tackle, apparel and furniture, shall be forfeited to the use of the United States, and be liable to be seized, prosecuted and condemned; or the value thereof may be sued for, and recovered with costs of suit, of the owner or owners of such vessel, in any court of competent jurisdiction: and the collector within whose district such forfeiture shall accrue, is hereby enjoined to cause prosecutions for the same to be commenced without delay, and prosecuted to effect.

Vessels going to sea, and armed as above, forfeited, if they depart from the U. States without the clearance prescribed in the last preceding section.

Collectors to cause prosecutions to be instituted, &c.

Sec. 4. *And be it further enacted*, That this act shall be in force until the end of the next session of Congress, and no longer.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XLIII.—*An Act supplementary to the act intituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."* (a)

Act of March, 26, 1804, ch. 35. Act of April 27, 1816, ch. 118.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands lately purchased

(a) Public lands in Indiana:—

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country in the territory northwest of the Ohio, and for confirming them in their possessions, March 3, 1791, ch. 27.

An act making provision for the disposal of the public land in the Indiana territory, and for other purposes, March 26, 1804, chap. 35.

An act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory, April 15, 1806, chap. 28.

An act confirming claims to lands in the district of Vincennes, and for other purposes, March 3, 1807, chap. 47.

An act providing for the sale of certain lands in the Indiana territory, and for other purposes, April 30, 1810, chap. 35.

An act confirming the titles of certain purchasers of lands who purchased from the board of trustees of the Vincennes University, April 27, 1816, chap. 118.

An act providing for the sale of certain lands in the district of Marietta, and for the location of claims and sale of certain lands in the district of Vincennes, March 18, 1818, chap. 17.

An act to designate the boundaries of the districts, and establish land-offices for the disposal of public lands not heretofore offered for sale in the states of Ohio and Indiana, March 3, 1819, chap. 90.

An act to designate the boundaries of a land district, and for the establishment of a land-office in the state of Indiana, May 8, 1822, chap. 126.

Lands purchased from the Wabash Indians, and lying between the Wabash and Ohio, attached to the district of Vincennes, and offered for sale, &c. at Vincennes.

from the Indian tribes of the Wabash, and lying between the rivers Wabash and Ohio, and the road leading from the falls of the river Ohio to Vincennes, shall be attached to, and made a part of the district of Vincennes, and be offered for sale at that place, under the same regulations, at the same price, and on the same terms as other lands lying within the said district.

Lands lying northwest of the Indian boundary by the treaty of Greenville, shall be surveyed, &c. &c. and offered for sale at Detroit.

Sec. 2. *And be it further enacted*, That such and so many of the tracts of land lying north and west of the Indian boundary, established by the treaty of Greenville, which were ceded by that treaty to the United States, as the President of the United States shall direct, shall be surveyed and subdivided in the same manner as the other public lands of the United States, and shall be offered for sale at Detroit, or at such of the other land-offices established by law in the state of Ohio, or in the Indiana territory, as the President of the United States shall judge most expedient, under the same regulations, at the same price, and on the same terms, as other lands lying within the same district.

Lands purchased from the Sacs and Foxes attached to the district of Kaskaskias, &c.

Sec. 3. *And be it further enacted*, That so much of the tract of land lately purchased from the Indian tribes known by the name of Sacs and Foxes, as the President of the United States shall think expedient and shall direct, shall be attached to and made a part of the district of Kaskaskias, and shall be offered for sale at that place, under the same regulations, at the same price, and on the same terms, as other lands lying within the said district.

Lands in the districts of Vincennes, &c. claimed under French or British grants, &c. &c. shall be resurveyed at the expense of the United States.

Sec. 4. *And be it further enacted*, That the lands lying within the districts of Vincennes, Kaskaskias and Detroit which are claimed by virtue of French or British grants, legally and fully executed, or by virtue of grants issued under the authority of any former act of Congress, by either of the governors of the Northwest or Indiana territories, and which had already been surveyed by a person authorized to execute such surveys, shall, whenever it shall be found necessary to re-survey the same for the purpose of ascertaining the adjacent vacant lands, be surveyed at the expense of the United States; any act to the contrary notwithstanding.

Claimants of lands in the foregoing districts, to give notice in writing to the registers of the land offices of their claims, &c.

Sec. 5. *And be it further enacted*, That persons claiming lands in either of the said three districts, either under legal grants derived from the French or British governments, or by virtue of actual possession and improvement, or for any other account whatever, may until the first day of November next, give notice in writing to the register of the land-office of their claims, and have the evidence of the same recorded, in the manner and on payment of the fees provided by the act to which this act is a supplement; and the right of any person neglecting to give such notice in writing of his claim, and to have the evidence of the same recorded, shall become void and forever be barred.

Powers, duties, &c. &c. of the commissioners.

The commissioners appointed for the purpose of examining the claims of persons claiming lands in the said three districts, shall, in their respective districts, have the same powers, and perform the same duties in relation to the claims thus filed, as if notice of the same had been given before the first day of January last; and as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall be the duty likewise of the clerk of each board to prepare two transcripts of all the decisions made by the said commissioners in favour of the claimants, and to transmit one to the surveyor-general and one to the Secretary of the Treasury. It shall also be the duty of the said commissioners, respectively, to make to the Secretary

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An act to authorize the President of the United States to cause the public surveys to be connected with the line of demarcation between the states of Indiana and Illinois, March 2, 1833, chap. 89.

An act to authorize the states of Indiana and Illinois, to select certain quantities of land in lieu of like quantities heretofore granted to the said states, for the construction of the Wabash and Erie, and Illinois and Michigan canals, August 29, 1842, chap. 262.—See Vol. i. 464, 465. Act of March 3, 1845, ch. 42.

of the Treasury a report of all the claims filed with the register of the land-office, which they may have rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper; and they shall in relation to any such rejected claims which were founded on possession and actual settlement and improvement, particularly state the date of the improvement and the quantity, situation and boundaries of the land claimed. Those reports, together with the transcripts of the decisions of the commissioners, in favour of claimants, shall be laid by the Secretary of the Treasury before Congress at their next session; and the lands, the claims to which shall have been affirmed by the commissioners, as well as those, the claims to which, though rejected by the commissioners, were derived from actual possession, improvement and settlement, shall not be otherwise disposed of until the decision of Congress thereupon shall have been made. Each of the said commissioners, and each of the clerks of the respective boards, shall be allowed an additional compensation of five hundred dollars, in full for his services as such in relation to such claims; and each of the registers of the land-offices for the said three districts, shall be allowed a further sum of five hundred dollars, as a compensation in full for translating and recording, or causing to be translated and recorded, grants, deeds or other evidences of claims in the French language.

Compensations of the commissioners, clerks, and registers of land-offices.

Sec. 6. *And be it further enacted,* That the governor of the Michigan territory shall act as one of the superintendents of the sales of public lands at Detroit, in lieu of the governor of the Indiana territory.(*a*)

Act of March 3, 1807, ch. 34.

Sec. 7. *And be it further enacted,* That all the sections heretofore reserved for the future disposition of Congress, and lying within either of the districts established for the disposal of public lands in the state of Ohio, with the exception of the section No. 16, of the Salt Springs, and lands reserved for the use of the same, and of the other sections or tracts of land otherwise heretofore specially appropriated, shall be offered for sale in that district within which such reserved sections may lie, on the same terms, and under the same regulations, as other lands in the same district: *Provided,* that such sections shall previously be offered to the highest bidder at public sales, to be held under the superintendence of the register and receiver of the land-offices, respectively, to which they are attached, on the same terms as has been provided for the public sales of the other public lands of the United States, and on such day or days as shall by a public proclamation of the President of the United States be designated for that purpose: *And provided also,* that no such heretofore reserved section shall be sold either at public or private sale for less than eight dollars per acre.

Sections reserved for the disposition of Congress, to be offered for sale.

Proviso.

Proviso.

Sec. 8. *And be it further enacted,* That the expenses which may be incurred by virtue of this act, shall be defrayed out of the sums which have been or may hereafter be appropriated for defraying the expenses incident to the surveying and disposal of the public lands of the United States, in the Mississippi and Indiana territories.

Expenses, how to be defrayed.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XLIV.—*An Act in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions contained in the first section of "An act to make provision for persons that have been disabled by known wounds, received in the actual service of the

The provisions contained in the first section of the act of March 3,

(*a*) See note to act of March 3, 1807, chap. 34, for the acts relating to the sale of lands in the Michigan territory, and state.

1803, ch. 37, relating to pensions extended.

United States, during the revolutionary war," passed the third day of March, one thousand eight hundred and three, are hereby extended to all those persons in the service of the United States, who, in consequence of their disability by known wounds, received in actual service during the revolutionary war, resigned their commissions, or took discharges; or who, after incurring their disability, were taken captive by the enemy, and remained either in captivity or on parole, until the close of the war; or who, in consequence of known wounds received in the actual service of the United States, have at any period since, become and continued disabled, in such manner as to render them unable to procure a subsistence by manual labour: *Provided*, that every person of the several descriptions herein mentioned, applying for a pension, shall in all other respects conform to the requirements of the act to which this is an addition.

Persons who apply for a pension must conform to the requirements of the act of March 3, 1803, ch. 37.

Approved, March 3, 1805.

Statute II.

March 3, 1805.

Chap. XLVII.—*An Act to provide for the accommodation of the President of the United States.*

Appropriation for the accommodation of the President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be sold such part of the furniture and equipage belonging to his household, as may be decayed and out of repair; and that the sum of fourteen thousand dollars, together with the proceeds of such sales, be appropriated for the accommodation of the household of the President of the United States, to be laid out at his discretion, and under his direction.

Approved, March 3, 1805.

RESOLUTIONS.

Nov. 27, 1804.

I. Resolution *expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew of the United States ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.*

A sword to be presented to Captain Stephen Decatur.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur, a sword, and to each of the officers and crew of the United States ketch Intrepid, two months pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct and services of Captain Decatur, the officers and crew of the said ketch, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

Approved, November 27, 1804.

March 3, 1805.

II. Resolutions *expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen and marines of his squadron.*

Thanks of Congress to be presented to Com. Preble, his officers, petty officers, and men.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and the same are hereby presented to Commodore Edward Preble, and through him to the officers, petty officers, seamen and marines attached to the squadron under his command, for their gallantry and good conduct, displayed in the several attacks on the town, batteries and naval force of Tripoli, in the year one thousand eight hundred and four.

A gold medal to be presented to him.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, emblematical of the attacks on the

town, batteries and naval force of Tripoli, by the squadron under Commodore Preble's command, and to present it to Commodore Preble, in such manner as in his opinion will be most honourable to him. And that the President be further requested to cause a sword to be presented to each of the commissioned officers and midshipmen who have distinguished themselves in the several attacks.

A sword to be presented to each of the commissioned officers and midshipmen.

Resolved, That one month's pay be allowed exclusively of the common allowance to all the petty officers, seamen and marines of the squadron, who so gloriously supported the honour of the American flag, under the orders of their gallant commander in the several attacks.

One month's additional pay allowed to the petty officers, seamen and marines.

Resolved, That the President of the United States be also requested to communicate to the parents or other near relatives of Captain Richard Somers, lieutenants Henry Wadsworth, James Decatur, James R. Caldwell, Joseph Israel, and midshipman John Sword Dorsey, the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

Approved, March 3, 1805.

ACTS OF THE NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of December, 1805, *and ended on the twenty-first day of April,* 1806.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, on the 11th of December, 1805, and from the 28th of March, 1806; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

Dec. 11, 1805.

[Obsolete.]

Additional sum appropriated for 1805.

CHAPTER I.—*An Act making an additional appropriation for the Naval service, during the year one thousand eight hundred and five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the sum heretofore appropriated for that object, the sum of two hundred and fifty thousand dollars be, and the same hereby is appropriated towards defraying the expenses of the navy of the United States, during the year one thousand eight hundred and five.

Out of what fund it is to be paid.

SEC. 2. *And be it further enacted,* That the aforesaid sum shall be paid, first, out of the monies accruing at the end of the year one thousand eight hundred and five, from the duties laid by the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers;" and secondly, out of any monies in the treasury not otherwise appropriated.

1804, ch. 46.

APPROVED, December 11, 1805.

STATUTE I.

Dec. 31, 1805.

[Obsolete.]

CHAP. II.—*An Act supplementary to the "Act making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States and the French Republic."*

The unexpended balance of a sum heretofore appropriated for paying claims under the French convention, not to go to the surplus fund.

Act of Nov. 10, 1803, ch. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the balance of the appropriation of three millions seven hundred and fifty thousand dollars, made by the act to which this is a supplement, which may remain unexpended on the thirty-first of December, one thousand eight hundred and five, shall not be carried to the credit of the surplus fund, but shall remain appropriated to the same purpose for which it was originally appropriated, any act to the contrary notwithstanding.

APPROVED, December 31, 1805.

Statute I.
Jan. 22, 1806.

Chap. III.—*An Act making an additional appropriation to supply the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five.*

A further sum appropriated to supply a deficiency in a former appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for supplying the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five, the further sum of three hundred and fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby is appropriated.

Approved, January 22, 1806.

Statute I.
Jan. 22, 1806.

Chap. IV.—*An Act to provide for Lighthouses in Long Island sound; and to declare Roxbury, in the state of Massachusetts, to be a port of delivery.*

A lighthouse to be placed on Watch Hill Point, and one on Sands's or Watch Point in Long Island Sound.

Keepers to be appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall be, and he hereby is authorized and required, to cause two good and sufficient lighthouses to be erected in Long Island sound, one to be placed on Watch Hill Point, in the town of Westerly, and state of Rhode Island, and the other on Sands's or Watch Point, in the town of Northampsted, on Long Island, in the state of New York, and to appoint the keepers of the said lighthouses, (under the direction of the President of the United States,) and otherwise provide for such lighthouses, at the expense of the United States: *Provided,* that sufficient land, for the accommodation of such lighthouses, can be obtained, at a reasonable price, and the legislatures of Rhode Island and New York shall cede the jurisdiction over the same to the United States. And a sum not exceeding six thousand dollars, is hereby appropriated for the purpose of defraying the expense of erecting the said lighthouses, to be paid out of any monies in the treasury, not otherwise appropriated.

Proviso.

The houses to be so constructed, as that their lights, on being discovered, may be distinguished from other lights.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause the said lighthouses so to be constructed, that their lights, on being discovered, may with certainty be distinguished from those of all other lighthouses, heretofore erected in their neighbourhood.

Roxbury, in Massachusetts, to be annexed to the district of Boston and Charlestown.

1799, ch. 22.

Sec. 3. *And be it further enacted,* That the town or landing place of Roxbury, in the state of Massachusetts, shall be a port of delivery, to be annexed to the district of Boston and Charlestown, and shall be subject to the same regulations and restrictions, as other ports of delivery in the United States.

Approved, January 22, 1806.

Statute I.
Feb. 13, 1806.

Chap. V.—*An Act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.*

[Obsolete.]
Sum appropriated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of two millions of dollars be, and the same is hereby appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be.

President authorized to cause the money to be borrowed.

Rates of interest.

Sec. 2. *And be it further enacted,* That the President of the United States be, and hereby is authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum, per annum, redeemable at the will of the

Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

Fund made subject to the reimbursement of principal and the paying of the interest.

Sec. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them, by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal, of all such monies as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

Approved, February 13, 1806.

Statute I.

Feb. 21, 1806.

Chap. VI.—*An Act making a further appropriation for the support of a Library.*

Unexpended balance revived and continued: additional appropriation made: to be applied under the direction of a joint committee of the Senate and House of Representatives.
1802, ch. 2.
1811, ch. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the former appropriation made to purchase books for the use of Congress, which is hereby revived and continued, there shall be appropriated the sum of one thousand dollars yearly, for the term of five years; to be paid out of any monies in the treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

Approved, February 21, 1806.

Statute I.

Feb. 21, 1806.

Chap. VII.—*An Act to repeal in part, the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned."*

Act of March 3, 1795, ch. 49.
Repeal of the 4th sec. of a former act, which imposes the condition of actual settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned," as imposes the condition of an actual settlement on the said inhabitants, or any of them, their heirs or assigns, be, and the same is hereby repealed. And in every case where a patent has issued, in conformity with the said fourth section, to any of the inhabitants aforesaid, their heirs or assigns, the conditions aforesaid, inserted in any such patent, shall be considered null and void; and the fee simple be vested to all intents and purposes, in the person to whom such patent has been issued, his or her heirs or assigns.

Approved, February 21, 1806.

Statute I.

Feb. 21, 1806.

Chap. VIII.—*An Act for the relief of the Governor, Secretary, and Judges of the late territory of the United States, northwest of the river Ohio.*

[Obsolete.]

Their accounts to be settled by the accounting officers of the treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they hereby are authorized and directed to settle, at the rate of compensation heretofore established, the accounts of the governor, secretary and judges of the late territory of the United States, northwest of the river Ohio, for their services while acting in those capacities, respectively, at any time between the twenty-ninth day of November, one thousand eight hundred and two, and the first Tuesday of March, one thousand eight hundred and three.

Approved, February 21, 1806.

Statute I.

Feb. 28, 1806.

[Expired.]

Chap. IX.—*An Act to suspend the commercial intercourse between the United States, and certain parts of the island of St. Domingo.*(a)

Commercial intercourse with certain parts of St. Domingo interdicted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged government of France, shall be, and is hereby prohibited; and any ship or vessel, owned, hired or employed, wholly or in part, by any person or persons resident within the United States, and sailing from any port of the United States, after due notice of this act at the custom-houses, respectively, which contrary to the intent hereof, shall be voluntarily carried; or shall be destined to proceed, whether directly, or from any intermediate port or place, to any port or place within the island of St. Domingo, and not in possession, and under the acknowledged government of France; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage, to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

Penalties for violating the provision above stated.

Sec. 2. *And be it further enacted,* That after due notice of this act at the several custom-houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France: nor shall any clearance be granted for a foreign voyage to any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons, resident within the United States, until the owner or the employer for the voyage, or his factor or agent, with the master, shall give bond to the United States, in a sum equal to the value of the vessel and of her cargo, with condition that the ship or vessel, for which a clearance shall be required, is destined to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France, and during the intended voyage shall not be voluntarily carried, or permitted to proceed, whether directly or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France; and in case of being forced by any casualty into any port or place hereby interdicted, shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo, except so much as may be absolutely necessary to defray the expenses requisite to enable such vessel to proceed on her intended voyage; and generally, that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce, with or for any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged government of France.

Clearances to be given to no vessel destined to any parts of St. Domingo but those in possession of France.

Bonds to be given in cases of destinations to foreign ports, not to touch at such parts of the island of St. Domingo, &c. &c.

Sec. 3. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, and which may be recovered, shall be distributed and accounted for, in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned;" passed the third of March, one thousand seven hundred

How the penalties and forfeitures, are to be accounted for.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

(a) This act was continued in force until the next session of Congress after February 24, 1807. Act of February 24, 1807, chap. 17.

Act of Feb. 11, 1800, ch. 16.

and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

Continuance of this act.

Sec. 4. *And be it further enacted,* That this act shall continue and be in force for one year, and no longer.

President authorized to remit the disabilities, &c. &c.

Sec. 5. *And be it further enacted,* That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order, to remit and discontinue the restraints and prohibitions on the commerce aforesaid.

Approved, February 28, 1806.

Statute I.

Feb. 28, 1806.

Chap. X.—*An Act authorizing the sale of a tract of land, in the town of Cincinnati, and state of Ohio.*

Secretary of the Treasury to cause a tract of land to be surveyed, the site of fort Washington, and sold, &c. &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the disposal of a certain tract or lot of land, belonging to the United States, in the town of Cincinnati, on the Ohio, being the same on which Fort Washington was erected, the Secretary of the Treasury shall cause the said tract to be surveyed and laid off into town lots, streets and avenues, in such manner, and of such dimensions as he may judge proper, conforming as near as may be to the original plan of the town; when the survey is completed, a plat thereof shall be returned to the surveyor-general, on which the lots shall be denominated by progressive numbers, who shall therefrom cause two copies to be made, one to be transmitted to the Secretary of the Treasury, and the other to the register of the land-office at Cincinnati: on the receipt of which plat, the Secretary of the Treasury shall cause the said town lots to be offered to the highest bidder at public sale, to be held at Cincinnati, under the superintendence of the register and receiver of the land-office in the district of Cincinnati, on the same terms and conditions as have been provided for the public sale of the public lands of the United States. Six weeks' notice shall be given of the day of sale, in at least two newspapers published in the state of Ohio.

Approved, February 28, 1806.

Statute I.

Feb. 28, 1806.

Act of March 2, 1805, ch. 26.

Chap. XI.—*An Act extending the powers of the Surveyor-general to the territory of Louisiana; and for other purposes.*

Powers of the surveyor general to be extended to the territory of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested by law in the surveyor-general, shall extend over all the public lands of the United States, in the territory of Louisiana, to which the Indian title has been or hereafter shall be extinguished. It shall be the duty of the said surveyor-general to appoint a sufficient number of skilful surveyors, as his deputies, in the said territory, one of whom he shall, with the approbation of the Secretary of the Treasury, designate as his principal deputy for the same.(*a*) Which said deputies shall severally take an oath, or affirmation, truly and faithfully to discharge the duties of their respective offices. The said principal deputy shall reside and keep an office in the said territory, and shall, under the superintendence of the surveyor-general, execute or cause to be executed by the other deputies, such surveys as may hereafter be authorized by law, or as he may be directed to execute by the commissioners appointed for the purpose of ascertaining the titles and claims to land within the territory aforesaid; and shall generally perform therein, in conformity with the regulations

Deputy surveyors to be appointed.

Their duties, &c.

(*a*) By the 3d section of the act of April 29, 1816, chap. 51, so much of the act of February 28, 1806, as provides for the appointment of a principal deputy as is inconsistent with the act of 1816, is repealed.

and instructions of the said surveyor-general, the duties imposed by law on the said surveyor-general.

Plots of surveys appertaining to the office of surveyor-general under the Spanish government to be delivered to the principal deputy: What copies are good evidence.

Sec. 2. *And be it further enacted*, That all the plots of surveys, and all other papers and documents pertaining, or which did pertain to the office of surveyor-general, under the Spanish government, within the limits of the territory aforesaid, or to any other office heretofore established or authorized, for the purpose of executing or recording surveys of lands within the said limits, shall be delivered to the principal deputy aforesaid; and no plot of survey shall be admitted as evidence, in any court of justice, unless certified by the said principal deputy, to be a true copy of the record in his office.

Part of a former act respecting plots of land, &c. &c. repealed.

Act of March 2, 1805, ch. 26, sect. 4.

Sec. 3. *And be it further enacted*, That so much of the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as makes it the duty of every claimant to lands, within the territory of Louisiana, to deliver to the recorder of land titles a plot of the tract or tracts, claimed by him, be, and the same is hereby repealed, so far as relates to claimants whose tracts had not been surveyed by the proper officer, under the Spanish government, prior to the twentieth day of December, one thousand eight hundred and three. And the commissioners appointed for ascertaining the titles and claims to lands, within either the territory of Louisiana, or that of Orleans, are hereby authorized to direct the officer exercising the powers of surveyor-general, within the same, to execute such surveys as they may think necessary, for the purpose of deciding on claims presented for their decision: *Provided*, that the expense of executing such surveys shall be defrayed by the parties claiming the land, unless the same be claimed by a legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred: *And provided also*, and it is hereby further enacted, that every such survey, as well as every other survey, by whatever authority heretofore executed, those of the above-mentioned legal and complete titles only excepted, shall be held and considered as private surveys only; and all the tracts of land, the titles to which may be ultimately confirmed by Congress, in conformity with the provisions of the act above mentioned, shall, prior to the issuing of patents, be re-surveyed, if judged necessary, under the authority of the person exercising the powers of surveyor-general, and at the expense of the parties.

Commissioners authorized to direct such surveys as they may think necessary for the ascertainment of titles.

Proviso.

Private surveys excepted.

All tracts to which the title shall be confirmed by Congress, shall be re-surveyed.

Sec. 4. *And be it further enacted*, That the surveyor-general shall fix the compensation of the deputy surveyors, chain carriers, and axe men, in the territory of Louisiana: *Provided*, that the whole expense of surveying and marking the lines, whether paid by the United States, or by individuals, shall not exceed three dollars per mile, for every mile that shall be actually run, or surveyed and marked. And the principal deputy aforesaid, shall be entitled to receive from individuals the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey, and for a certified copy of any plot of a survey in his office, twenty-five cents.

Compensations.

Proviso.

Approved, February 28, 1806.

Statute I.

Feb. 28, 1806.

[Obsolete.]

Chap. XII.—*An Act declaring the consent of Congress to an act of the state of Pennsylvania, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned."*

Assent of Congress to an act of the legislature of Pennsylvania, laying a

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 it is hereby granted and declared to the operation of an act of the legislature of Pennsylvania, passed on the first day of April, in the

duty on tonnage.

year one thousand eight hundred and five, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the state of Pennsylvania to collect a duty of four cents per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

Approved, Feb. 28, 1806.

Statute I.

Feb. 28, 1806.

Chap. XIII.—*An Act for altering the time for holding the circuit court, in the district of North Carolina; and for abolishing the July term of the Kentucky district court.*

June term of the court changed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June term of the circuit court now holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, any thing contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court; and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made: *Provided nevertheless,* that when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.

Process made returnable accordingly.

Altered 1807, ch. 5.

July district court of Kentucky abolished.

Sec. 2. *And be it further enacted,* That from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be, and the same is hereby repealed.

Approved, Feb. 28, 1806.

Statute I.

March 8, 1806.

Chap. XIV.—*An Act to extend jurisdiction in certain cases to state judges and state courts.*(a)

Jurisdiction given to certain state courts in cases of forfeitures and penalties under the revenue laws of the U. S.

1808, ch. 51.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the respective county courts within, or next adjoining the revenue districts herein after mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Gennessee, Niagara, and Buffaloe Creek, in the state of New York, and in the district of Presque Isle, in the state of Pennsylvania, and the district attornies of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as prosecutor aforesaid: *Provided,* that this authority shall not be construed to extend

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(a) In the case of Prigg *v.* The Commonwealth of Pennsylvania, 16 Peters, 539, where the question presented to the court arose out of the proceedings of a magistrate of the commonwealth of Pennsylvania, under the law of Pennsylvania which interfered with the provisions of the act of Congress relating to the arrest of fugitives from labour, (act of February 12, 1793, chap. 7,) the magistrate of the state, having refused to execute the provisions of that law, the Court said, "As to the authority conferred on state magistrates by the fugitive law, while a difference of opinion exists, and may exist, on this point, in different states, whether state magistrates are bound to act under it; none is entertained by the court that state magistrates may, if they choose, exercise the authority, unless prohibited by the state legislatures." 16 Peters, 622.

jurisdiction to the county courts aforesaid, over any civil cause, which may arise in any of those revenue districts, for the collection of duties payable to the United States; or of bonds or securities given for the security and payment of duties to the United States.

Criminal jurisdiction in certain cases conferred upon the courts.

Sec. 2. *And be it further enacted*, That the county courts aforesaid, or the first judge of each of said courts, shall be, and hereby are further authorized to exercise all and every power in the cases of a criminal nature, cognizable before them by virtue of the first section of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them by virtue of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned." And in the exercise of the authority, by this section given to said county courts, or to the first judges thereof, they shall be governed in every respect by the regulations, restrictions and provisoes of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, aforesaid; with this difference only, that instead of notifying the district attornies, respectively, said county courts, or the first judges thereof, as the case may be, shall, before exercising said authorities, cause reasonable notice to be given to the attorney who may have been appointed and sworn or affirmed to prosecute for the United States, in such court, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

Powers given by the act of March 3, 1797, ch. 13, for the remission of forfeitures, to the judges of state courts.

Continuance of this act.

Sec. 3. *And be it further enacted*, That this act shall remain in force during the term of one year, from its passage, and from thence to the end of the next session of Congress thereafter, and no longer. (*a*)

Continued 1808, ch. 51.

Approved, March 8, 1806.

Statute I.

March 8, 1806.

Chap. XV.—*An Act declaring the town of Jersey, in the state of New Jersey, to be a port of delivery; and for erecting a Lighthouse on Wood Island, or Fletcher's neck, in the state of Massachusetts.*

Jersey, in the state of New Jersey, made a port of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town, or landing place of Jersey, in the state of New Jersey, shall be a port of delivery, to be annexed to the district of Perth Amboy, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States. And there shall be appointed a surveyor to reside at the said port of delivery, who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

1799, ch. 22, sec. 7.

Surveyor to reside at the said place.

A lighthouse to be erected on Wood island, or on Fletcher's neck.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and required, to cause a good and sufficient lighthouse to be erected on Wood island, or on Fletcher's neck, in the district of Maine, (selecting either place, as the President of the United States may deem most eligible) and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the sum of five thousand dollars is hereby appropriated for the erection of said lighthouse, to be paid out of any monies in the treasury, not otherwise appropriated.

Proviso.

Approved, March 8, 1806.

(*a*) By an act passed April 21, 1808, chap. 51, the provisions of this law are made perpetual and extended to the ports and harbors in Ohio.

Statute I.

March 28, 1806.

Chap. XVI.—*An Act to incorporate the trustees of the Presbyterian congregation of Georgetown.*

Stephen B. Balch, &c. made a corporation or body politic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Stephen B. Balch, William Whann, James Melvin, John Maffit, John Peter, Joshua Dawson, James Calder, George Thompson, Richard Elliott, David Wiley, and Andrew Ross, and their successors, duly elected, or appointed, in manner herein after directed, be, and they are hereby made, declared, and constituted a corporation, and body politic in law, and in fact, to have continuance forever, by the name, style, and title of "The Trustees of the Presbyterian Congregation, in Georgetown."

Their style and title.

Corporation made capable of holding and alienating property, &c.

Sec. 2. *And be it further enacted,* That all and singular, the lands, tenements, rents, annuities, rights, privileges, goods, and chattels, heretofore given, granted, devised, or bequeathed to the said congregation, or to any person or persons, for the use thereof, or that have been purchased for, or on account of the same, be, and are hereby vested in and confirmed to the said corporation: *And further,* that the said corporation may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights or privileges, or any goods, chattels or other effects, of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed or devised, unto them by any person or persons, bodies politic, or corporate, capable of making such gift, grant, sale, or bequest; and the said property, real and personal, to rent, sell, convey and confirm, or otherwise dispose of, as fully and effectually as any person or persons, bodies politic, or corporate, may or can do: *Provided,* that the clear annual income of all such property may not exceed the sum of three thousand dollars; that no part of the ground now appropriated, and inclosed for a graveyard, be disposed of for any other purpose; and that the aforesaid property, real and personal, be considered as held in the trust, under the management, and at the disposal of said corporation, for the purpose of defraying the expenses incident to their mode of religious worship; of enclosing and keeping in decent repair, their graveyards, and other lots, with the buildings thereon; and of affording such relief to the poor, as their funds may from time to time allow, and for no other purpose.

Proviso.

Made capable of suing or being sued, &c.

Sec. 3. *And be it further enacted,* That the said corporation, by the name, style, and title aforesaid, be, and shall be hereafter, forever, able and capable in law, to sue, and to be sued, plead, and be pleaded, answer and be answered unto, defend, and be defended, in any court, or courts, or other places, and before any judge, or judges, justice or justices, or other person whatsoever, within the district of Columbia, or elsewhere, in all, and all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatsoever kind or nature they may be, in as full and effectual a manner, as any other person, or persons, bodies politic, or corporate, may or can do.

Have authority to use a common seal &c.

Sec. 4. *And be it further enacted,* That the said corporation shall have full power and authority, to make, have, and use a common seal, with such device and inscription, as they shall think proper, and the same to break, alter, and renew, at their pleasure; to appoint a treasurer, secretary, and such other officers, as they may deem necessary and proper; to assign them their duties, and fix their compensation, and to remove any, or all of them from office; appoint another, or others, in their place, as often as they shall think fit; to make, ordain, establish, and execute, such by-laws, and ordinances, of a secular nature, as may be deemed useful, for their own government, and the same to alter, amend, or abrogate, at pleasure; to fill up vacancies that may happen in their number, between two annual elections; and to determine upon, do and transact all business, and matters appertaining to the said cor-

poration, and to the secular affairs of said congregation, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided*, that not less than five trustees be a quorum to do business; that no by-law, rule or ordinance shall be made, repugnant to the laws of this district.

Proviso.

Sec. 5. *And be it further enacted*, That there shall be an annual meeting of the members belonging to said congregation, held on the first Tuesday of April, in every year hereafter, at the church or usual place of public worship, at which time and place the said members, or such of them as may be present, shall elect, and choose, by ballot, from their own number, nine trustees, to serve for the year ensuing their election, and until others shall be elected or appointed to serve in their place.

Annual meetings of the members of the congregation for the choice of trustees, &c.

Sec. 6. *And be it further enacted*, That the trustees shall keep, or cause to be kept, in suitable books for the purpose, just and proper entries of all the proceedings and accounts of said congregation and corporation, and have them laid before the members, at every annual meeting, previous to taking the votes, and shall always deliver the said books, together with all the property of said congregation and corporation, in good order to their successors in office, whenever required.

Suitable books to be kept by the trustees.

Approved, March 28, 1806.

Statute I.

Chap. XVII.—*An Act declaring the consent of Congress to an act of the state of South Carolina, passed on the twenty-first day of December, in the year one thousand eight hundred and four, so far as the same relates to authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports.*

March 28, 1806.

[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 it is hereby granted and declared to the operation of an act of the general assembly of the state of South Carolina, passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, intituled "An act to authorize the city council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purposes therein mentioned," so far as the same extends to authorizing the city council of Charleston to impose and levy a duty not exceeding six cents, per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston from any foreign port or place whatever.

Act of the legislature of South Carolina, laying a duty on tonnage, assented to by Congress.

Sec. 2. *And be it further enacted*, That the collector of Charleston is hereby authorized to collect the duty imposed by this act, and to pay the same to such persons as shall be authorized to receive the same by the city council of Charleston.

The collector of Charleston to collect the duty and pay it over.

Sec. 3. *And be it further enacted*, That this act shall be in force for three years, and from thence to the end of the next session of Congress thereafter, and no longer.

Limitation of the law.

Continued 1809, ch. 5.

Approved, March 28, 1806.

Statute I.

Chap. XIX.—*An Act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio.*(a)

March 29, 1806.

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

(a) The acts which have been passed relating to the "Cumberland road," are:

An act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, March 29, 1806, chap. 19.

An act in addition to the "act to regulate the laying out and making a road from Cumberland in the state of Ohio," March 3, 1811, chap. 45.

An act in addition to the act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, May 6, 1812, chap. 78.

Three disinterested persons to be appointed commissioners to lay out a road.

United States be, and he is hereby authorized to appoint, by and with the advice and consent of the Senate, three discreet and disinterested citizens of the United States, to lay out a road from Cumberland, or a point on the northern bank of the river Potomac in the state of Maryland, between Cumberland and the place where the main road leading from Gwinn's to Winchester, in Virginia, crosses the river, to the state of Ohio: whose duty it shall be, as soon as may be, after their appointment, to repair to Cumberland aforesaid, and view the ground, from the points on the river Potomac herein before designated, to the river Ohio; and to lay out in such direction as they shall judge, under all circumstances, the most proper, a road from thence to the river Ohio, to strike the same at the most convenient place, between a point on its eastern bank, opposite to the northern boundary of Steubenville, in said state of Ohio, and the mouth of Grave creek, which empties into the said river, a little below Wheeling, in Virginia.

Width, &c. of the road.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be laid out four rods in width, and designated on each side by a plain and distinguishable mark on a tree, or by the erection of a stake or monument, sufficiently conspicuous, in every quarter of a mile of the distance, at least, where the road pursues a straight course so far or farther, and on each side, at every point where an angle occurs in its course.

Commissioners to present a plan of the road to the President, &c.

Sec. 3. *And be it further enacted*, That the commissioners shall, as soon as may be, after they have laid out said road, as aforesaid, present to the President an accurate plan of the same, with its several courses and distances, accompanied by a written report of their proceedings, describing the marks and monuments by which the road is designated, and the face of the country over which it passes, and pointing out the particular parts, which they shall judge require the most and immediate attention and amelioration; and the probable expense of making the same passable in the most difficult parts, and through the whole distance: designating the state or states, through which said road has been laid out, and the length of the several parts which are laid out on new ground, as well as the length of those parts laid out on the road now travelled. Which report the President is hereby authorized to accept or reject, in the whole, or in part. If he accepts, he is hereby further authorized and requested to pursue such measures, as in his opinion shall be proper, to obtain consent for making the road, of the state or states, through

President authorized to accept or reject it, and to pursue measures for having it executed.

An act in addition to the act to regulate the laying out a road from Cumberland in the state of Maryland, to the state of Ohio, February 14, 1815, chap. 43.

An act to authorize the appointment of commissioners to lay out the road therein mentioned, May 15, 1820, chap. 122.

An act for the preservation of the Cumberland road, March 2, 1827, chap. 44.

An act for the construction of the Cumberland road, westwardly of Zanesville, March 2, 1829, chap. 30.

An act for the continuation of the Cumberland road, March 2, 1829, chap. 31.

An act for the preservation and repair of the Cumberland road, March 2, 1829, chap. 52.

An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, March 2, 1831, chap. 63.

An act declaring the assent of Congress to an act of the general assembly of the state of Ohio, hereinafter recited, March 2, 1831, chap. 97.—[The act of the state of Ohio provides for the erection of toll gates, the appointment of toll gatherers and rates of toll on the part of the Cumberland road, which is in the state of Ohio.]

An act declaring the assent of Congress to an act of the general assembly, hereinafter recited, March 2, 1833, chap. 79.—[This act provides for the erection of toll gates, and the collection of tolls in that part of the road which passes through the state of Virginia.]

An act for the continuation and repair of the Cumberland road, June 24, 1834, chap. 68.—[By the 4th section of this act the road is surrendered to the states respectively, through which it passes.]

An act for the continuation and repair of the Cumberland road, in the states of Ohio, Indiana, and Illinois, March 3, 1835, chap. 29.

An act amendatory of the act for the continuation of the Cumberland road, March 3, 1835, chap. 30.

An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, July 2, 1836, chap. 264.

An act to provide for the continuing the construction, and for the repairs of certain roads, and for other purposes, during the year 1837, March 3, 1837, chap. 44.

An act making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, and for other purposes, May 25, 1838, chap. 84.

which the same has been laid out. Which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts of the same as he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose.

Mode in which the road is to be made.

Sec. 4. *And be it further enacted*, That all parts of the road which the President shall direct to be made, in case the trees are standing, shall be cleared the whole width of four rods; and the road shall be raised in the middle of the carriage way with stone, earth, or gravel and sand, or a combination of some or all of them, leaving or making, as the case may be, a ditch or water-course on each side, and contiguous to said carriage way: and in no instance shall there be an elevation in said road, when finished, greater than an angle of five degrees with the horizon. But the manner of making said road, in every other particular, is left to the direction of the President.

Compensation of the commissioners.

Commissioners authorized to employ surveyor, chainmen, &c. &c.

Their compensation.

Sec. 5. *And be it further enacted*, That said commissioners shall each receive four dollars per day, while employed as aforesaid, in full for their compensation, including all expenses. And they are hereby authorized to employ one surveyor, two chainmen, and one marker, for whose faithfulness and accuracy, they, the said commissioners, shall be responsible, to attend them in laying out said road, who shall receive in full satisfaction for their wages, including all expenses, the surveyor three dollars per day, and each chainman and the marker, one dollar per day, while they shall be employed in said business; of which fact, a certificate signed by said commissioners shall be deemed sufficient evidence.

Specific appropriation.

President authorized to draw for the whole or a part of the sum appropriated.

Out of what fund the money is to be paid.

1802, ch. 40.

Sec. 6. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby appropriated, to defray the expense of laying out and making said road. And the President is hereby authorized to draw, from time to time, on the treasury, for such parts, or at any one time, for the whole of said sum, as he shall judge the service requires. Which sum of thirty thousand dollars, shall be paid, first, out of the fund of two per cent. reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, intituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes." Three per cent. of the appropriation contained in said seventh section, being directed by a subsequent law, to the laying out, opening, and making roads within the said state of Ohio. And secondly, out of any money in the treasury not otherwise appropriated, chargeable upon, and reimbursable at the treasury by said fund of two per cent. as the same shall accrue.

President to make a statement to Congress of the proceedings under this act.

Sec. 7. *And be it further enacted*, That the President be, and he is hereby requested, to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures, as may, from time to time, be proper, under existing circumstances.

Approved, March 29, 1806.

Statute I.

April 10, 1806.

Chap. XX.—*An Act for establishing Rules and Articles for the government of the Armies of the United States.*(a)

Armies of the U. S. to be go-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the pass-

(a) The acts for establishing rules and articles for the government of the army of the United States. An act for the better organization of the troops of the United States, and for other purposes, March 3, 1799, repealed.

verned by the following rules, &c.

ing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Rules and regulations.

Article 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Officers to subscribe these rules.

Officers and soldiers recommended to attend divine service.

Article 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit *one sixth of a dollar*, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Indecent and irreverent conduct punished.

Profane swearing.

Article 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence *one dollar*, to be applied as in the preceding article.

Absence of chaplains an offence.

Article 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Contemptuous words against the President & Vice President.

Article 5. Any officer or soldier, who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Contempt or disrespect to commanding officers.

Article 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

Exciting to mutiny.

Article 7. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Officers present at mutiny or sedition not giving information or endeavouring to

Article 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavour to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding

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An act fixing the military peace establishment of the United States, March 16, 1802, chap. 9.

An act for establishing rules and articles for the government of the army of the United States, April 10, 1806, chap. 20.

An act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, section 14. This section provides, "That the system of 'General regulations of the army,' compiled by Major General Scott, shall be and the same is hereby approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States." This section was repealed by the act of May 7, 1822, chap. 88.

An act to alter and amend the sixty-fifth article of the first section of "An act establishing rules and articles for the government of the army of the United States," passed tenth April, 1806. May 29, 1830, chap. 179.

officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

suppress the mutiny.

Article 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence be inflicted upon him by the sentence of a court martial.

Striking a superior officer.

Death.

Article 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation: "I, A. B. do solemnly swear, or affirm, (as the case may be) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Rules and articles to be read on enlistment.

Oath.

To be taken before a magistrate.

Article 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him, shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

After enlistment not to be discharged unless in writing.

Discharges how given.

Article 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort or barrack of the United States, (his field officer being absent) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion shall require it.

Furloughs to non-commissioned officers or soldiers.

Article 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of mus-

Certificates signifying how long officers have been absent, to be given to the commissary of musters.

The certificates to be sent

to the department of war.

ters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

False certificates.

Article 14. Every officer who shall be convicted, before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

False musters.

Article 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Taking money for false musters.

Article 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have, or hold any office or employment in the service of the United States.

Muster of a person not a soldier.

Article 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Making false returns.

Article 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Monthly returns of the regiment.

Article 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall, in the beginning of every month, remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime by the judgment of a general court martial.

Punishment for neglect.

Desertion.

Article 20. All officers and soldiers, who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Absence without leave.

Article 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

Enlistment in other regiments without having been discharged.

Article 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Advising to desert.

Article 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of

the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Article 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Reproachful speeches by soldiers.

Article 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Sending a challenge to fight.

Article 26. If any commissioned or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Allowing a person to go forth to fight a duel.

Article 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Quarrels and affrays.

Article 28. Any officer or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Upbraiding another for not sending a challenge.

Article 29. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilies, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttling.

Prohibition of sale of liquors and victuals after nine at night.

Article 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Suttlers.

Article 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Rents of stalls, &c. to suttlers.

Article 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating, or otherwise ill treating, any person, of disturbing fairs or markets, or of committing any kinds of riots to the disquieting

Good order to be kept.

Reparation for injuries.

of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered or otherwise punished as a general court martial shall direct.

Officers or soldiers who commit offences against the persons or property of citizens of the United States to be delivered over to the officers of justice.

Article 33. When any commissioned officer or soldier, shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person, or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of the party or parties injured, to use their utmost endeavours to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial.

Punishment for neglect.

If any commanding officer, or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

Officers who shall think themselves wronged by their commanding officer may complain to the general.

Article 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

Inferior officers who think themselves wronged.

Article 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court martial.

Embezzlement &c. of public property by commissioned officers.

Article 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall, at his own expense, make good the loss, or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Embezzlement, &c. by soldiers.

Article 37. Any non-commissioned officer, or soldier, who shall be convicted, at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale of his horse, arms, &c. by non-commissioned officers or soldiers.

Article 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages, (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other corporeal punishment as his crime shall deserve.

Article 39. Every officer, who shall be convicted before a court

martial, of having embezzled, or misapplied any money, with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Embezzlement of money.

Article 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Every captain of a troop to be accountable for the arms of the troop.

Article 41. All non-commisioned officers and soldiers, who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

Absence from camp without leave.

Article 42. No officer, or soldier, shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Officer or soldier out of garrison without leave in writing.

Article 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Retirement to quarters at beating the retreat.

Article 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

Attendance at parade.

Article 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Drunkenness.

Article 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

Sentinel sleeping on his post.

Article 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Excuses from duty.

Hiring of duty.

Article 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Connivance at hiring.

Article 49. Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

False alarms by officers.

Article 50. Any officer or soldier, who shall, without urgent necessity or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Quitting guard.

Article 51. No officer or soldier shall do violence to any person who

Violence to

persons bringing provisions.

brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Misbehaviour before the enemy.

Casting away arms.

Plunder.

Article 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Making known the watchword.

Article 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Behaviour on march.

Article 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Forcing a safe guard.

Article 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Relieving or assisting the enemy.

Article 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Correspondence with the enemy.

Article 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy either directly or indirectly, shall suffer death or such other punishment as shall be ordered by the sentence of a court martial.

All public stores taken in the enemy's camp to be secured.

Article 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Compelling the surrender of a fort, &c.

Article 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

Suttlers to be subject to orders.

Article 60. All suttlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Rank of brevets.

Article 61. Officers having brevets, or commissions, of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Article 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Command on march.

Article 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

Engineers.

Article 64. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively, but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

General court martial.

Article 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial, whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders, in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be.(*a*)

General officers may appoint court martial.

Proceedings of court martial.

Article 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment, or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers, commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Commanding officers of regiments may appoint courts martial.

Article 67. No garrison, or regimental court martial shall have the power to try capital cases, or commisioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labour, any non-commissioned officer or soldier, for a longer time than one month.

No garrison or regimental court martial shall have power to try officers.

Limitation of powers.

Article 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

Court martial how composed.

Article 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might

Judge advocate.

(*a*) May 29, 1830, ch. 179.

tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

Oath of officers of court martial.

"You A. B. do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favour, or affection: and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*"

Oath of judge advocate.

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in due course of law; nor divulge the sentence of the court, to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*"

Prisoner standing mute.

Article 70. When a prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

Challenges of members of courts martial by prisoners.

Article 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Behaviour of the members of a court martial.

Article 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Evidence.

Article 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation in the following form:

"You swear or affirm, (as the case may be,) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

Depositions.

Article 74. On the trials of cases not capital, before courts martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: provided, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

Officers not to be tried, if it can be avoided, by inferior officers.

Article 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

Sessions of courts martial.

Officers before courts martial.

Article 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Article 77. Whenever any officer shall be charged with a crime, he

shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Arrest of officers.

Confinement of offenders.

Article 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court martial, or released by proper authority.

Confinement of persons charged with crimes.

Article 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

No officer to be confined more than eight days before trial.

Article 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Officers refusing to keep prisoners.

Article 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Releasing prisoners or suffering them to escape.

Article 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Report to be made of prisoners.

Article 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Behaviour before courts martial.

Article 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Sentences of courts martial.

Article 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Punishment for cowardice or fraud.

Article 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Courts martial where the officers adequate to form a court martial are not in sufficient number at the post.

Article 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Sentence of a court martial shall be by the concurrence of two-thirds.

Article 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself or some other manifest impediment, shall not have been amenable to justice within that period.

Limitation of trials.

Article 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such

Power of pardon, or mitigating sentences.

court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Duty of the judge advocate.

Article 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Copies of proceedings and sentence of court martial.

The party tried by any general court martial, shall, upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Courts of inquiry.

Article 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Authentication of proceedings of courts of inquiry.

Where proceedings of courts of inquiry are evidence.

Article 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer: and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismission of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonourable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Oath to members of courts of inquiry.

Article 93. The judge advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You A. B. do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

Effects of a commissioned officer who dies to be secured for his executors

Article 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall imme-

diately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

or administrators.

Article 95. When any non-commissioned officer, or soldier, shall die, or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

The effects of non-commissioned officers or soldiers who die or shall be killed to be taken care of.

Article 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery, or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

These articles to govern all officers, &c.

Article 97. The officers and soldiers, of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Officers and soldiers of the militia when in service to be governed by these articles.

Article 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Rank of militia officers when serving with officers of the army.

Article 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

Crimes not capital, and all disorders and neglects not mentioned in these articles to be taken cognizance of by court martial.

Article 100. The President of the United States shall have power to prescribe the uniform of the army.

Uniform of the army.

Article 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service.

Publication of these articles once in six months.

Sec. 2. *And be it further enacted*, That in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

Persons lurking about fortifications as spies.

Sec. 3. *And be it further enacted*, That the rules and regulations, by

Rules and regulations, formerly in force, abolished.

which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

Approved, April 10, 1806.

Statute I.

April 10, 1806.

Chap. XXI.—*An Act relating to bonds given by Marshals.*(a)

Bond of the marshal shall be

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

(a) By the 27th section of the act of September 24, 1789, chap. 20, vol. i. 87, the appointment of a marshal in each district, is provided for, and his duties and powers regulated.

The decisions of the courts of the United States as to the duties, powers, and liabilities of Marshals are:—

The marshal may have an attachment to enforce the payment of his fees of office, against suitors in the court; so also against the endorser on the writ, who by the lex loci, is liable to respond for costs. Anonymous, 2 Gallis. C. C. R. 101.

The marshal is entitled to his full commissions according to the act of 1799, chap. 19, upon all interlocutory sales of prize property. The act of 27th January, 1813, applies only to sales after final condemnation. The Avery, 2 Gallis. C. C. R. 308.

It is the duty of the marshal, upon all interlocutory sales, to bring the proceeds into court, with a regular account of the sales. *Ibid.*

The marshal is entitled to commissions upon prize property, removed from his district, by consent of parties, and there sold. The San Jose Indiana, 2 Gallis. C. C. R. 311.

After a rule on the marshal to return the capias ad satisfaciendum issued against the defendants, on the return of the marshal that the plaintiff had directed him not to serve the writ on one defendant, and that the other could not be found, the court have nothing more to do with the rule. If the marshal has misconducted himself, the remedy is an action for a false return. Segourney *v.* Ingraham et al., 2 Wash. C. C. R. 336.

Where an individual, acting in pursuance of what he conceives a just claim to property, proceeds by legal process to enforce it, and causes a levy to be made on property which is claimed by another, without abusing or perverting its true object, there is and ought to be a very different rule for damages, from the case in which vindictive damages may be allowed, if after a due course of legal investigation, his case is not well founded. Where the defendant had acted as the marshal of the United States, in the execution of his duties as a public officer, and had made a levy, but had done nothing out of the strictest line of duty, the circuit court instructed the jury to allow compensation for the injury sustained, and nothing more. Pacific Ins. Co. *v.* Conard, Baldwin's C. C. R. 143.

It has long been settled that a jury ought not in any case to find exemplary damages against a public officer, acting in obedience to orders from the government, without any circumstances of aggravation, if he violates the law in making a seizure of property. *Ibid.*

A marshal is not removed by the appointment of a new one, until he receives notice of such appointment; all acts done by the old marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. Wallace's C. C. R. 119.

If a debtor, committed to the state jail under process from the courts of the United States, escape, the marshal is not liable. Randolph *v.* Donaldson, 9 Cranch, 76; 3 Cond. Rep. 280.

The act of Congress has limited the responsibility of the marshal to his own acts and the acts of his deputies. The keeper of a state jail is, neither in fact nor in law, the deputy of the marshal; he is not appointed by, nor removable at the will of the marshal. When a prisoner is regularly committed to a state jail by the marshal, he is no longer in the custody of the marshal, or controllable by him. *Ibid.*

If a marshal, before the date of his official bond, receive, upon an execution, money due to the United States, with orders from the comptroller to pay it into the Bank of the United States, which he neglects to do, the sureties in his official bond, executed afterwards, are not liable therefor upon the bond; although the money remain in the marshal's hands after the execution of the bond. The United States *v.* Giles and others, 9 Cranch, 212; 3 Cond. Rep. 377.

Query. Whether the sureties in a marshal's bond conditioned for the faithful execution of his duty, "during his continuance in the said office," are liable for money received by him after his removal from office, upon an execution which remained in his hands at the time of such removal? *Ibid.*

The comptroller of the treasury has a right to direct the marshal to whom he shall pay money received upon executions, and a payment according to such directions is good; and it seems he may avail himself of it upon the trial without having submitted it as a claim to the accounting officers of the treasury. *Ibid.*

It is the duty of the marshal of a court of the United States, to execute all process which may be placed in his hands; but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exigit of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. Life and Fire Ins. Co. of New York *v.* Adams, 9 Peters, 573.

The marshal makes distribution of proceeds of prize sales in his hands, at his peril; and on his mispayment a libel lies against him. For safety the marshal should obtain the order of the court, which ought not to be made without previous measures guarding against fraud, and providing for latent claims. Keene et al. *v.* The Gloucester, 2 Dallas, 36.

given, or which may hereafter be given by the marshal of any district, for the faithful performance of the duties of his office, shall be filed and recorded in the office of the clerk of the district court or circuit court, sitting within the district for which such marshal shall have been appointed, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

filed in the office of the clerk of the court, &c.

Sec. 2. *And be it further enacted*, That it shall be lawful, in case of the breach of the condition of any such bond, for any person, persons, or body politic, thereby injured, to institute a suit upon such bond, in the name and for the sole use of such party, and thereupon to recover

Suits may be instituted on the breach of the condition of the bond, &c.

The marshal is bound to serve a subpœna in chancery as soon as he reasonably can; and he will, in case of neglect, be answerable to the complainant, who may have sustained a loss in consequence of his neglect. Kennedy *v.* Brent, 6 Cranch, 187; 2 Cond. Rep. 345.

The court will not dictate to the marshal what return he shall make to process in his hands; he must return it at his peril; and any person injured by it, may have his legal remedy for the return. Wortman *v.* Conyngham, Peters' C. C. R. 241.

The return of the marshal to a writ, cannot be traversed in an action between the parties to the suit in which the writ issued. Wilson *v.* The Executor of Hurst, Peters' C. C. R. 441.

An officer of the United States, who has levied a sum of money on an execution in favour of the United States, to whom the United States are indebted for fees of office in a sum greater than the amount of the execution, has a right to retain it by way of set-off; and on a motion made on the part of the United States to commit the officer for failure to pay over the money so levied, he will be permitted to show that the United States are indebted to him: and if this be shown, it is sufficient cause why he should not be attached. United States *v.* Mann, 2 Brockenb. C. C. R. 9.

A marshal is liable upon his official bond, for the failure of his deputy to serve original process; but the measure of his liability is the extent of the injury received by the plaintiff, produced by such negligence. If the loss of the debt be the direct legal consequence of the failure to serve the process, the amount of the debt is the measure of damage; but the mere failure to execute the process, does not, in itself, necessarily infer the loss of the debt to the plaintiff, by the negligence of the officer, because the plaintiff might sue out other process, on the failure of the officer to execute the first process. The question, whether the loss of the debt was or was not the direct legal consequence of the negligence of the officer, is a question of fact, depending on circumstances, of which the jury must judge. United States *v.* Moore's Administrators, 2 Brockenb. C. C. R. 317.

Where a writ of capias ad respondendum, comes to the hands of a deputy marshal, who arrests the debtor, and the debtor thereupon pays to the deputy the amount of the debt for which he was sued, and the officer discharges the debtor from custody, and returns the writ, "debt and costs satisfied," this is not an official act which binds his principal. The deputy marshal is a mere ministerial officer, and he has no right to adjust the debt, and make himself responsible to the plaintiff. He is bound to pursue the mandate of the writ, and that requires him to arrest the debtor, and take bail. The discharge of the debtor from custody, without taking bail, is indeed a misfeasance in office, for which his principal, the marshal, is responsible; but he is only responsible for the injury done to the plaintiff. The return of the deputy, shows that no bail was taken; and if by taking out other process, the plaintiff could have secured his debt, which is a fact to be determined by the jury; the loss of the debt to the plaintiff, is not the necessary legal consequence of the conduct of the deputy, and no injury, in a legal sense, is done to the plaintiff thereby. *Ibid.*

Where a decree directs an officer of the court to sell property, "and bring the proceeds of sale into court," and the sale is on a credit of one, two, and three years, and bonds are given for the payment of the instalments, these bonds are the immediate proceeds of sale. As a matter of convenience, they may be permitted to remain in the hands of the officer; but as matter of strict right, the creditor may require that they shall be brought into court. Wallis *v.* Thornton's Administrators et al. 2 Brockenb. C. C. R. 422.

Where bonds are made payable to the marshal of a court, he has a right to collect them. In such case, the marshal must be considered as a trustee for the creditor. *Query.* Whether the direction to take bond implies, that it shall be taken to the marshal, rather than to the creditor? Where bonds are taken, not to the marshal and his successors, but to J. P., marshal, &c., his executors, administrators, and assigns, could his successor, in the event of the marshal being changed before the money is paid, act on these bonds without an assignment? *Ibid.*

By the 69th section of the collection act of 1799, ch. 22, the goods or merchandise seized under that act, are to be put into custody of the collector, or such other persons as he may appoint for that purpose, no longer than until the proper proceedings are instituted under the 89th section of the same act, to ascertain whether they are forfeited or not; and as soon as the marshal seizes the goods under the proper process of the court, the marshal is entitled to the sole and exclusive custody thereof, subject to the future orders of the court. Ex parte Jesse Hoyt, Collector of the Port of New York, 13 Peters, 279.

By the statute of Indiana, the marshal on a replevy bond is required to take one or more sufficient freehold securities, and if freehold security be not taken, the marshal is liable. Bispham *v.* Taylor, 2 M'Lean's C. C. R. 355.

If the sureties be not freeholders, however ample at the time they may have been considered, the marshal is liable. In this respect the statute must be pursued. *Ibid.*

To examine the county records, is not an unreasonable duty on the marshal. *Ibid.*

Where the marshal takes insufficient bail for the appearance of a defendant, he is only answerable for the actual injury sustained by the plaintiff. In such a case the insolvency of the defendant may be shown in mitigation of damages. *Ibid.*

But where a judgment is replevied, good freehold security must be taken for the payment of the judgment. If insufficient security be taken, the marshal is liable. *Ibid.*

Executions may issue on judgments, &c.

such damages, as shall be legally assessed, with costs of suit; for which execution may issue for such party in due form, and in case such party shall fail to recover in the suit, judgment shall be rendered and execution may issue for costs in favour of the defendant or defendants against the party who shall have instituted the suit; and the United States shall in no case be liable for the same.

Bonds to remain as a security on judgments rendered, &c.

Sec. 3. *And be it further enacted*, That the said bonds shall, after any judgment or judgments rendered thereon, remain as a security, for the benefit of any person, persons, or body politic, injured by breach of the condition of the same, until the whole penalty shall have been recovered; and the proceedings shall be always in the same manner, and as herein before directed.

Within what period suits are to be commenced, &c.

Sec. 4. *And be it further enacted*, That all suits on marshals' bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, *feme coverts*, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

Saving of the rights of infants, &c.

Approved, April 10, 1806.

Statute I.

April 10, 1806.

Chap. XXII.—*An Act regulating the currency of foreign coins in the United States.*(*a*)

Foreign gold and silver coins to be current in the U. S. at the following rates:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz:

Coins and rates.

The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents, for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents, for every twenty-seven grains and two-fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar. Crowns of France at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins made current by this act, to be had at the mint of the United States, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling them to make such alterations in this act, as may become requisite, from the real standard value of such foreign coins. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins of the description made current by this act, which shall issue subsequently to the passage of this act, and shall circulate in the United States, at the mint aforesaid, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling Congress to make such coins current, if they shall deem the same to be proper, at their real standard value.

Secretary of the Treasury to cause assays of the foreign coins, &c. to be had at the mint, &c. and to make report of the result to Congress.

(*a*) See act of August 4, 1790, sec. 39, vol. i. 167.
An act relative to the rix dollar of Denmark, March 3, 1791, chap. 19, vol. i. 215.
An act regulating foreign coins, and for other purposes, February 9, 1793, vol. i. 300.
An act supplementary to "an act regulating foreign coins, and for other purposes," February 1, 1798, chap. 11, vol. i. 539.
An act to regulate the duties on imports and tonnage, March 2, 1799, chap. 22, sec. 61, vol. i. 673.

Sec. 2. *And be it further enacted*, That the first section of the act, intituled "An act regulating foreign coins, and for other purposes," passed the ninth day of February, one thousand seven hundred and ninety-three, be, and the same is hereby repealed. And the operation of the second section of the same act shall be, and is hereby suspended for, and during the space of, three years from the passage of this act.

Part of a former section repealed.
Vol. i. 300.
Operation of the other section suspended.

Approved, April 10, 1806.

Statute I.

Chap. XXIII.—*An Act to regulate and fix the compensations of the officers of the Senate and House of Representatives.*

April 10, 1806.
[Obsolete.]
Compensations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers of the Senate and House of Representatives herein after mentioned, shall be, and hereby are entitled to receive, in lieu of their compensations fixed by law, the following sums, that is to say: The secretary of the Senate, and clerk of the House of Representatives, two thousand dollars each; their principal clerks, one thousand three hundred dollars each; and each of their engrossing clerks, one thousand dollars per annum.

Sec. 2. *And be it further enacted*, That the sergeant at arms of the Senate, who also performs the duty of a doorkeeper, the sergeant at arms, and the doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive, nine hundred and fifty dollars per annum, each; and that the assistant doorkeeper of the Senate, and the assistant doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive nine hundred dollars, per annum, each.

Compensations to the sergeants at arms of the Senate and House of Representatives.

Sec. 3. *And be it further enacted*, That any appropriation which shall be made by the Senate, or House of Representatives, out of the contingent fund of either house, towards the compensation of any of the officers of the Senate, or House of Representatives, shall be taken and considered as a part of the salary allowed by this act.

Appropriations out of the contingent fund of either house, to be taken as part of the salary.

Sec. 4. *And be it further enacted*, That the compensations provided for in this act, shall commence and take effect from and after the thirty-first day of March, one thousand eight hundred and six.

Time at which the compensations are to commence.

Sec. 5. *And be it further enacted*, That the act intituled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," passed on the twenty-ninth of April, one thousand eight hundred and two, shall, from and after the thirty-first of March, one thousand eight hundred and six, be, and the same is hereby repealed.

Repeal of a former act.
Act of April 29, 1802, ch. 35.

Approved, April 10, 1806.

Statute I.

Chap. XXIV.—*An Act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed.*

April 10, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby directed, to cause the coast of North Carolina to be correctly surveyed, between Cape Hatteras and Cape Fear; together with the shoals lying off and between these respective capes, or head lands, and to report at the next session of Congress on the practicability of erecting a lighthouse, lighted beacon or buoy, on or near the extreme point of these shoals, or either of them. And the sum of five thousand dollars is hereby appropriated for the purpose of defraying any expense which may be incurred in making such survey, to be paid out of any money in the treasury, not otherwise appropriated.

Secretary of the Treasury to cause the coast of N. Carolina to be surveyed, to report to Congress on the practicability of erecting a lighthouse.

Appropriation.

Approved, April 10, 1806.

Statute I.

April 10, 1806.

Act of April 25, 1812, ch. 19.
Act of March 18, 1818, ch. 18.
Act of March 3, 1819, ch. 58.

Who are to be placed on the pension list.

Officers, soldiers, marines or seamen who did not desert, or resigned from disabilities which render them incapable to procure a subsistence by manual labour, to be placed on the pension list.

See note to act of April 25, 1812, ch. 59.

Chap. XXV.—*An Act to provide for persons who were disabled by known wounds received in the Revolutionary war.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or non-commissioned officer, musician, soldier, marine or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labour; whether such officer, musician, soldier, marine or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner herein after described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations herein after mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

Rules and regulations for substantiating claims to a pension.

Sec. 2. *And be it further enacted,* That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Evidence.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Terms and conditions.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence, at the time of taking such testimony.

Affidavit of claimant.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify in writing, his opinion of the credibility of the witnesses, whose affidavits

he shall take, in all those cases, where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

District judge to transmit list of claims, &c. to the Secretary of War.

Sec. 3. *And be it further enacted,* That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

Secretary of War to make a statement to Congress.

Commencement of pensions.

Sec. 4. *And be it further enacted,* That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

Increase of pensions to be allowed in certain cases.

Sec. 5. *And be it further enacted,* That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided,* that the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Proviso.

Invalids to be examined by physicians authorized by the district judge, who are to report, &c.

Report to be sent to the Secretary of War.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labour, which report shall be transmitted by said physicians or surgeons, to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

Of what sums the pensions are to consist.

Sec. 6. *And be it further enacted,* That a full pension given by this act to a commissioned officer, shall be one half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

How pensions, &c. are to be paid.

Sec. 7. *And be it further enacted,* That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

Transfers of pensions before due, not valid.

Sec. 8. *And be it further enacted,* That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And

Claimants of pensions under powers of attorney, to take an oath that they have not been sold or transferred.

every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Former laws respecting pensioners under disabilities from the war, repealed.

Proviso.

Sec. 9. *And be it further enacted,* That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of, disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby repealed: *Provided,* that nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

Duration of this act.

Proviso.

Sec. 10. *And be it further enacted,* That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided,* that this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

Approved, April 10, 1806.

Statute I.

April 15, 1806.

Act of March 21, 1808, ch. 37.

Act of Dec. 19, 1809, ch. 3.

Secretary of War authorized to issue land warrants.

Within what time those warrants may be located.

Surveyor-general to cause surveys to be made of the quarter townships.

Chap. XXVI.—*An Act to authorize the Secretary of War to issue land warrants; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants, to such persons as have or shall, before the first day of March, one thousand eight hundred and eight, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall, and may be located in the names of the holders or proprietors thereof, at any time prior to the first day of October, one thousand eight hundred and eight, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law, for original holders of military land warrants.

Sec. 2. *And be it further enacted,* That it shall be the duty of the surveyor-general, under the direction of the Secretary of the Treasury, to cause to be surveyed so much of the fifty quarter townships, and the fractional quarter townships aforesaid, as have been, or hereafter may be located according to law, in conformity with the locations made on the plats of the said quarter townships: *Provided,* the whole expense of surveying the same shall not exceed three dollars for every mile actually surveyed.

Approved, April 15, 1806.

Statute I.

April 15, 1806.

Chap. XXVIII.—*An Act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory.*(a)

Operation of the sixth condi-

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

(a) See note to act of May 18, 1796, chap. 30, vol. i. 464.

sixth condition of the fifth section of the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river," be, and the same is hereby suspended until the first day of October next, in favour of such purchasers of lands under the said act, who shall exhibit satisfactory proof to the register and receiver of public monies in the respective districts where they reside, that they were actual settlers on the land so purchased, at the time of passing this act.

tion of the 5th section in a former act suspended.

1800, ch. 55.

In favour of actual settlers.

Approved, April 15, 1806.

Statute I.

April 18, 1806.

Chap. XXIX.—*An Act to prohibit the importation of certain goods, wares and merchandise.*

Act of March 1, 1809, ch. 24.

Act of June 28, 1809, ch. 9.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fifteenth day of November next, it shall not be lawful to import into the United States, or the territories thereof, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, any goods, wares or merchandise, of the following description, that is to say:

Importation of certain articles from G. Britain and its dependencies interdicted.

All articles of which leather is the material of chief value.

All articles of which silk is the material of chief value.

All articles of which hemp or flax is the material of chief value.

Articles prohibited.

All articles of which tin or brass is the material of chief value, tin in sheets excepted; woollen cloths whose invoice prices shall exceed five shillings sterling per square yard; woollen hosiery of all kinds; window glass, and all other manufactures of glass; silver and plated wares; paper of every description; nails and spikes; hats; clothing ready made; millinery of all kinds; playing cards; beer, ale and porter; and pictures and prints.

Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any of the above-mentioned goods, wares or merchandise, being of the growth, produce or manufacture of Great Britain or Ireland, or any of the colonies or dependencies of Great Britain: *Provided however,* that no articles which shall within fifteen months after the passing of this act, be imported from any place beyond the Cape of Good Hope, on board any vessel cleared out before the passing of this act, from any port within the United States or the territories thereof, for the said Cape of Good Hope, or any place beyond the same, shall be subject to the prohibition aforesaid.

Being of the produce or manufacture of G. Britain, &c.

Proviso as to goods imported from beyond the Cape of Good Hope.

Sec. 2. *And be it further enacted,* That whenever any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall moreover forfeit and pay treble the value of such articles.

Prohibited articles if imported into the U. States contrary to this act, to be forfeited, together with all other goods imported in the same vessel, and belonging to the same owner.

Sec. 3. *And be it further enacted,* That if any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, such ship or vessel, boat, raft or carriage,

The ship or vessel in which such prohibited articles shall be imported or shipped with the knowledge of the owner, to be also forfeited;

and treble the value of the goods to be likewise recovered.

shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

The like penalties as are usual to be incurred in case of the omission of the interdicted goods in the permits or manifests of vessels arriving in the U. States.

Sec. 4. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board any ship or vessel, boat, raft or carriage, arriving after the said fifteenth day of November next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner, or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed, without a permit, the same penalties, fines and forfeitures shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the United States.

Powers of search now confided to the custom-house officers in other cases extended to them in those under this act.

Sec. 5. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited, or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise, which he or they now have by law, in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

Penalties upon persons buying goods prohibited by this act.

Addition to custom-house oath of the captains or masters of vessels.

Sec. 6. *And be it further enacted*, That the following additions shall be inserted to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the said fifteenth day of November next, viz: "I further swear (or affirm) that there are not to the best of my knowledge and belief on board (insert the denomination and name of the vessel) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

Addition to the oath of importers, &c.

Sec. 7. *And be it further enacted*, That the following addition be inserted after the said fifteenth day of November next, to the oath or affirmation taken by importers, consignees or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. "I also swear (or affirm) that there are not to the best of my knowledge and belief amongst the said goods, wares and merchandise imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately, and without delay, report the same to the collector of this district."

Penalties and forfeitures how to be sued for and recovered. 1799, ch. 22.

Sec 8. *And be it further enacted*, That all penalties and forfeitures arising under this act may be sued for and recovered, and shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

and such penalties and forfeitures may be examined, mitigated or remitted in like manner, and under the like conditions, regulations and restrictions as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned." 1797, ch. 13.

Approved, April 18, 1806.

Statute I.

April 18, 1806.

Chap. XXX.—*An Act supplementary to the act making provision for the payment of claims of citizens of the United States on the government of France.*

Claims of citizens of the U. States under the Bordeaux embargo to be paid at the treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, the amount of certain claims of citizens of the United States against the government of France, arising from the Bordeaux embargo, in conformity with a certified list of liquidations, attested by the minister of the public treasury of France, and transmitted by the minister plenipotentiary of the United States, at Paris, to the said secretary; which payments shall be made for such sums, respectively, as are stated in the above-mentioned list of liquidations, to such persons, respectively, as the accounting officers of the treasury shall determine to be rightfully entitled to the same, and out of the monies heretofore appropriated for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which was assumed by the government of the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three.

Approved, April 18, 1806.

Statute I.

April 18, 1806.

Chap. XXXI.—*An Act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.*(a)

A line established for defining the limits of the vacant lands of the U. S. in Tennessee.

Courses thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the state of North Carolina, intituled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three) thence with the military boundary line, west to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the state of Tennessee.

(a) The state of North Carolina, by her act of cession of the western lands, of 1789, recited in the act of Congress of April 2, 1790, chap. 6, vol. i. page 106, accepting that cession, and by her act of 1803, chap. 3, ceding to Tennessee the right to issue grants, has parted with her right to issue grants for lands within the state of Tennessee, upon entries made before the cession. Burton's lessee *v.* Williams, et al., 3 Wheat. 529; 4 Cond. Rep. 315.

Under the cession act, ratified by the act of Congress, the United States held the domain of the vacant lands in Tennessee, subject to the right which North Carolina retained, of perfecting the inchoate titles created under her laws. *Ibid.*

But it seems that the holder of such a grant must resort to the equity jurisdiction of the United States for relief. *Ibid.*

After the cession of land by North Carolina to the United States, the former had no right to grant those lands to any grantee who had not an incipient title before the cession. Polk's lessee *v.* Wendall, 9 Cranch, 87; 3 Cond. Rep. 286.

Upon relinquishment of the claim of Tennessee to certain lands.

Sec. 2. *And be it further enacted*, That upon the senators and representatives from the state of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the general assembly of the state of Tennessee, intituled "An act to appoint agents to settle the dispute between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same," and by a resolution of the senate and house of representatives of the said state of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for, and in behalf of the state of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the state of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the state of Tennessee, shall thereafter for ever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the state of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the state of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the state of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the state of North Carolina, intituled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said state of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before described line, within the limits of the said state, as Congress now have, or the state of Tennessee might have, by virtue of an act of the state of North Carolina, intituled "An act to authorize the state of Tennessee to perfect titles to lands reserved to this state by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions: that is to say,

The U. S. to cede to that state certain other lands.

Certain entries, &c. to be located within the territory ceded to the state of Tennessee.

First. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the state of North Carolina, and which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the state of Tennessee.

Lands to be appropriated by the state of Tennessee for the support of seminaries and schools of learning.

Secondly. That the state of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the state of North Carolina, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said state to be established by the legislature thereof; which said several tracts

shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the state of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever: *Provided*, that nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also*, that the lowest price of all lands granted or sold within the ceded territory, shall be the same, as shall be established by Congress for the lands of the United States: *And provided nevertheless*, that the people residing in said state, south of French Broad and Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided further*, that nothing herein contained shall be construed to enable any person or persons, until authorized by the legislature of the state of Tennessee, to locate any warrant issued under the authority of the state of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said state, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

Nothing in this act to affect the Indian title.

Prices of the land.

Proviso.

Proviso, that this act shall not affect titles under the laws of North Carolina and Tennessee.

Sec. 3. *And be it further enacted*, That if the territory herein before ceded to the state of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the state of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

If the territory hereby ceded to the state of Tennessee falls short, the deficiency to be made up elsewhere.

Approved, April 18, 1806.

Statute I.

April 18, 1806.

[Expired.]

Chap. XXXII.—*An Act authorizing a detachment from the Militia of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at such time as he shall deem necessary, to require of the executives of the several states, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included; to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

President authorized to call upon the executives of the several states to have their proportions of militia ready for immediate service.

Apportionment how to be made.

1808, ch. 39.

Sec. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorize the executives of the several states, to accept, as part of the said detachment, any corps of volunteers, who shall

President may authorize the acceptance of volunteer corps.

engage to continue in service six months after they arrive at the place of rendezvous.

How the militia are to be officered.

President apportioning the general officers.

Sec. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option and direction of the constitutional authority in each state, respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

Length of time which the militia may be compelled to serve.

Their pay, &c.

Sec. 4. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous: and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, that are established by law, as the pay, rations and allowance for clothing of the army of the United States.

President may call into service any proportion of the detachment.

Sec. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of the said detachment, when he shall judge the exigencies of the United States require it; if a part of the said detachment only shall be called into actual service, they shall be taken from such part thereof as the President in his discretion shall deem most proper.

Appropriation.

Sec. 6. *And be it further enacted*, That two millions of dollars be, and are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the pay and subsistence of such part of the said detachment as may be called into service.

Act of March 3, 1803, ch. 32, repealed.

1812, ch. 55.

Sec. 7. *And be it further enacted*, That an act, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," approved the third of March, one thousand eight hundred and three, be, and the same is hereby repealed.

Commencement and duration of this act.

Sec. 8. *And be it further enacted*, That this act shall continue, and be in force for the term of two years from the passing thereof, and no longer.

Approved, April 18, 1806.

Statute I.

April 18, 1806.

Chap. XXXIII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and six.*

Objects of appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands, in the territories of Indiana and Mississippi; and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred thousand five hundred and eighty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, thirty-two thousand dollars.

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and six, four hundred and fifty dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of twelve hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, twelve thousand five hundred and sixty dollars.

Specific appropriations.

1799, ch. 40.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the first session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including those engaged on the business belonging to the late office of the commissioner of the revenue, twelve thousand three hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States, northwest of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several land-offices, three thousand four hundred dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing the public accounts for the year one thousand eight hundred and six, one thousand two hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and six, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand five hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

Specific appropriations.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of twelve hundred dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery, store rent, and fuel, for the said office, four thousand six hundred dollars.

For expenses incidental to the removal of the purveyor's office to Germantown, during the prevalence of the yellow fever in Philadelphia, in the year one thousand eight hundred and five, one hundred dollars.

1799, ch. 40.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, including the sum of seven hundred dollars, in addition to the sum of four thousand two hundred dollars, allowed by the act of the second of March, one thousand seven hundred and ninety-nine, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

1799, ch. 40.

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

1799, ch. 40.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks, and persons employed in the Postmaster-General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster-General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For expenses incurred by removal of the loan office from New York, during the prevalence of the epidemic fever in the year one thousand eight hundred and five, one hundred dollars.

For expenses incurred by removal of the loan office from Philadelphia, during the prevalence of the epidemic fever, in the year one thousand eight hundred and five, one hundred dollars.

For compensation to the clerks of the several commissioners of loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans of the state of Pennsylvania, in consequence of the

removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars.

Specific appropriations.

For compensation to the surveyor-general, and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two at five hundred dollars each.

For the wages of persons employed in the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including the sum of eight hundred dollars, per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand two hundred dollars.

For the repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, four thousand two hundred dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, including the sum of two thousand seven hundred and fifty dollars, for the salaries from the first of October to the thirty-first of December, one thousand eight hundred and four, fifteen thousand seven hundred and fifty dollars.

For incidental and contingent expenses of the executive offices of the said territory, including the sum of eight hundred and fifty dollars, a deficiency in the appropriation for one thousand eight hundred and five, and for express hire, and compensation of an Indian interpreter, three thousand seven hundred dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand nine hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses in the said territory, and to make good a deficiency in the appropriations for the years one thousand eight hundred and four, and one thousand eight hundred and five, five hundred and eighty-two dollars and fifty cents.

For compensation to the governor, judges, and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, including a deficiency of two thousand five hundred and seventy-five dollars, in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, including the sum of six hundred and forty dollars, to defray similar expenses and others attending the organization of the government in the year one thousand eight hundred and five, nine hundred and ninety dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, including a deficiency of two thousand five hundred and

Specific appropriations.

seventy-five dollars in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent and other contingent expenses in the said territory, for the years one thousand eight hundred and five, and one thousand eight hundred and six, five hundred and twenty-five dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars.

1799, ch. 40.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney general, and to the judge of the district of Orleans, including a deficiency in the appropriation for his compensation in the year one thousand eight hundred and four, fifty-six thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred dollars.

For the payment of an annuity granted to the children of the late Colonel John Harding, and Major Alexander Trueman, by an act of Congress, passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and six, to the fourth of March one thousand eight hundred and seven, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-one thousand and eighty-eight dollars and two cents.

For the payment of a commission of two and a half per cent. to the commissioners who superintended the erection of public piers in the river Delaware, four hundred and forty-eight dollars and seventy-one cents.

For fixing buoys in Long Island sound, in addition to the sums heretofore appropriated for that object, one thousand three hundred and forty-two dollars and thirty-four cents.

For expenses of intercourse with foreign nations, thirty-nine thousand and fifty dollars.

For the expenses of the intercourse between the United States and

the Barbary powers, including the compensation of the consuls at the several Barbary powers, forty-nine thousand five hundred dollars.

Specific appropriations.

For the contingent expenses of the intercourse with foreign nations, twenty-six thousand nine hundred and fifty dollars.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For defraying the expense of carrying into effect the sixth article of the British treaty, in addition to the sums heretofore appropriated for that purpose, seven thousand seven hundred and fifty dollars.

Towards completing the surveys of public lands in the state of Ohio, and in the Indiana and Mississippi territories, one hundred and twenty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement, at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For defraying the expenses incident to the investigation of claims under the French convention of the thirtieth of April, one thousand eight hundred and three, in addition to the sums heretofore appropriated to that purpose, six thousand dollars.

For the relief and protection of distressed American seamen, seven thousand five hundred dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the amount admitted at the treasury as due, on the first of January, one thousand seven hundred and ninety-one, to the legal representatives of the late Baron de Beaumarchais, for military stores furnished the United States during the late war, including interest on the same, a sum not exceeding seventy-nine thousand dollars.

For exploring the waters of the country ceded by the convention of the thirtieth of April, one thousand eight hundred and three, and establishing commerce with the Indian tribes inhabiting the same, five thousand dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of monies in the treasury, not otherwise appropriated.

1790, ch. 34.

Approved, April 18, 1806.

Statute I.

April 21, 1806.

Chap. XXXIV.—*An Act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase.*

[Obsolete.]

Per diem allowance to the witnesses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to every witness summoned to attend the trial of the impeachment of Samuel Chase, there shall be allowed and paid for every day's attendance upon the said trial the sum of three dollars; and also for mileage at the rate of twelve and an half cents for every mile distance coming to the city of Washington, and returning to the usual place of residence of the witnesses, respectively.

Secretary of the Senate to ascertain and certify the amount due to each witness.

Sec. 2. *And be it further enacted,* That it shall be the duty of the secretary of the Senate to ascertain and certify the amount due to each witness for attendance and mileage; which certificate shall be a sufficient voucher to entitle the witness to receive from the treasury of the United States the amount certified to be due, unless otherwise ordered by the Senate.

This certificate to be a good voucher at the treasury.

Sec. 3. *And be it further enacted,* That the sum of six thousand

Appropriation.

dollars be appropriated to defray the expenses to be incurred under the provisions of this act, to be paid out of any money in the treasury, not otherwise appropriated.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XXXV.—*An Act in addition to an act, intituled "An act supplementary to the act providing for a naval peace establishment, and for other purposes."*

Second and fourth sections of the act of March 3, 1801, ch. 20, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and fourth sections of "An act providing for a naval peace establishment, and for other purposes," be, and the same are hereby repealed.

President to keep in actual service, in time of peace, as many frigates as he may think proper.

Rest to be laid up.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

Armed vessels to be officered and armed as the President chooses.

Number of officers.

Half pay to officers not under orders.

Sec. 3. *And be it further enacted,* That the public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned, as the President of the United States shall direct; provided that the officers shall not exceed the following numbers and grades, that is to say; thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen: but the said officers shall receive no more than half their monthly pay, during the time when they shall not be under orders for actual service; and provided further, that the whole number of able seamen, ordinary seamen and boys shall not exceed nine hundred and twenty-five; but the President may appoint, for the vessels in actual service, so many surgeons, surgeon's mates, sailing masters, chaplains, pursers, boatswains, gunners, sail makers, and carpenters, as may in his opinion be necessary and proper.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XXXVI.—*An Act for the regulation of the times of holding the courts of the district of Columbia, and for other purposes.*

Session of the court of Washington changed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court for Washington county, in the district of Columbia, shall hereafter commence and be held on the first Monday in June in each year, instead of the fourth Monday in July, as now fixed by law; and the circuit court for Alexandria county, in said district, on the first Monday in July, instead of the fourth Monday in June, as now established; and that the circuit court for Washington county, which now stands adjourned to the fourth Monday in July next, shall be, and is hereby adjourned to the first Monday in June next; and the circuit court for Alexandria county shall be adjourned to, and held on the first Monday in July next; and that all process whatsoever, now issued, or that may be issued in the respective counties of Washington and Alexandria, in said district, returnable to the fourth Mondays in June and July next, respectively, or to any particular day in the first, second, or other succeeding weeks during the said terms, as heretofore established, shall be returnable, and returned to the first Mondays in June and July next, or to corresponding days in the first, second, or other succeeding weeks during the said terms, respectively, as now by this law established; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before the said courts, at the respective times of holding

Of Alexandria likewise.

Present courts adjourned accordingly.

Process made returnable according to the change.

the same as heretofore established, shall be returned and continued to the said first Monday in June and July next, in the same counties, respectively, in the same manner, as if the said causes, recognizances, pleas and proceedings, had been regularly returned or continued to the said respective times appointed by this act, for holding the said courts.

Sec. 2. *And be it further enacted,* That the provisions of the act, intituled "An act for the relief of insolvent debtors within the district of Columbia," shall extend to any debtor who may have been, or hereafter shall be arrested and holden to bail in the said district, and who at the time of his arrest shall have been a resident in the said district one year, next preceding his arrest.

Provisions of a former act extended to insolvent debtors. 1803, ch. 31.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XXXVIII.—*An Act continuing in force for a further time, the first section of the act intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

[Obsolete.]

Act of March 26, 1804, ch. 46. 1807, ch. 30. 1808, ch. 11. 1809, ch. 7. 1809, ch. 5. 1811, ch. 3. 1812, ch. 18. 1813, ch. 40.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth (sixth) day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XXXIX.—*An Act supplementary to an act intituled "An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana."*(a)

Act of March 2, 1805, ch. 26.

What shall be considered an actual settlement according to the second section of the act to which this is a supplement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming a tract of land, by virtue of the second section of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person or persons to produce sufficient evidence of such permission.

Sec. 2. *And be it further enacted,* That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act, to which this act is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated, were not at the time when the same originated, above the age of twenty-one years: *Provided,* that the tract of land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

Claimants to land not exceeding 640 acres under persons who were not of the age of 21 years confirmed in their titles, if their claims are in other respects regular.

Proviso that the claimants shall have been in possession of the lands for 10 years.

Sec. 3. *And be it further enacted,* That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land-office notices in writing, and the written evidences of claims to land in the territory of Orleans, be, and the same is hereby extended,

(a) See notes to act of March 2, 1805, chap. 26.

Times for delivering notices in writing to claims of land in the territory of Orleans extended.

Persons neglecting, to be barred.

till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior to the first day of March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

Registers of the land-offices to appoint deputies.

Their duty.

Sec. 4. *And be it further enacted*, That the registers of the land-offices in the territory of Orleans, respectively, be, and they are hereby authorized to appoint so many deputies, not exceeding one for each county, in their respective districts, as they may think necessary; whose duty it shall be to receive, enter, and file notices, and to receive and record written evidences of claims to lands lying in the county, or counties, to them respectively assigned, in the same manner as the register might do; and also, to transmit to the register the said notices and evidences, or such transcripts of abstracts of the same, as the said register, or the commissioners, may direct; and generally to do and perform all such acts, in relation to such claims, as the said register may direct.

Evidences of claims to land, how, to whom and when delivered.

Persons having claims to land, may deliver the notices and evidences of the same, at their option, either to the register of the proper land-office, or to his deputy, for the county in which such land lies; and each of the said deputies shall be entitled to receive the recording fees, allowed to the register, by the act to which this act is a supplement, and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the monies appropriated for carrying into effect the act to which this act is a supplement.

Commissioners, their duties under this act.

Transcripts of decisions to be filed and transmitted.

Lands not to be disposed of until the decision of Congress.

Sec. 5. *And be it further enacted*, That the commissioners, appointed for the purpose of ascertaining the rights of persons, claiming lands in the territory of Orleans shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall likewise be the duty of the said commissioners, to inquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession on the back of grants or concessions heretofore made, or from grants or concessions heretofore made to minors, and not embraced by the provisions of this act, or from grants or concessions made by the Spanish government, subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the twentieth day of December, one thousand eight hundred and three; and to make a special report thereon to the Secretary of the Treasury; which report shall be, by him, laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

Compensations of the commissioners and registers.

Sec. 6. *And be it further enacted*, That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars for the services to be performed, under this act, prior to the first day of January next; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day for every day's

actual attendance on the duties of his office, subsequent to the first day of January next: *Provided*, that the whole amount of compensation thus allowed, shall not for any commissioner exceed two thousand dollars: *And provided also*, that the President of the United States may, if he shall think proper, reduce, after the first day of January next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act, to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year; the translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved. *Provided*, that no more than one year's compensation be thus allowed to each of the said clerks, translators, and agents: *And provided also*, that the Secretary of the Treasury may discontinue either one or both of said agents, whenever he shall think it proper.

Compensation not to exceed 2000 dollars.

President may reduce the number of commissioners.

Salaries of officers.

Proviso.

Sec. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons, claiming lands in the territories of Orleans and Louisiana, be, and they are hereby authorized, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places, within their respective districts, as they may think necessary: And each of the commissioners going for that purpose, to such other place or places, shall, in addition to his compensation, receive at the rate of six dollars for every twenty miles, going to and returning from such place or places: *Provided*, that no commissioner shall receive in the whole, on that account, more than for the distance, from the usual place of the sittings of the board to the extreme settlements within his respective district.

Commissioners may change the places of their sessions.

Compensation for travel.

Proviso.

Sec. 8. *And be it further enacted*, That each of the boards aforesaid, shall prepare and cause to be prepared, the reports and transcripts, which by law they are directed to make to the Secretary of the Treasury, in conformity with such forms as he may prescribe; and they shall also, in their several proceedings and decisions, conform to such instructions, as the said secretary may, with the approbation of the President of the United States, transmit to them in relation thereto.

Boards to prepare and make reports, &c. &c. to the Secretary of the Treasury, according to forms prescribed by him.

Sec. 9. *And be it further enacted*, That the surveyor of the public lands, south of Tennessee, be, and he is hereby directed to appoint a principal deputy for each of the two land districts of the territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute, or cause to be executed by the other deputies, such surveys as have been or may be authorized by law, or as the commissioners aforesaid may direct; to file and record all such surveys, to form as far as practicable, connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the public lands south of the state of Tennessee, the duties imposed by law on said surveyor. And each of the said principal deputies shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents.

Surveyor of public lands south of Tennessee to appoint deputies, &c.

Their duties.

Compensations.

Receiver of public monies for the western district of Orleans may be appointed by the President, &c.

Sec. 10. *And be it further enacted,* That the President of the United States be, and he hereby is authorized, whenever he shall think it proper, to appoint a receiver of public monies for the western district of the territory of Orleans, who shall receive the same annual compensation, give security in the same manner and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the receivers of public monies, in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. And the said receiver, and the register of the land-office, for the same district shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees, which are by law respectively allowed to the same officers, north of the river Ohio, and above the mouth of Kentucky river.

His compensation.

President may authorize a sale of public lands in the western district of Orleans, &c. &c.

Sec. 11. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, whenever he shall think it proper, to direct so much of the public lands lying in the western district of the territory of Orleans, as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such land shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same; with the exception also of an entire township to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs, and lands contiguous thereto, which by direction of the President of the United States, may be reserved for the future [disposal] of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, of the receiver of public monies, and of the principal deputy surveyor; and on such day or days, as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks and no longer; the lands shall be sold for a price not less than that which has been, or may be fixed by law, for the public lands in the Mississippi territory, and shall in every other respect be sold in tracts of the same size, on the same terms and conditions as have been, or may be by law provided for the lands sold in the Mississippi territory. The superintendents of the said public sales shall receive six dollars, each, for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are, or may be provided by law, for the sale of the lands of the United States in the Mississippi territory. And patents shall be obtained for all lands granted or sold in the territory of Orleans, in the same manner and on the same terms, as is, or may be provided by law for lands sold in the Mississippi territory.

Lands to be offered for sale.

Days of sale to be designated by the President's proclamation.

How long to remain open.

Prices, &c. &c.

Compensation to superintendents of sales.

Lands remaining unsold may be disposed of at private sale.

In what manner, and on what terms.

Patents how to be obtained.

Locations made for General La Fayette, may be received though containing less than 1000 acres.

Sec. 12. *And be it further enacted,* That the location or locations of land, which may be made in the territory of Orleans, by Major General La Fayette, by virtue of the ninth section of the act to which [this] act is a supplement, shall and may be received, though containing less than one thousand acres: *Provided,* that no such location or survey shall contain less than five hundred acres.

Proviso.

Survey of the coast of the territory of Orleans to be made.

Sec. 13. *And be it further enacted,* That the Secretary of the Treasury be authorized to cause a survey to be made of the sea-coast of the territory of Orleans, from the mouth of the Mississippi to Vermilion bay inclusively, and as much farther westwardly as the President of the United States shall direct, and also of the bays, inlets, and navigable

waters connected therewith: *Provided*, that the expense of such survey shall not exceed five thousand dollars.

Limitation of expense.

Sec. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated, for the purpose of carrying this act into effect.

Appropriation.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XL.—*An Act respecting the claims to land in the Indiana territory and state of Ohio.*(a)

Act of March 26, 1804, ch. 35.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the registers and receivers of public monies of the districts of Vincennes and Kaskaskias, respectively, be, and they are hereby authorized and empowered, under the direction of the Secretary of the Treasury, to lay out one or more tracts of land, in their respective districts, for the purpose of locating therein, tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress: *Provided*, that the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which, in conformity with former laws, had been laid out for similar purposes by the governors of the northwest or Indiana territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress.

Registers and receivers of public monies in Vincennes and Kaskaskias authorized to lay out one or more tracts in their respective districts.

Proviso.

Sec. 2. *And be it further enacted*, That any person or persons entitled to grants of land by virtue of any former resolution or act of Congress, which are not specifically designated in the patents issued by the governors aforesaid, or which have not yet been located, shall have a right to locate the same in the tract or tracts, to be laid out in each district, respectively, by virtue of the preceding section, the priority of such locations shall be determined by lot in presence of the register of the land-office, with whom the location shall be entered: and the surveyor-general shall cause the same to be surveyed at the expense of the parties; *Provided*, that all the lands thus located, shall, in each tract laid out for that purpose, be laid out in a body, without leaving any intervals of vacant land, and shall each be surveyed in the form of a square or of a parallelogram, the length of which shall not exceed three times its breadth.

Resolution warrants not specific, how to be entered.

Proviso.

Sec. 3. *And be it further enacted*, That the registers and receivers aforesaid, shall complete and transmit their reports to the Secretary of the Treasury, before the first day of December next. Each of the said officers shall be allowed an additional compensation of five hundred dollars; and each of the clerks of the respective boards shall be allowed an additional compensation of two hundred and fifty dollars, in full for his services, as such, in relation to such claims.

Registers and receivers of public monies to transmit reports to the Secretary of the Treasury.—By what time.

Additional compensation to them.

Sec. 4. *And be it further enacted*, That the register and receiver of public monies in the district of Cincinnati be, and they are hereby authorized to grant certificates of a right of pre-emption to any person residing on any reserved section (other than section No. 16) for the tract on which he resides, on the applicant's producing satisfactory evidence that his claim was within the provisions of the seventh section of an act, intituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes:" *Provided*, that the person shall exhibit the evidence of his claim, and shall have paid at least one twentieth part of the purchase money, on or before the first day of August next: *And provided also*, that such certificates shall not

Registers and receivers of public monies in Cincinnati to grant certificates of pre-emption to residents.

Proviso.

1804, ch. 35.

(a) See notes to act of March 26, 1804, chap. 35.

Certificates not to be granted for lands previously sold, &c.

be granted for any lands previously granted or sold, or for a larger tract than a quarter of a section, nor for any other tract than that on which he resides, and such land shall be granted at the same price, and on the payments being made, as for other public lands sold at private sale.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLI.—*An Act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads; and for other purposes.*

Heads of departments authorized to apportion the salaries of their clerks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretaries of state, treasury, war, and navy departments, shall be, and they are hereby authorized to apportion the compensations for clerks in their respective departments, in such manner, as the services to be performed shall, in their judgment, require: *Provided,* that the whole amount of ordinary compensations for clerks in the said departments, respectively, shall not exceed the following sums, annually, that is to say:

Proviso.

Limitation of allowance for each of the officers.

For the department of state, seven thousand one hundred and fifty dollars.

For the treasury department, forty-four thousand two hundred and twenty-seven dollars and twenty-eight cents, that is to say: in the office of the Secretary of the Treasury, ten thousand two hundred and eighty-nine dollars and eighty-one cents; in the office of comptroller of the treasury, nine thousand and sixty-seven dollars; in the office of the auditor, eight thousand eight hundred and eleven dollars; in the office of the treasurer of the United States, two thousand eight hundred and seventeen dollars forty-five cents; and in the office of the register of the treasury, thirteen thousand two hundred and forty-two dollars and two cents.

For the department of war, sixteen thousand five hundred and forty dollars, that is to say: in the office of the secretary, six thousand three hundred and forty dollars; in the office of the accountant of the war department, eight thousand five hundred dollars; and in the office of the purveyor of public supplies, one thousand seven hundred dollars.

For the department of the navy, twelve thousand nine hundred dollars, that is to say: in the office of the secretary, four thousand nine hundred dollars; and in the office of the accountant of the navy department, eight thousand dollars.

Postmaster-General may appoint what number of clerks he pleases, and apportion their salaries.

Proviso.

Sec. 2. *And be it further enacted,* That the Postmaster-General of the United States shall be, and hereby is authorized to appoint such number of clerks in his office, as he shall judge proper, and to apportion their compensations in such manner as the services to be rendered by each shall, in his judgment, require: *Provided,* that the whole amount of ordinary compensations for clerks in the said office, shall not exceed the sum of nine thousand three hundred and forty-five dollars, annually.

Salary to one of the clerks in the mint.

A further allowance for clerk hire.

Sum allowed the surveyor-general, to be expended in clerk hire.

Sec. 3. *And be it further enacted,* That the director of the mint be, and he is hereby authorized to allow to one of the clerks employed in his office, seven hundred dollars per annum; and the said director is hereby authorized to expend the further sum of one thousand dollars, annually, in clerk hire, in such manner as his discretion shall dictate. And the surveyor-general is hereby allowed to expend twelve hundred dollars, annually, for clerk hire.

Allowance to commissioners of loans in certain states for clerk hire.

Sec. 4. *And be it further enacted,* That there shall be allowed to the commissioners of loans, in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars, each, per annum: to the commissioner of loans in Connecticut, not exceeding two clerks, at the rate of four hundred dollars, each, per annum: to the commissioner of loans in Pennsylvania, not exceeding six clerks, at the rate of five hundred dollars, each, annually: to the

commissioners of loans in Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars, each, annually: the aggregate of compensations for clerks employed by either of said commissioners, to be apportioned among them at his discretion. And there shall be annually allowed in lieu of clerk hire, to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars: to the commissioner of loans in the state of Rhode Island, four hundred dollars: to the commissioner of loans in the state of New Jersey, three hundred dollars: and to the commissioner of loans in the state of Maryland, two hundred and fifty dollars.

Aggregate compensations.

Sec. 5. *And be it further enacted,* That the compensations allowed by this act to clerks, shall commence with the year one thousand eight hundred and seven; and it shall be the duty of the secretaries for the departments of state, treasury, war and navy, and of the Postmaster-General, and surveyor-general, and of the commissioners of loans in the several states, to report to Congress, at the beginning of each year, the names of the clerks they have employed, respectively, in the preceding year, and the sum given to each; and whether the business for clerks increases or diminishes in their respective departments, that Congress may be enabled to make further arrangements by law, respecting clerk hire. And it shall be the duty of the Secretary of the Treasury particularly to report, whether the business in the loan office of Pennsylvania shall, from year to year, continue to require the additional sum of two thousand dollars allowed by this act for clerk hire, in consequence of the removal of the treasury office from Philadelphia, in eighteen hundred, to the permanent seat of government; and likewise he shall report the necessity, if such shall continue, of employing clerks on the business belonging to the office of the late commissioner of the revenue.

When the compensations allowed by this act are to commence.

Heads of departments, &c. &c. to report to Congress the number and names of their clerks.

Secretary of the Treasury to report whether the business in the loan office of Pennsylvania requires additional allowance for clerk hire, &c. To report the necessity likewise of employing clerks on the business of the late commissioner of revenue's office.

Sec. 6. *And be it further enacted,* That hereafter, in case of the removal of any public office, by reason of sickness, which may prevail in the town or city where such office is located, a particular account of the cost of such removal shall be laid before Congress, that they may be enabled to judge of the proper sum to be allowed for the same.

In case of the removal of any public office on account of sickness, the cost of such removal to be laid before Congress.

Sec. 7. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude: *Provided,* he shall not expend more than six thousand four hundred dollars in opening the same. And to cause to be opened a road or roads through the territory lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Grenville: *Provided,* he shall not expend, in opening the same, more than six thousand dollars. And to cause to be opened a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory: *Provided,* he shall not expend more than six thousand dollars in opening the same.

A road to be opened from the frontier of Georgia to New Orleans.

Limitation of expenditures.

Sec. 8. *And be it further enacted,* That to defray the expense authorized by this act beyond the appropriation for the support of government, for the year one thousand eight hundred and six, there is hereby appropriated a sum not exceeding twenty-eight thousand dollars, payable out of any money in the treasury, not otherwise appropriated. And that the act, intituled "An act to regulate and fix the compensation of clerks," which passed on the second day of March, one thousand seven hundred and ninety-nine, shall, from and after the first day of January next, be, and the same is hereby repealed.

Appropriation.

Repeal of a former act.

Act of March 2, 1799, ch. 40.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLII.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and six.*

For defraying the expenses of the navy for the year 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and six, the following sums be, and the same are hereby respectively appropriated, that is to say:

Specific appropriations.

For pay and subsistence of the officers, and pay of the seamen, two hundred and ninety-one thousand one hundred and nineteen dollars.

For provisions, one hundred and fifty-seven thousand two hundred and fifty-four dollars and thirty-four cents.

For medicine, instruments and hospital stores, seven thousand five hundred dollars.

For repairs of vessels, store rent, pay of armorers, freight and other contingent expenses, four hundred and eleven thousand nine hundred and fifty dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-six thousand and twenty-eight dollars and ten cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, one thousand one hundred and thirty-five dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick, belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

For completing the marine barracks, at the city of Washington, three thousand five hundred dollars.

Sec. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLIII.—*An Act to provide for the adjustment of titles of land in the town of Detroit and territory of Michigan, and for other purposes.*(a)

Act of March 3, 1807, ch. 34.

A town to be laid out by the governor and judges of Michigan.

Titles to lots to be adjusted and settled by them.

Lots to be given to actual settlers of the town of Detroit when it was burnt, if they

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor and the judges of the territory of Michigan shall be, and they, or any three of them, are hereby authorized to lay out a town, including the whole of the old town of Detroit, and ten thousand acres adjacent, excepting such parts as the President of the United States shall direct to be reserved for the use of the military department, and shall hear, examine, and finally adjust all claims to lots therein, and give deeds for the same. And to every person, or the legal representative or representatives of every person, who not owning or professing allegiance to any foreign power, and being above the age of seventeen years, did on the eleventh day of June, one thousand eight hundred and five, when the old town of Detroit was

(a) See notes to act of March 3, 1807, chap. 34.

burnt, own or inhabit a house in the same, there shall be granted by the governor and the judges aforesaid, or any three of them, and where they shall judge most proper, a lot not exceeding the quantity of five thousand square feet.

were citizens of the United States.

Sec. 2. *And be it further enacted,* That the land remaining of the said ten thousand acres, after satisfying claims provided for by the preceding section, shall be disposed of by the governor and judges aforesaid, at their discretion, to the best advantage, who are hereby authorized to make deeds to purchasers thereof, and the proceeds of the lands so disposed of, shall be applied by the governor and judges aforesaid, towards building a courthouse and jail in the town of Detroit, and the said governor and judges are required to make a report to Congress, in writing, of their proceedings under this act.

Land undisposed of according to the preceding section to be sold by the governor and judges.

Approved, April 21, 1806.

Statute I.

Chap. XLIV.—*An Act making a further appropriation towards completing the south wing of the Capitol, at the city of Washington.*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding forty thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, towards completing the south wing of the Capitol, at the city of Washington, which said sum shall be paid out of any money in the treasury, not otherwise appropriated.

Specific appropriation.

Approved, April 21, 1806.

Statute I.

Chap. XLV.—*An Act to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage."*

April 21, 1806.

1799, ch. 22.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the "Act to regulate the collection of duties on imports and tonnage," as requires the collector for the district of Great Egg Harbor, in the state of New Jersey, to reside at Somer's Point, be, and the same hereby is repealed; and the said collector shall reside at such place within said district, as may be directed by the Secretary of the Treasury.

Collector of Great Egg Harbor may reside any where in his district approved of by the Secretary of the Treasury.

Sec. 2. *And be it further enacted,* That the town or landing place of Darien, on the Alatamaha river, in the state of Georgia, shall be a port of delivery, to be annexed to the district of Brunswick, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and a surveyor shall be appointed to reside at the said port of delivery, who shall be entitled to receive one hundred dollars, annual salary, together with the other emoluments of office, as fixed by existing laws.

Town of Darien in Georgia made a port of delivery, to be annexed to the district of Brunswick.

Sec. 3. *And be it further enacted,* That Ocracocke inlet, in North Carolina, together with Shell Castle and Beacon islands, and all the shores, islands, shoals, bays and waters within two miles of the shores of said inlet, on each side thereof, shall be a district, to be called the district of Ocracocke; the President of the United States shall be authorized to designate such place in the said district, as he shall think proper, to be the port of entry; and a collector for said district shall be appointed to reside at such port of entry, who, in addition to his other emoluments, shall be entitled to receive the salary now allowed to the surveyor of Beacon island, and no other; and shall also perform the duties heretofore enjoined by law on the said surveyor; but no duties shall be paid, or secured to be paid, in the said district of Ocracocke, on any articles intended for any other port connected with the waters of the

Ocracocke inlet in North Carolina, made the district of "Ocracocke."

Port of entry to be designated by the President.

Collector to reside there.

His compensation.

Duties on what articles to be laid and collected.

said inlet of Ocracocke, such only excepted as may be cast away within the said district. The office of surveyor of Beacon island shall be henceforth abolished, and the masters or commanders of every ship or vessel coming in at Ocracocke inlet, and intending to unlade her cargo, or any part thereof, at any port, other than the district of Ocracocke, connected with the waters of the said inlet, as well as the masters or commanders of all lighters or coasting vessels, who shall receive goods, wares or merchandise, to be transported to any such port, shall be bound to exhibit their reports and manifests to the said collector, and to perform all the other duties, which, by the eighteenth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage," they are now bound to perform, under similar circumstances, in the inlet aforesaid.

Office of surveyor of Beacon island abolished.

1799, ch. 22.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLVI.—*An Act in addition to an act, intituled "An act regulating the grants of land and providing for the disposal of the lands of the United States, south of the state of Tennessee."* (a)

1803, ch. 27.

Persons losing their lands under pre-emption certificates entitled to others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person who shall have received pre-emption certificates from either of the boards of commissioners, appointed for the purpose of ascertaining the rights of persons to lands in the Mississippi territory, shall, by a final judgment or decree of the highest court of law, or equity, in which a decision could be had, within the said territory, rendered in favour of another person claiming by virtue of a British patent, lose the whole or part of the tract of land to which he was entitled by virtue of such certificate, it shall be lawful for the receiver of public monies for the district where the land lies, to repay to such person or his assigns, so much of the purchase money as had been paid by him for the land thus recovered, by the holder of the British patent.

Interfering claims under British patents and certificates from the commissioners, how to be settled.

Proviso.

In all cases where only a part of a tract of land, to which any person may be entitled by virtue of a certificate granted by the commissioners aforesaid, is also claimed by the holder of a British patent, a patent may issue in favour of the owners of such certificate, for so much of such tract of land as is not claimed by virtue of such British patent: *Provided,* that he shall in every other respect have complied with the provisions of the acts of Congress, regulating the grants of land in the Mississippi territory. And the lands contained in British grants, which have been duly recorded in conformity with the provisions of former laws, and for which certificates have not been granted by the commissioners aforesaid, shall not be disposed of until otherwise directed by Congress.

Rights of pre-emption to lands in the Mississippi territory by what time to be paid for.

Penalty of neglect of payment.

Sec. 2. *And be it further enacted,* That persons entitled to a right of pre-emption to lands in the Mississippi territory, by virtue of certificates granted by either of the boards of commissioners aforesaid, shall be allowed till the first day of January, one thousand eight hundred and seven, to make the first payment of the purchase money of such lands: and if any such person shall neglect to make such first payment, on or before the first day of January, one thousand eight hundred and seven, his right of pre-emption shall cease and become void.

Compensation of commissioners.

Proviso.

Sec. 3. *And be it further enacted,* That each of the commissioners appointed to ascertain the claims to lands in the above-mentioned territory, west of Pearl river, shall be allowed at the rate of six dollars for every day he shall attend, subsequent to the first day of April, one thousand eight hundred and six: *Provided,* that such additional allowance shall not exceed five hundred dollars for each commissioner; and

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(a) See act of March 3, 1803, chap. 27.

the agent appointed in behalf of the United States for the said board shall be allowed an additional compensation of three hundred and fifty dollars for the whole of his services. And the register and receiver of public monies, in each of the districts of the above-mentioned territory, shall, and they are hereby authorized, in their districts, respectively, and after the dissolution of the board of commissioners for their district, to regulate the location of any tract of land lying within such district, for which a certificate shall have been granted by the commissioners, whenever it shall appear that the location specified in such certificates, interfere with each other, or do not include the improvements, by virtue of which such certificates were granted: *Provided*, that the said register and receiver shall not be authorized to allow any location on land not improved and settled, in the manner provided by the former acts of Congress, regulating the grants of land in the above-mentioned territory; nor to allow, in any case, a greater quantity of land than had been allowed by the commissioners.

Registers and receivers of public monies to have discretionary powers with regard to certain locations, &c. &c.

Proviso.

Sec. 4. *And be it further enacted*, That whenever it shall appear to the satisfaction of the register and receiver of the district, east of Pearl river, that the settlement and occupancy, by virtue of which a pre-emption certificate had been granted by the commissioners, had been made and taken place, prior to the 30th day of March, one thousand seven hundred and ninety-eight, they shall be authorized to grant to the party a donation certificate, in lieu of such pre-emption; and the patent shall issue as in other cases of donations: *Provided*, that application shall be made for such an exchange, and evidence produced of the date of such settlement and occupancy, on or before the thirty-first day of December next.

Register and receiver of the district east of Pearl river authorized to grant donation certificates in certain cases.

Proviso.

Sec. 5. *And be it further enacted*, That the right of the United States, to all the land lying between the front street of the city of Natchez and the Mississippi river, and bounded on the north by north Fourth street, and the land granted to Stephen Minor, and on the south, by the lands annexed to the old fort, and those granted to William Barland, be, and the same hereby is, for ever vested in the corporation of said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic, or corporate, if any such there be: *Provided*, that the said land, as above described, be neither cultivated nor occupied by buildings, but that it be planted with trees, and preserved as a common, for the use, comfort, and health of the inhabitants of the city aforesaid, and all other persons who may occasionally resort thither.

Right of the United States in land near and adjoining to Natchez, vested in the corporation of that city.

Proviso.

Sec. 6. *And be it further enacted*, That whenever the section No. 16, shall fall upon land already granted, by virtue of any act of Congress, or claimed by virtue of a British grant, the Secretary of the Treasury shall locate another section, in lieu thereof, for the use of schools, which location shall be made in the same township, if there be any other vacant section therein, and otherwise, in an adjoining township.

Sec. No. 16, how to be located if it shall have fallen upon any land claimed by virtue of a British grant.

Sec. 7. *And be it further enacted*, That Richard Sparks be permitted to enter with the register of the land-office, for the district west of Pearl river, his claim to three hundred and twenty acres of land, lying within said district; and that Richard S. Bryan, and George Brewer, senior, be permitted to enter with the register of the land-office, for the district east of Pearl river, their certificate of a right of pre-emption for three hundred and twenty acres of land, lying within the district last mentioned: and such entry of the claim of the said Richard Sparks shall have the same effect, as if it had been made prior to the first day of December, one thousand eight hundred and four, and such entry of the certificate of the said Richard S. Bryan and George Brewer, senior, shall have the same effect as if it had been made within three months from the time it was issued.

Where Richard Sparks' claim is to be entered.

Also those of Richard S. Bryan and George Brewer, Senr.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLVII.—*An Act for fortifying the ports and harbors of the United States, and for building Gun Boats.*

Sum appropriated for the fortification of the ports and harbors of the U. States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

Sum appropriated for building gun boats for the protection of the harbors, &c. &c. of the U. States.

President authorized to officer, man and equip them.

Sec. 2. *And be it further enacted,* That a sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause to be built and completed a number of gun boats, not exceeding fifty, for the protection of the harbors, coasts, and commerce of the United States; and the President is hereby authorized to officer, man and equip any part, or all of said gun boats, when he shall judge the same expedient, for the purposes aforesaid; and a sum not exceeding twenty thousand dollars is hereby appropriated to defray any expense which may be incurred by officering, manning and equipping gun boats, as aforesaid.

Armed vessels of the United States may be sold, at the discretion of the President.

Sec. 3. *And be it further enacted,* That the President of the United States may direct any of the armed vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair, that it will not be for the interest of the United States to repair the same.

Appropriations—out of what funds to be paid.

Sec. 4. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

Approved, April 21, 1806.

Statute I.

April 21, 1806.

Chap. XLVIII.—*An Act for establishing trading houses with the Indian tribes.*

Act of April 18, 1796, ch. 13.

Trading houses how to be established at such ports and places on the frontiers as the President may choose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the frontiers, or in the Indian country, on either or both sides of the Mississippi river, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the United States, or their territories.

Superintendent of Indian trade.

His duties.

Sec. 2. *And be it further enacted,* That the President of the United States shall be authorized to appoint a superintendent of Indian trade, whose duty it shall be to purchase and take charge of all goods intended for trade with the Indian nations aforesaid, and to transmit the same to such places as he shall be directed by the President. And he shall take an oath or affirmation faithfully to execute the trust committed to him, and that he will not directly, or indirectly, be concerned, or interested in any trade, commerce, or barter, but on the public account; and he shall also give bond, in the penal sum of twenty thousand dollars, with sufficient security, to be approved of by the Secretary of the Treasury of the United States, truly and honestly to account, for all the money, goods and other property, whatever, which shall come into his hands, or for which in good faith he ought so to account, and to perform all the duties required of him by this act; and his accounts shall be made up quarter yearly, and transmitted to the Secretary of the Treasury.

Supplemental act 1809, ch. 34. Repealed 1811, ch. 30.

His compensation.

Sec. 3. *And be it further enacted,* That the superintendent of Indian trade shall receive an annual salary of two thousand dollars, payable quarter yearly, at the treasury of the United States.

Sec. 4. *And be it further enacted,* That the President of the United

States shall be authorized to appoint an agent for each trading house established under the provisions of this act; and every such agent shall give bond with sufficient security in such sum as the President shall direct, truly and honestly to account for all the money, goods, and other property whatever, which shall come into his hands, and for which he ought so to account, and to perform all the duties required of him by this act.

Agents for the trading houses established by this act to be appointed by the President.

Sec. 5. *And be it further enacted,* That it shall be the duty of each of the said agents, to receive from the superintendent of Indian trade, and dispose of, in trade with the Indian nations aforesaid, such goods as may be transmitted to him by the said superintendent; to be received and disposed of as aforesaid, according to the rules and orders which the President of the United States shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, but on the public account, and he shall render an account quarter yearly to the superintendent of Indian trade, of all money, goods, and other property whatsoever, which shall be transmitted to him, or which shall come into his hands, or for which, in good faith he ought to account; and he shall transmit duplicates of his accounts to the Secretary of the Treasury of the United States.

Agents to receive and dispose of in trade among the Indians, goods from the superintendent: according to rules and regulations of the President.

Oath of the agents.

Quarter yearly accounts to be rendered by them to the superintendent.

Duplicates to be sent to the Secretary of the Treasury.

Sec. 6. *And be it further enacted,* That the superintendent of Indian trade, the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned in exporting to a foreign country, any peltries or furs belonging to the United States, or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during his or their appointment, agency or employment, other than provided by this act, or excepting for or on account of the United States. And if any such person shall offend against any of the prohibitions aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such office, agency or employment, and forever thereafter, be incapable of holding any office under the United States: *Provided,* that if any person, other than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half of the aforesaid penalty, when received, shall be for the use of the person giving such information: *And provided also,* that if such misdemeanor be committed by the superintendent of Indian trade, or by any agent, it shall be deemed a breach of the condition of his bond, and the penalty thereof may be recovered in any court having competent jurisdiction of the same.

Agents, &c. &c. not to be concerned in exporting, directly or indirectly, the furs and peltries of the United States, or be concerned in trade, &c. &c. but on the public account.

Their emoluments limited to the pay of the United States.

Penalties.

Proviso.

Proviso.

Sec. 7. *And be it further enacted,* That the prices of goods supplied to, and to be paid for, by the Indians, shall be regulated in such manner, that the capital stock, furnished by the United States, shall not be diminished.

Prices of goods furnished the Indians to be so regulated as that the capital stock is not to be diminished.

Sec. 8. *And be it further enacted,* That during the continuance of this act, the annual sum of three thousand dollars be, and the same is hereby appropriated for the payment of the salary of the superintendent of Indian trade and his clerks, to be paid out of any money in the treasury of the United States, not otherwise appropriated.

Annual appropriation for paying superintendent and his clerks.

Sec. 9. *And be it further enacted,* That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States a sum not exceeding ten thousand dollars, to be applied under his direction to the payment of the agents and clerks; which agents shall be allowed to

President may draw a sum of money every year for the payment of agents and clerks.

Agents and

clerks entitled to draw rations.

draw out of the public supplies two rations each, and each clerk one ration per day.

Sum appropriated for the trade and intercourse of the United States with the Indian tribes.

Sec. 10. *And be it further enacted,* That the sum of two hundred and sixty thousand dollars, including the sums heretofore appropriated, and applied to the like purpose, and exclusive of the salary of the superintendent of Indian trade, and of the allowances to agents and clerks, be, and the same is hereby appropriated, for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforesaid, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Penalties for purchasing certain articles from the Indians.

Sec. 11. *And be it further enacted,* That if any agent or agents, their clerks, or other person employed by them, shall purchase or receive from any Indian, in the way of trade or barter, any gun, or other article commonly used in hunting; any instrument of husbandry or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people, or any article of clothing, excepting skins or furs, he or they shall respectively forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name and to the use of the United States, in any court having jurisdiction in like cases: *Provided,* that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or in which the defendant may reside. And it shall be the duty of the superintendent of Indian trade, or of the superintendents of Indian affairs, and their deputies respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, to prosecute the offender without delay.

Proviso.

The furs and peltries belonging to the U. States to be sold at public auction after notice shall have been published.

Sec. 12. *And be it further enacted,* That it shall be the duty of the said superintendent of Indian trade, under the direction of the President of the United States, to cause the said furs and peltry to be sold at public auction, public notice whereof shall be given three weeks previous to such sale, in different parts of the United States, making an equal distribution of the same, in proportion to the demand of the market, and as may be deemed most advantageous to the United States, and upon such terms and conditions as shall be prescribed by the Secretary of War: *Provided,* that there shall not be less than six annual public sales, of the said furs and peltry, and that the superintendent of Indian trade shall not hold more than two such sales in any state, during any one year.

Duration of this act.
Continued 1809, ch. 34.
Statute I.

Sec. 13. *And be it further enacted,* That this act shall be in force for and during the term of three years, and no longer.

Approved, April 21, 1806.

April 21, 1806.

Chap. XLIX.—*An Act for the punishment of counterfeiting the current coin of the United States; and for other purposes.*

Penalties for falsely making and uttering coins of the U. States, or of foreign countries made current here.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist, in falsely making, forging or counterfeiting, any gold or silver coins, which have been or which hereafter shall be coined at the mint of the United States, or who shall falsely make, forge, or counterfeit, or cause, or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any foreign gold or silver coins, which, by law now are or hereafter shall be made current, or be in actual use and circulation as money within the United States; or who shall utter, as true, any false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged or counter-

feited; any such person, so offending, shall be deemed and adjudged guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment, and kept at hard labour for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding five years, and fined not exceeding five thousand dollars.

Penalties upon those who shall import into the United States any false or counterfeit coins to be circulated in this country.

Sec. 2. *And be it further enacted*, That if any person shall import or bring from any foreign place into the United States, any false, forged, or counterfeit gold or silver coins, which are by law made current, or are in actual use and circulation, as money within the United States, with the intent to utter, or make payment with the same, knowing the same to be falsely made, forged, or counterfeited; or who shall utter, as true, any such false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged, or counterfeited, the person so offending shall be deemed guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment and kept at hard labour for a period not less than two years, nor more than eight years; or shall be imprisoned not exceeding two years, and fined not exceeding four thousand dollars.

Act of March 3, 1825, ch. 65, sec. 20.

Penalties for impairing, falsifying, &c. &c. the coins of the United States, or those of foreign countries in circulation here.

Sec. 3. *And be it further enacted*, That if any person shall fraudulently and for gain's sake, by any art, way, or means whatsoever, impair, diminish, falsify, scale, or lighten the gold or silver coins, which have been, or which shall hereafter be coined at the mint of the United States; or any foreign gold or silver coins, which are by law made current, or are in actual use and circulation as money within the United States, every person so offending shall be deemed guilty of a high misdemeanor, and shall be imprisoned not exceeding two years, and fined not exceeding two thousand dollars.

Jurisdiction of the individual states not to be affected by this act.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be construed to deprive the courts of the individual states of jurisdiction, under the laws of the several states, over offences made punishable by this act.

Approved, April 21, 1806.

Statute I.

April 18, 1806.

Chap. L.—*An Act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States; and for other purposes, relative to the public debt.*

Repeal of such acts as authorize the receipt of evidences of public debt in payment for land after the 30th of April, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall from and after the thirtieth day of April, one thousand eight hundred and six, be repealed: *Provided*, that the right of all persons who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in no wise be affected or impaired: *And provided further*, that there shall be allowed on every payment made in money, at or before the same shall fall due, for lands purchased before the thirtieth day of April, one thousand eight hundred and six, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value of its unredeemed amount, which market price shall, from time to time, be stated by the Secretary of the Treasury to the officers of the several land-offices.

Proviso.

Rates at which purchases may be made of the public debt of the United States.

Sec. 2. *And be it further enacted*, That the commissioners of the sinking fund shall not be authorized to purchase any of the several species of the public debt, at a higher price than at the rates following, that is to say; they shall not pay more for three per cent. stock than sixty

per cent. of its nominal value; nor for any other species of the public debt more than the nominal value of its unredeemed amount, the eight per cent. stock only excepted; for which they shall be authorized, in addition thereto, to give at the rate of one half of one per cent. on the said nominal value, for each quarterly dividend which may be payable on such purchased stock, from the time of such purchase to the first day of January, one thousand eight hundred and nine.

Repeal of part of a former law, restricting the commissioners as to the mode and time of purchases.

Sec. 3. *And be it further enacted,* That so much of any act as directs that purchasers of the public debt, by the commissioners of the sinking fund, shall be made within the thirty days next ensuing after each day on which a quarterly payment of interest on the debt of the United States shall become due: and also so much of any act as directs that the said purchases shall be made by open purchase or by sealed proposals, be, and the same hereby is repealed. And the said commissioners are hereby authorized to make such purchases, under the restrictions laid by the preceding section, in such manner, and at such times and places as they shall deem most eligible; and for that purpose to appoint a known agent or agents, to whom they may allow a commission, not exceeding one fourth of one per cent. on the respective purchases of such agents.

1792, ch. 38, sec. 7, 8.

Approved, April 18, 1806.

Statute I.

April 21, 1806.

Chap. LI.—*An Act for erecting certain Lighthouses in the state of Massachusetts; for building a beacon, or pier, at Bridgeport, in the state of Connecticut; and for fixing buoys in Pamptico sound, in the state of North Carolina.*

Lighthouses to be built.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be erected the following lighthouses in the state of Massachusetts:

Franklin island.

One on Franklin island, at the mouth of St. George's river, in the district of Maine.

West Passamaquoddy head.

One on West Passamaquoddy head, at the entrance into the bay and harbor of Passamaquoddy, in the district of Maine.

And a double lighthouse at or near Chatham harbor, on the back of Cape Cod.

Proviso.

Provided sufficient land for the accommodation of the said lighthouses can be obtained at reasonable prices, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby authorized to agree for the salaries, or wages, of the persons who may be appointed by the President for the superintendence and care of said lighthouses, and otherwise to provide for the same, at the expense of the United States.

Beacons or piers to be also erected—at what places.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby required to cause a beacon, or pier, to be erected near the mouth of the harbor of Bridgeport, in the state of Connecticut; and to cause buoys to be fixed on Bluff Shoal, Royal Shoal, northwest Straddle, and southwest Straddle, in the waters of Pamptico sound, in the state of North Carolina.

Appropriations for erecting the lighthouses and piers.

Sec. 3. *And be it further enacted,* That there be appropriated for defraying the expense of erecting each of the aforesaid lighthouses, the sum of five thousand dollars: for the expense of erecting the said beacon, or pier, the sum of one thousand dollars; and for the expense of fixing the said buoys, one thousand dollars, to be paid, respectively, out of any money in the treasury, not otherwise appropriated.

Approved, April 21, 1806.

Statute I.
April 18, 1806.

Chap. LII.—*An Act supplementary to the act intituled "An act to extend jurisdiction in certain cases to the territorial courts."*

Provisions of a former act extended to the territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act, intituled "An act for providing compensation for the marshals, clerks, attornies, jurors and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," passed February the twenty-eighth, one thousand seven hundred and ninety-nine, be, and the same hereby are extended to the territories of the United States, so far as the said act may relate to the provisions of the act, intituled "An act to extend jurisdiction in certain cases to the territorial courts," passed March the third, one thousand eight hundred and five, excepting that the clerks of the said territorial courts shall not receive the additional five dollars per day, allowed to the clerks of the circuit and district courts by the third section of the act first above mentioned.

Act of Feb. 28, 1799, ch. 19.

1805, ch. 38.

Approved, April 18, 1806.

Statute I.
April 21, 1806.

Chap. LIII.—*An Act making appropriations for carrying into effect certain Indian treaties.*

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Delawares, Potawatimies, Miamies, Eel river and Weaws, holden at Grouseland, near Vincennes, on the twenty-first day of August, one thousand eight hundred and five, the sum of one thousand six hundred dollars is hereby appropriated, to be paid to the said tribes, annually, as follows: to the Miamies, six hundred dollars; to the Eel river tribe, two hundred and fifty dollars; to the Weaws, two hundred and fifty dollars; which several annuities shall be permanent: and to the Potawatimies, annually, for the term of ten years, and no longer, the sum of five hundred dollars, in addition to former annuities.

Specific appropriation.

Sec. 2. *And be it further enacted,* That for the purpose of carrying into effect a treaty between the United States and the Wyandot, Ottawa, Munsee and Delaware, Shawanee, and Potawatimie nations, holden at Fort Industry, on the fourth day of July, one thousand eight hundred and five, the annual sum of eight hundred and twenty-five dollars be, and the same is hereby appropriated.

Specific appropriations.

Sec. 3. *And be it further enacted,* That for the purpose of carrying into effect two treaties between the United States and the Cherokee Indians, holden at Tellico, on the twenty-fifth and twenty-seventh days of October, one thousand eight hundred and five, a sum of fifteen thousand six hundred dollars, and the further annual sum of three thousand dollars be, and the same is hereby appropriated.

Specific appropriations.

Sec. 4. *And be it further enacted,* That for the purpose of carrying into effect a convention between the United States and the Creek nation of Indians, concluded at the city of Washington, on the fourteenth day of November, one thousand eight hundred and five, a sum of twelve thousand dollars, annually, for eight years, and the sum of eleven thousand dollars, annually, for the term of ten years, next thereafter succeeding, be, and the same are hereby appropriated.

Sec. 5. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any money in the treasury, not otherwise appropriated.

Approved, April 21, 1806.

Statute I.

April 18, 1806.

Chap. LIV.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and six; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, three hundred and two thousand five hundred and fifty-six dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and twenty-four thousand nine hundred and ninety-four dollars, five cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, twelve thousand dollars.

For camp equipage, fuel, tools and transportation, eighty-five thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty-two dollars, five cents.

For purchasing maps, plans, books and instruments, one thousand five hundred dollars.

For the contingent expenses of the war department, eighteen thousand dollars.

For the pay and subsistence of the commandants in Louisiana, six thousand and sixty-six dollars, sixty-seven cents.

For the Indian department, ninety-six thousand six hundred dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the military establishment; and secondly, out of any monies in the treasury not otherwise appropriated.

Approved, April 18, 1806.

Statute I.

April 21, 1806.

Chap. LV.—*An Act further to alter and establish certain Post Roads; and for other purposes.*

Repealed 1810, ch. 30.

Post roads discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads shall be discontinued: from Dixon's Spring, to Lebanon, in Tennessee; and from Raleigh, by Haywood, Chatham Courthouse, and Chapel Hill, to Hillsborough in North Carolina.

Sec. 2. *And be it further enacted,* That the following post roads be established:

Post roads established.

In Massachusetts.—From Granville, through Sandisfield and New Marlborough, to Stockbridge; and from Rochester, by Middleborough, East Meeting House, to East Bridgewater; from Brookfield, through Brimfield in Massachusetts, to Stafford Springs, and thence to Tolland in Connecticut.

In the district of Maine.—From Brewer's to Plantation number five; from Vassalborough, through Fairfax, Unity, Collegetown, to Hamden; from Buckfield, through Hartford, to Livermore; and from New Milford, through Ballstown, Palermo, and Davistown, to Belfast.

In Vermont.—From Royalton, through Tunbridge, Chelsea, and Vershire, to Corinth.

In Connecticut.—From Pomfret, through Gloucester, to Providence in Rhode Island.

In New York.—From the town of Cherry Valley, through Springfield, Richfield, Plainfield, and Bridgewater, to Sangersfield; and from Harrisburg, through Williamstown, Ogdensburg, Potsdam, Chautaugay, to Plattsburg; from Rome, through Redfield, Adams, by Smith's mills to Sacket Harbor, and from thence to Chemangh; from Bath, through Canistio-town, Danville, and Williamsburg, to Hartford; and from Onandago to the village of Oswego in Lysander; and a cross post from West Hampton, to River Head; from New Lebanon, in the state of New York, by Hancock, Richmond, Lennox, Lee, Becket, Loudon, and Sandisfield, in Massachusetts, to New Hartford in Connecticut. Post roads established.

In New Jersey.—From Belvidere to Stroudsburg, in Pennsylvania.

In Pennsylvania.—From Berlin, through Salisbury, to Cumberland; from Greensburgh to Kittanning; from Tuckhannok to Chenango Point in New York; and from Greensburgh, through Mount Pleasant, Robbstown, and Williamsport, to Washington; and from Washington, through Alexandria, to Wheeling; from Gettysburg, through Miller's town, Nicholson's Gap, and Waynesburg, to Green Castle.

In Delaware.—From the village of Christiana, through Newark, to Strasburgh in Pennsylvania; and from Georgetown, through Concord, to Laurel.

In Maryland.—The post road from Vienna, in Dorchester county, to Snow Hill, in Worcester county, and thence returning to Vienna, may, in the discretion of the Postmaster-General, be so altered as to pass over Wicomico lower ferry and Quantico mills: *Provided,* no additional expense in transporting the mail shall be incurred thereby.

In Virginia.—From Lynchburgh to Lexington; from Waterford to Sniker's Gap, by the stores of Robert Braden and Jessy Janny, and from thence to Upperville, and to return by Israel Janny's mill; from Wythe Courthouse, by Tazewell Courthouse, Russel Courthouse, Lee Courthouse, to Robinson's mills; and from Madison Courthouse to Stanardsville; the post road from Manchester to Colesville, shall pass by Chesterfield Courthouse and Spring Hill.

In North Carolina.—From Averysborough by Haywood, Chatham Courthouse, to cross Haw river near Jones' ferry, to Hillsborough; from Raleigh, by Chapel Hill, to Hillsborough; from Wilmington through Conwayborough to Georgetown, in South Carolina; and from Wilksborough to Ashe Courthouse.

In South Carolina.—From Portsferry to Conwayborough; and from Portsferry, by Marion Courthouse, to Thomas Harley's.

In Georgia.—From Washington to Petersburg, and from Athens to Knoxville in Tennessee.

In Ohio.—From Cincinnati, by North Bend, to Lawrenceburgh in the Indiana territory; from Austinburg to Erie in Pennsylvania, and from Franklinton to Worthington.

In Kentucky.—From New Castle or Henry Courthouse, by Gallatin Courthouse and Boone Courthouse, to Laurenceburgh, in the Indiana territory; and the post road from Henderson to Eddeville shall pass by Livingston Courthouse.

In Tennessee.—From Mount Granger to Carthage, thence, by Kavenaugh, to Lebanon; from Nashville to Charlotte; from Burville by Walnut Cove, thence along the turnpike road, by way of Chitwood's, to Pulaski in Kentucky; and from Palmyra to Stuart Courthouse, and thence to Eddyville.

In Orleans Territory.—From Rapid settlement to Opelousa.

Sec. 3. *And be it further enacted,* That a sum not exceeding two hundred and fifty dollars, be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to enable the Postmaster-General to defray the expenses which already are, or hereafter may be incurred in providing for the accommodation of Josiah H. Sum appropriated on account of Joseph H. Webb.

Webb, who, in August last, was wounded by some person unknown, whilst he was employed in carrying the mail of the United States, and who is now under the care of the commandant at fort Stoddert.

Sec. 4. *And be it further enacted,* That this act shall not be so construed as to affect any existing contract for carrying the mail.

Approved, April 21, 1806.

April 10, 1806.

Acknowledgement of the sense of Congress of the services of the Danish consul at Tripoli.

Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to cause to be made known to Nicholas C. Nissen, Esquire, his Danish majesty's consul residing at Tripoli, the high sense entertained by Congress, of his disinterested and benevolent attentions, manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

Approved, April 10, 1806.

ACTS OF THE NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the first day of December, 1806, *and ended on the third day of March,* 1807.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, on the 3d of March, 1807; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE II.

CHAPTER I.—*An Act to suspend the operation of an act, intituled "An act to prohibit the importation of certain goods, wares and merchandise," and to remit the penalties incurred under the same.*

Dec. 19, 1806.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the act, passed on the eighteenth day of April last, intituled "An act to prohibit the importation of certain goods, wares and merchandise," be, and the same hereby is suspended until the first day of July next.

Operation of a former act suspended.

Act of April 18, 1806, ch. 29.

SEC. 2. *And be it further enacted,* That all penalties, fines and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively, remitted, on payment, by the parties, by whom such penalty, fine or forfeiture may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attornies of the several districts of the United States.

Remission of certain penalties, &c.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it: *Provided,* that such suspension shall not extend beyond the second Monday in December next.

Further suspension.

Proviso.

APPROVED, December 19, 1806.

STATUTE II.

CHAP. II.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.*

Jan. 7, 1807.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and seven, the following sums be, and the same hereby are, respectively, appropriated; that is to say:

For the pay and subsistence of the officers and pay of the seamen, two hundred and ninety-six thousand and forty-eight dollars.

Specific appropriations.

For provisions, one hundred and twenty thousand eight hundred and fifty dollars and three cents.

For medicines, instruments, and hospital stores, five thousand dollars.

Specific appropriations.

For repairs of vessels, one hundred and ninety thousand two hundred and eight dollars and sixty-seven cents.

For freight, store rent, commissions to agents, and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, seventy-eight thousand six hundred and seventy-eight dollars and thirty cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, five hundred and sixty dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, comprising docks and other improvements, pay of superintendents, store-keepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, January 7, 1807.

Statute II.

Jan. 10, 1807.

[Obsolete.]

Chap. III.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and seven; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, three hundred and two thousand nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and thirty-five thousand five hundred and fifty-two dollars and fifty cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools and transportation, ninety thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty-two dollars and five cents.

For purchasing maps, plans, books, and instruments, one thousand five hundred dollars.

For contingencies, eighteen thousand dollars.

For the payment of such balances as have been ascertained, and which may be ascertained during the years one thousand eight hundred and six and one thousand eight hundred and seven, from actual settlements by the accountant of the war department, and which cannot be discharged out of any existing appropriation, eight thousand dollars.

For the Indian department, one hundred thousand and six hundred dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, January 10, 1807.

Statute II.

Chap. V.—*An Act to alter the time of holding the circuit and district courts in the district of North Carolina.*

Feb. 4, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times heretofore established by law, for the sessions of the circuit court for the district of North Carolina, the said courts shall hereafter commence and be holden on the twelfth day of May, and the twelfth day of November, in each year, any thing contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court, and all recognizances returnable to the said court, on the twentieth day of June next, shall be continued, returned to, and have day, in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue, as if the alteration had never been made: *Provided nevertheless,* that when the twelfth day of May, or the twelfth day of November shall happen on Sunday, the next succeeding day shall be the first juridical day of the term.

Sessions of the circuit court changed.

Actions, suits, process, &c. to have day, and made returnable accordingly.

Proviso.

Sec. 2. *And be it further enacted,* That the district courts of the United States for the district of North Carolina, shall, after the passing of this act, commence and be holden on the following days, instead of the times heretofore established by law, that is to say; at Wilmington, in and for the district of Cape Fear, on the first Mondays in February, June and October; at Newbern, in and for the district of Pamptico, on the Friday next after the first Mondays in February, June, and October; and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the first Mondays in February, June and October. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to commence, or which shall be now depending in any of the district courts of the district of North Carolina, shall be continued over, and have day in the next district court to be holden in the several districts as hereby established, any thing in any former act or acts to the contrary notwithstanding.

Sessions of the district court also changed.

1808, ch. 29, sec. 3.

Actions, suits, &c. made returnable and to have day, accordingly.

Approved, February 4, 1807.

Statute II.

Chap. VIII.—*An Act to provide for surveying the coasts of the United States.*

Feb. 10, 1807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized and requested, to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts within the extent aforesaid.

President of the U. States authorized to cause a survey of the coast of the U. States to be made, and an accurate chart to be prepared.

Sec. 2. *And be it further enacted,* That it shall be lawful for the President of the United States to cause such examinations and observa-

President also authorized to

cause examinations to be made with respect to St. George's bank, &c.

tions to be made, with respect to St. George's bank, and any other bank or shoal and the soundings and currents beyond the distance aforesaid to the Gulf Stream, as in his opinion may be especially subservient to the commercial interests of the United States.

President authorized to cause proper persons to be employed, and such of the public vessels as may be wanted, &c.

Sec. 3. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized and requested, for any of the purposes aforesaid, to cause proper and intelligent persons to be employed, and also such of the public vessels in actual service, as he may judge expedient, and to give such instructions for regulating their conduct as to him may appear proper, according to the tenor of this act.(*a*)

Act of April 14, 1818, ch. 56.

Fifty thousand dollars appropriated.

Sec. 4. *And be it further enacted,* That for carrying this act into effect there shall be, and hereby is appropriated, a sum not exceeding fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

Approved, February 10, 1807.

Statute II.

Feb. 10, 1807.

Chap. IX.—*An Act authorizing the erection of certain Lighthouses, and the fixing of stakes, buoys and beacons, at certain places therein named.*

Secretary of the Treasury to have lighthouses built at Fair Weather and Naushawn islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause a good and sufficient lighthouse to be built at each of the following places, that is to say; on Fair Weather island, in the state of Connecticut, and at Naushawn island near Tarpaulin cove, in the state of Massachusetts, at such points as the President of the United States may select for those purposes; and to appoint keepers, and otherwise provide for such lighthouses, at the expense of the United States: *Provided,* that sufficient ground for the accommodation of said lighthouses, respectively, can be obtained at a reasonable price: *And provided also,* that the legislatures of the states of Connecticut and Massachusetts shall cede the jurisdiction over each place respectively to the United States.

To appoint keepers, &c.

Proviso.

Proviso.

Secretary of the Treasury to cause the lighthouse at Smith's point to be rebuilt.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause the lighthouse at present established on Smith's point, at the mouth of the river Potomac, to be taken down, and to cause another good and sufficient one to be built at such other spot on the said point, as the President of the United States may select: *Provided,* that sufficient ground for the accommodation thereof, can be obtained at a reasonable price: *And provided also,* that the legislature of the state of Virginia shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby further authorized and directed to cause the lighthouse heretofore established on North island, at the entrance into Winyaw bay, in the state of South Carolina, to be rebuilt in such manner as may in his opinion be most likely to secure its future safety.

Proviso.

Secretary of the Treasury to have the lighthouse at North island rebuilt.

Secretary of the Treasury to cause buoys and stakes to be fixed in Winyaw bay, and near

Sec. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause proper and sufficient buoys and stakes to be fixed in, and along the channel in Winyaw bay, leading to the harbor of Georgetown, in the state of South Carolina: and also, to cause proper and sufficient buoys and beacons to

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(*a*) Coast Survey.—By an act for the repeal of part of this act, passed April 14, 1818, chap. 56, no persons but those belonging to the army are to be employed in the coast survey.

By the 1st section of the act of June 17, 1844, chap. 65, officers of the army and navy shall, as far as practicable, be employed in the coast survey, wherever, and in the manner required by the department having charge thereof.

By an act passed June 3, 1844, maps and charts of the survey of the coast are to be disposed of at such prices as may be fixed by the Secretary of the Treasury; and copies of the same shall be presented to "foreign governments, departments of our own government, and literary and scientific associations."

be placed on, or near the rocks and shoals in the channel leading into the harbor of Salem, in the state of Massachusetts.

the shoals and rocks leading to Salem.

Specific appropriations.

Sec. 4. *And be it further enacted*, That for the purpose of defraying the expenses which may be incurred in the execution of this act, the following sums shall be, and the same are hereby respectively appropriated, to be paid out of any monies in the treasury, not otherwise appropriated: that is to say, for building the lighthouse on Fair Weather island, five thousand dollars; for building the lighthouse at Naushawn island, two thousand five hundred dollars; for pulling down, and rebuilding the lighthouse on Smith's point, six thousand dollars; for rebuilding the lighthouse on North island, twenty thousand dollars; for fixing buoys and stakes in Winyaw bay, one thousand five hundred dollars; for fixing buoys and beacons in the channel leading to Salem harbor, one thousand five hundred dollars.

Approved, February 10, 1807.

Statute II.

Feb. 11, 1807.

Chap. XII.—*An Act supplementary to the act, intituled "An act making provision for the redemption of the whole of the public debt of the United States."*(a)

The redemption of the public debt can only be done by voluntary subscription.

Whereas it is desirable to adapt the nature of the provision for the redemption of the public debt to the present circumstances of the United States, which can only be done by a voluntary subscription on the part of the creditors:

Act of April 29, 1802, ch. 32.

Subscription books to the full amount of the old 6 per cent. deferred and 3 per cent. stock, to be opened at the treasury and the several loan offices.

Mode of effecting the subscription.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a subscription to the full amount of the old six per cent. deferred and three per cent. stocks be, and the same is hereby proposed; for which purpose books shall be opened at the treasury of the United States, and by the several commissioners of loans, on the first day of July next, to continue open until the seventeenth day of March next following, inclusively, the fourteen last days of each quarter excepted, for such parts of the above mentioned descriptions of stock, as shall, on the day of subscription, stand on the books of the treasury, and of the several commissioners of loans, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

Credits to be given for any sums subscribed in old 6 per cent. stock, and new certificates given in 6 per cent. stock.

Sec. 2. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed, in old six per cent. or deferred stock, credits shall be entered to the respective subscribers, and the subscriber or subscribers shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the amount of principal of the stock thus subscribed, which shall remain unredeemed on the day of such subscription, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the

Subject to redemption at the pleasure of the United States.

(a) The acts for the redemption of the public debt, have been:—

An act making further provision for the support of public credit, and for the redemption of the public debt, March 3, 1795, chap. 45. "1790, chap. 47."

An act making provision for the redemption of the whole of the public debt of the United States, April 29, 1802, chap. 32.

An act supplementary to the act entitled, "An act making provision for the redemption of the whole of the public debt of the United States," February 11, 1807, chap. 12.

An act supplementary to the act entitled, "An act making further provision for the support of public credit, and for the redemption of the public debt," &c., June 28, 1809, chap. 10.

An act to provide for the redemption of the public debt, March 3, 1817, chap. 87.

An act to authorize the commissioners of the sinking fund to redeem the public debt of the United States, April 24, 1830, chap. 78.

stock subscribed, and subject to redemption at the pleasure of the United States: *Provided*, that no single certificate shall be issued for an amount greater than ten thousand dollars: *And provided further*, that no reimbursement shall be made except for the whole amount of any such new certificate, nor till after at least six months' previous public notice of such intended reimbursement.

Proviso as to reimbursement.

Notice to be given previous to reimbursement.

Sec. 3. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed in three per cent. stock, credits shall likewise be entered to the respective subscribers; and the subscriber, or subscribers, shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to sixty-five per centum of the amount of the principal of the stock thus subscribed, bearing an interest of six per centum, per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, and transferable and subject to redemption in the same manner, and under the same regulations and restrictions, as the stock created by the preceding section of this act: *Provided*, that no part of the stock thus created, shall be reimbursable without the assent of the holder, or holders of such stock, until after the whole of the eight per cent. and four and a half per cent. stocks, as well as all the six per cent. stock which may be created by virtue of the preceding section, shall have been redeemed.

At what rate credits are to be given for 3 per cent. stock subscribed.

Sums subscribed to bear an interest of 6 per cent.

When reimbursable.

Sec. 4. *And be it further enacted*, That the commissioners of the sinking fund shall be, and they are hereby authorized to appoint an agent in London, and another in Amsterdam, whose duty it shall be to receive subscriptions and transfers, and to issue new certificates in the manner, and at the times above mentioned, and as the officers of the treasury department, or the commissioners of loans might do; that is to say, the agent in London in favour of such stockholders residing in the dominions of Great Britain, in Europe, and the agent in Amsterdam, in favour of such stockholders, residing in any other part of Europe, as may respectively become subscribers: *Provided*, that the certificates issued by the said agents shall bear interest only from the first day of the quarter next succeeding that in which the subscription shall have taken place, and that in relation to subscriptions made in old six per cent. or deferred stocks, the sums expressed in such new certificates shall be equal to the amount of the principal of the old six per cent. or deferred stocks thus subscribed, which shall remain unredeemed after payment of the dividend payable on such stock, on that day from which the interest on the new certificates shall commence. The foreign stockholders thus subscribing with either of the said agents shall be entitled to receive the dividend on the old six per cent. deferred, or three per cent. stock subscribed by them, respectively, which shall be payable on that day, from which the interest on the new certificates shall commence. And it shall be the duty of the said agents, respectively, to transmit, before the end of each quarter, to the register of the treasury, and to the several commissioners of loans, respectively, triplicate abstracts of the certificates of stocks subscribed, and of the new certificates issued by them, during such quarter, in order that the proper credits may be entered on the books of the treasury, and of the commissioners of loans, as the case may be, to the holders of such new certificates. And the said agents before they enter upon the execution of their several offices, shall, respectively, take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the commissioners of the sinking fund, or of the Secretary of the Treasury, in the penal sum of twenty thousand dollars, with condition for their good behaviour in their said offices.

Commissioners of the sinking fund to appoint agents in London and Amsterdam; their duties.

Interest on certificates issued by agents.

Dividend on the old 6 per cent. stock to be paid to subscribers.

Agents to transmit abstracts of the certificates of stock subscribed to the register of the treasury, &c.

Agents to take an oath, &c.

Sec. 5. *And be it further enacted*, That the holders of old six per cent. deferred, or three per cent. stock, who may become subscribers, as aforesaid, either in the United States or in Europe, and who, on the first day of July next, and also on the day of the subscription, shall be resident in Europe, may at their option, which must be made at the time of subscribing, receive the interest accruing on the stock created by virtue of the preceding sections of this act, either in the United States as other creditors, or at London, or Amsterdam: that is to say, the stockholders residing, at the times above mentioned, in the dominions of Great Britain, in Europe, at London, and at the rate of four shillings and sixpence, sterling, for each dollar; and the stockholders residing, at the times above mentioned, in any other part of Europe, at Amsterdam, and at the rate of two guilders and a half guilder, current money of Holland, for each dollar; in which last mentioned option the condition shall be expressed in the new certificates to be issued, and the credit, or credits, to be given to the proprietors thereof, shall be entered, and shall thereafter be transferable only on the books of the treasury: *Provided however*, that the interest thus payable in London and Amsterdam, shall not be payable until the expiration of six calendar months from the day on which the same would be payable in the United States, and shall be subject to a deduction of one half of one per cent. on the amount payable, for commission to the bankers paying the same: *And provided also*, that every proprietor of such stock may, on surrendering his certificate, receive another to the same amount, the interest whereof shall be payable quarter yearly in the United States, in the same manner as that accruing on the stock held by persons residing in the United States.

Foreign stockholders may receive the interest on the stock subscribed by them, either in Europe or the United States.

Rate of the pound sterling.

Rate of guilders.

Dividend payable in London and Amsterdam.

Every proprietor on surrendering of certificate to receive another, the interest payable quarterly in the United States.

Sec. 6. *And be it further enacted*, That the same funds which heretofore have been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied, and paid out of the said fund, yearly, and every year, such sum, and sums, as may be annually wanted to discharge the annual interest and charges accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said fund, as they may think proper, towards redeeming, by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And the annual sum of eight millions of dollars, vested by law in the said commissioners, shall be, and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created by the preceding sections of this act, shall have been redeemed, or reimbursed.

Funds now pledged for the payment of interest and the reimbursement of principal of the public debt to remain pledged for the payment of interest and reimbursement of principal of stock subscribed.

Commissioners of sinking fund to cause to be applied, annually, such sums as may be required for the interest and charges: and so much as they may think proper towards redeeming, &c.

Eight millions to remain appropriated, &c.

Sec. 7. *And be it further enacted*, That there shall be allowed to each of the agents to be appointed by virtue of this act, in addition to the necessary expenses incurred by them for printing, stationery, and postage, a sum of three thousand dollars, as a full compensation for their services. The said agents, and the commissioners of loans, shall also be allowed such additional sum as may be actually and necessarily expended for the clerk hire requisite for carrying this act into effect. And for defraying the said compensations and allowances, and such other contingent charges as may be incurred for carrying this act into effect, a sum not exceeding sixteen thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, is hereby appropriated.

Allowance to commissioners under this act.

Their expenses, &c. to be defrayed.

Allowance to commissioners of loans and agents for clerk hire.

Sec. 8. *And be it further enacted*, That whensoever notice of reimbursement shall be given, as prescribed by the second and third sections

Certificates intended to be re-

imbursed to be designated.

In every reimbursement the preference to be given to such holders of certificates as may have given notice of their wish to be reimbursed.

Secretary of the Treasury to determine by lot, &c.

Agents and commissioners of loans to perform such regulations as shall be prescribed by the Secretary of the Treasury.

Saving of the rights of non-subscribers to the loan created by this act.

of this act, the certificates intended to be reimbursed, shall be designated therein. In every reimbursement the preference shall be given to such holders of certificates as, previous to the said notice, shall have notified in writing to the treasury department their wish to be reimbursed. If there should not be applications to the treasury sufficient to require the payment of the whole sum to be applied to that purpose, the Secretary of the Treasury, after paying off all sums for the payment of which application shall have been made, shall determine, by lot, what other certificates shall be reimbursed so as to make up the whole amount to be discharged: and in case the applications shall exceed the amount to be discharged, the Secretary of the Treasury shall proceed to determine, by lot, what applications shall be entitled to priority of payment.

Sec. 9. *And be it further enacted*, That the agents appointed by virtue of this act, and the several commissioners of loans, shall observe and perform such directions and regulations, as shall be prescribed to them by the Secretary of the Treasury, touching the execution of this act.

Sec. 10. *And be it further enacted*, That nothing in this act contained shall be construed, in any wise, to alter, abridge, or impair the rights of those creditors of the United States, who shall not subscribe to the loan created by virtue of this act.

Approved, February 11, 1807.

Statute II.

Feb. 13, 1807.

Act of Sept. 24, 1789, ch. 20.

A co-ordinate power of granting writs of injunction conferred upon the judges of the district courts in cases before the circuit courts of their districts.

Proviso

Chap. XIII.—*An Act to extend the power of granting writs of injunctions to the judges of the district courts of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the judges of the district courts of the United States shall have as full power to grant writs of injunctions to operate within their respective districts, in all cases which may come before the circuit courts within their respective districts, as is now exercised by any of the judges of the supreme court of the United States, under the same rules, regulations and restrictions, as are prescribed by the several acts of Congress, establishing the judiciary of the United States, any law to the contrary notwithstanding: *Provided*, that the same shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge, in any case where a party has had a reasonable time to apply to the circuit court for the writ.

Approved, February 13, 1807.

Statute II.

Feb. 13, 1807.

Act of March 2, 1799, ch. 22, sec. 17.

Act of March 2, 1811, ch. 33, sec. 7.

All the shores and waters of the Ohio and its branches, and of the Mississippi and its branches added to the district of Mississippi.

Surveyors to be appointed for Pittsburg, &c.

Chap. XIV.—*An Act to annex certain shores and waters to the district of Mississippi; and to authorize the building a custom-house at New Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, all the shores and waters of the river Ohio, and of the several rivers and creeks emptying into the same; and also, all the shores and waters of the rivers which empty into the river Mississippi, or any of its branches, be, and the same are hereby annexed to, and shall make part of the district of Mississippi.

Sec. 2. *And be it further enacted*, That a surveyor shall be appointed for each of the following towns or places, that is to say; Pittsburg, Charlestown, Marietta, Cincinnati, Limestone, Louisville, Massac, and Natchez, who shall be authorized to grant temporary registers to vessels of the United States, in the same manner and on the same terms and conditions as may be done by the collectors of the several districts of

the United States; and each of the said surveyors, besides the fees paid in relation to the admeasurement, and registering of vessels, shall receive an annual salary of one hundred and fifty dollars.

Their powers and emoluments.

Sec. 3. *And be it further enacted*, That the collector of the district of Mississippi shall, on the surrender of any temporary register, granted to a vessel of the United States as aforesaid, issue a permanent register for such vessel: *Provided*, that the master of such vessel shall take the usual oath, and perform all the other conditions required by the registering act, except that he shall not be obliged to give any new bond to the said collector.

Permanent registers to be issued by the collector of Mississippi.

Proviso.

Sec. 4. *And be it further enacted*, That so much of any act or acts as erects any of the shores or waters, annexed by this act to the Mississippi district, into separate districts, be, and the same is hereby repealed.

Repeal of any act making separate districts of the shores and waters referred to.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed to cause to be built upon some convenient site, belonging to the United States, in the city of New Orleans, a good and sufficient house, to serve as an office and place of deposit for the collector of the customs at that place. And the sum of twenty thousand dollars is hereby appropriated to defray the expense of erecting the same, to be paid out of any money in the treasury not otherwise appropriated.

Secretary of the Treasury to cause a custom-house to be built at N. Orleans.

Approved, February 13, 1807.

Statute II.

Feb. 24, 1807.

Chap. XV.—*An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed, and furnished with horses, at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall, respectively, belong: *Provided*, that where any company, battalion, regiment, brigade, or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division shall continue to be commanded by the officers holding commissions in the same, at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory, wherein the said company, battalion, regiment, brigade, or division shall have been originally raised.

President authorized to accept of the services of volunteer corps.

How to be officered, equipped, &c.

Sec. 2. *And be it further enacted*, That any company, battalion, regiment, brigade, or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged, and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States. *Provided*, that in lieu of clothing, every non-commissioned officer and private, in any company, who may thus offer them-

Corps offering themselves liable to be called upon to do duty, &c.

How long to continue in service, &c.

Pay, &c.

Proviso.

selves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer, or private (as the case may be) in the regular troops of the United States.

President authorized to have them organized, when called into service.

In the mean time they are to perform militia duty, &c.

Sec. 3. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to organize the companies so tendering their service, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but until called into actual service, such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act.

Volunteers to be saved harmless except in cases of negligence or accidental losses and damage.

Sec. 4. *And be it further enacted,* That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

Specific appropriation.

Sec. 5. *And be it further enacted,* That the sum of five hundred thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated towards defraying any expense incurred by virtue of the provisions of this act.

Approved, February 24, 1807.

Statute II.

Feb. 24, 1807.

Chap. XVI.—*An Act establishing Circuit Courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee and Ohio.*

Repeal of so much of any act as gives jurisdiction of circuit to the district courts of Kentucky, E. and W. Tennessee, and Ohio.

Act of March 23, 1804, ch. 31, sec. 6.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts of Congress, as vests in the district courts of the United States, in the districts of Kentucky, East and West Tennessee and Ohio, the powers, authority and jurisdiction of the circuit courts of the United States, shall be, and the same is hereby repealed.

Districts established for the circuit courts.

These districts to compose the seventh circuit.

Sessions of the circuit courts, and places where to be held.

Kentucky.

Act of March 22, 1808, ch. 38, sec. 1, 2, 3, 4.

Tennessee.

Ohio.

Sec. 2. *Be it further enacted,* That for the purpose of holding therein the circuit courts, to be established by this act; the state of Kentucky shall constitute one district, the state of Tennessee one district, and the state of Ohio one district, and the said districts of Kentucky, Tennessee, and Ohio, shall constitute and be denominated the seventh circuit. And there shall be holden annually in each district of the said circuit, two courts, to be called circuit courts, and to consist of one justice of the supreme court of the United States, and the judge of the district where such court shall be holden. And the sessions of the said courts, in the district of Kentucky, shall be held at Frankfort, and commence on the first Monday in May and November, annually; in the district of Tennessee, at Knoxville and Nashville, alternately, to commence on the first Monday in June and third Monday in October, annually, beginning at Nashville; and in the district of Ohio, at Chilicothe, to commence on the first Monday in January and September, annually. And the circuit court of Tennessee, shall designate at which of the two places where the said court is hereby directed to be holden, the office of clerk thereof shall be kept.

1797, ch. 2.

All the authority, &c. vested in the several circuit courts, vested in this court.

Causes, &c. returnable to the circuit court and tried therein.

Sec. 3. *Be it further enacted,* That all the authority, powers and jurisdiction, vested in the several circuit courts of the United States, or the judges thereof, or either of them, shall be, and hereby are vested in, and may be exercised by the several circuit courts of the seventh circuit, and the judges thereof: and that all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall be returnable to, or depending in the several district courts of Kentucky, Tennessee and Ohio, acting as circuit courts, on the first day of May

next, shall be, and hereby are declared to be respectively transferred, returnable, and continued, to the several circuit courts constituted by this act, at the times herein appointed for the session of each of the said courts, and shall be heard, tried, and determined therein, in the same manner, and with the same effect, as if no change had been made hereby in the courts of the said district. And the said circuit courts of the seventh circuit, shall be governed by the same laws and regulations as apply to the other circuit courts of the United States, and shall appoint clerks for the said courts respectively, who shall reside, and keep the records of the said courts, at the places of holding the courts, whereto they shall respectively belong, except as herein before provided, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, respectively, which are by law established for the clerks of the other circuit courts of the United States.

The circuit courts of the seventh circuit to be governed by the same laws as other circuit courts.

Sec. 4. *Be it further enacted*, That the state of Tennessee shall be divided into two districts, for the purpose of holding district courts in the same, one to consist of that part thereof, which by the laws of the said state, now forms the districts of Washington and Hamilton, which shall be called the district of East Tennessee; and one other to consist of all that part of the state of Tennessee, which by the laws of the said state now forms the districts of Winchester, Mero and Robertson, which shall be called the district of West Tennessee; and all the authority, powers and jurisdiction, vested in the several district courts of the United States, and the judges thereof, in those districts in which circuit courts are now held, shall be retained, and may be exercised by the several district courts of Kentucky, East and West Tennessee, and Ohio, and the several judges thereof. And the sessions of the said district courts shall, after the first day of May next, be as follows: in Kentucky, at Frankfort, two sessions, to commence on the first Mondays in June and December, annually; in East Tennessee, at Knoxville, two sessions, to commence on the third Monday in April and second Monday in October, annually; and at Nashville, two sessions, to commence on the fourth Mondays in May and November, annually; and in Ohio, at Chilicothe, three sessions, to commence on the first Mondays in February, June and October, annually; and all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall have been issued, and shall be returnable to, or depending in the said several district courts of the United States, acting as district courts, on the said first day of May next, shall be returned and held continued to the said several district courts, respectively, at the times herein before appointed for holding the same.

State of Tennessee to be divided into two districts, &c.

East Tennessee.

West Tennessee.

Ohio.

Act of March 26, 1810, ch. 18. 1809, ch. 14.

Sec. 5. *Be it further enacted*, That the supreme court of the United States shall hereafter consist of a chief justice, and six associate justices, any law to (the) contrary notwithstanding. And for this purpose there shall be appointed a sixth associate justice, to reside in the seventh circuit, whose duty it shall be, until he is otherwise allotted, to attend the circuit courts of the said seventh circuit, and the supreme court of the United States, and who shall take the same oath, and be entitled to the same salary as are required of, and provided for the other associate justices of the United States.

Supreme court to consist in future of seven judges, &c.

Approved, February 24, 1807.

Statute II.

Feb. 24, 1807.

Chap. XVII.—*An Act to continue in force for a further time, an act intituled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to suspend the commercial intercourse between the United States

Former act continued in force.

Act of Feb. 28, 1806, ch. 9.

and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

Prohibitions of former act extended further.

Sec. 2. *And be it further enacted*, That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonoave and Tortuga, and to any other dependency of the said island of St. Domingo, not in possession of, or under the acknowledged government of France.

Approved, February 24, 1807.

Statute II.

Feb. 24, 1807.

Chap. XVIII.—*An Act further supplementary to the act, intituled "An act concerning the District of Columbia."*

Act of Feb. 27, 1801, ch. 15. Act of May 3, 1802, ch. 53.

Provisions of a former act respecting writs of *capias ad satisfaciendum* repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

Said writs made returnable as if that act had not passed, &c.

Sec. 2. *And be it further enacted*, That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of executions against the goods and chattels of the debtor.

Part of former act repealed.

Sec. 3. *And be it further enacted*, That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

Approved, February 24, 1807.

Statute II.

Feb. 24, 1807.

Chap. XIX.—*An Act respecting seizures made under the authority of the United States, and for other purposes.*

Costs to be paid by claimants when there was a reasonable cause for seizure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof: and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution:(*a*) *Provided*, that the ship or vessel, goods, wares, or

Proviso.

(*a*) Seizure. "Probable cause" means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion. Locke *v.* The United States, 7 Cranch, 339; 2 Cond. Rep. 521.

A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a certificate of probable cause. The United States *v.* Riddle, 5 Cranch, 311; 2 Cond. Rep. 266.

If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25, 1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the opinion in which he acted. Otis *v.* Watkins, 9 Cranch, 339; 3 Cond. Rep. 424.

Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful and without probable cause by the courts, the party may proceed, at his election, by a suit at common law, or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must be sought in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws, in suits at common law, until the case shall have passed through the state courts. Slocum *v.* Mayberry et al., 2 Wheat. 1; 4 Cond. Rep. 1.

merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agent or agents.

Officers of the treasury to allow the collector of New York for certain sums recovered of him, &c.

Sec. 2. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized and directed to allow to the collector of New York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments rendered in the supreme court of the state of New York, on account of the seizure of the ship Liberty, and of the ship Two Marys; which vessels had been seized and libelled for a presumed infraction of the provisions of the act, intituled "An act concerning the registering and recording of ships or vessels."

1792, ch. 1.

Approved, February 24, 1807.

Statute II.

Feb. 24, 1807.

Chap. XX.—*An Act to punish frauds committed on the Bank of the United States.*(*a*)

Act of April 10, 1816, ch. 44, sec. 18.

Punishment for falsely making, forging, or counterfeiting notes of the Bank of the U. States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check on the said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check, on the said bank or corporation, or any cashier thereof, or shall pass, utter

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If a suit be brought against the seizing officer for a supposed trespass in making a seizure of a vessel for a supposed forfeiture, while the suit is depending, the fact of such pendency may be pleaded in abatement, or as a temporary bar to the action; if after a decree of condemnation, then that fact may be pleaded as a bar; if after an acquittal without a certificate of probable cause, then the officer is without any justification for the seizure, and it is definitively settled to be a tortious act. Gelston et al. *v.* Hoyt, 3 Wheat. 246; 4 Cond. Rep. 244.

To justify a seizure there must be probable cause of seizure; and if an officer of the customs seize without probable cause, no indictment lies for resisting him in the seizure, for he is not in the execution of his office. United States *v.* Gay, 2 Gallis. C. C. R. 359.

Seizures for breach of municipal laws, are made at the peril of the seizers. If made without probable cause, the seizers are liable for all the consequences; for the act is construed a tortious act, and his diligence for the preservation of the property, is no defence against losses occasioned by the superior force, or inevitable casualty. Burke *v.* Trevitt, 1 Mason's C. C. R. 96.

(*a*) Indictment in the circuit court of North Carolina, for the forging of, and an attempt to pass a certain paper writing in imitation of, and purporting to be, a bill or note issued by the president and directors of the Bank of the United States, provided in the 18th section of the act of 1816, establishing the Bank of the United States. The note was signed with the name of "John Huske," who had not been at any time president of the Bank of the United States; but who at the date of the counterfeiting was president of the office of discount at Fayetteville; and was countersigned by the name of "John W. Sanford," who at no time was cashier of the mother Bank, but was at the said date cashier of the said office of discount and deposit. Held, that this was an offence within the provisions of the law. United States *v.* Turner, 7 Peters, 132.

Indictment on the 18th section of the act of Congress, entitled, "An act to incorporate the Bank of the United States," passed April 15, 1816. The indictment charged the defendant with uttering and forging "a counterfeit bill in imitation of a bill used by the president, &c., of the bank." The forged paper was in these words and figures: "Cashier of the Bank of the United States, pay C. W. Earnest or order, five dollars. Office of discount and deposit in Pittsburg, 10th day of December, 1829. A. Brackenridge, Pres't, J. Correy, Cash'r." "Pay bearer, C. W. Earnest." Held, that a genuine instrument of which the forged and counterfeited instrument is an imitation, is not a bill issued by order of the president of the Bank of the United States, according to the true intent and meaning of the 18th section of the act incorporating the bank. The United States *v.* Brewster, 7 Peters, 164.

Counterfeiting an indorsement on a post note of the Bank of the United States, is not an offence under the 18th section of the act incorporating the bank. United States *v.* Stewart, 4 Wash. C. C. R. 226.

In a prosecution for forging the notes of the Bank of the United States, it is not necessary to prove that it was committed with intention to defraud some corporation or person, and that the notes stated in the indictment, and given in evidence as forged, and those alleged to be forged, are the same. United States *v.* Reuben Moses, 4 Wash. C. C. R. 726.

An order on the cashier of the Bank of the United States, is evidence for supporting an indictment for forging an order on the cashier of the corporation of the Bank of the United States. United States *v.* Hinman, Baldwin's C. C. R. 292.

or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeited bill, or note, purporting to be a bill, or note, issued by order of the president, directors and company of the Bank of the United States, or any false, forged, or counterfeited order or check, upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the president, directors and company of the Bank of the United States, or any falsely altered order or check, on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation, or any other body politic, or person; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states, over the offence, declared punishable by this act.

Or checks or orders thereon.

Saving of the jurisdiction of state courts.

Repeal of act of June 27, 1798, ch. 61.

Sec. 2. *And be it further enacted*, That the act, intituled "An act to punish frauds committed on the Bank of the United States," passed the twenty-seventh day of June, one thousand seven hundred and ninety-eight, shall be and the same is hereby repealed: *Provided nevertheless*, that the repeal of the said act shall not be so construed, as to prevent the trial, condemnation or punishment of any person, or persons, charged with or guilty of a violation of any of its provisions, previous to the passing of this act.

Approved, February 24, 1807.

Statute II.

March 2, 1807.

Act of Aug. 10, 1790, ch. 40.
Act of June 9, 1794, ch. 62.
Act of June 26, 1812, ch. 109.

Chap. XXI.—*An Act to extend the time for locating Virginia military [land] warrants, for returning surveys thereon to the office of the Secretary of the department of War, and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated.*(a)

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

(a) Under the reserve contained in the cession act of Virginia, and under the acts 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 military warrants, to satisfy which the reserve was made. Doddridge *v.* Thompson, 9 Wheat. 469; 5 Cond. Rep. 645.

The territory lying between the two rivers, is the whole country from their sources to their mouths; and if no branch of either of them has acquired the name exclusively of another, the main branch to its source must be considered the true river. *Ibid.*

The act of June 26, 1812, to ascertain the western boundary of the tract reserved for military warrants, and which provisionally designates Ludlow's line, as the western boundary, did not invalidate the title to the land between that line and Roberts's line, acquired under a Virginia military warrant previous to the passage of that act. *Ibid.*

The land between Ludlow's and Roberts's line was not withdrawn from the territory liable to be surveyed for military warrants by any act of Congress passed before the act of June 12, 1812. *Ibid.*

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 any deficiency of good land in the country set apart for the officers and soldiers of the Virginia line on continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States as a common fund for those states who come 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 lands 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 vital objects of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants should 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 the time in which military warrants should be located, the right to annex conditions to its extension, follows as a necessary consequence. *Ibid.*

If it be conceded that the proviso in the act of March 2, 1807, was not intended for the protection of surveys which were in themselves absolutely void, it must be admitted that it was intended to protect

of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further time of three years, from the twenty-third of March next, to complete their locations, and a further time of five years from the said twenty-third of March next, to return their surveys and warrants, or certified copies of warrants, to the office of the Secretary of the War department, any thing in the act intituled "An act to ascertain the boundary of the lands reserved by the state of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," to the contrary notwithstanding: *Provided*, that no locations, as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed, and any patent which may nevertheless be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

A further time allowed for completing locations.

1804, ch. 33.

Proviso.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized to obtain copies of all the locations and surveys, which have been, or may be made within the above mentioned tract, and to cause to be run or surveyed, as many straight lines across the same, as he may deem necessary, not exceeding three: and from these and such other documents as may be obtained, to cause to be made a general connected plat of all the lands located and surveyed within the same; a copy of which shall be deposited in the war department, and another copy shall be laid before Congress, together with an estimate of the surplus which may remain, after satisfying the bounties above mentioned. And the expenses incurred in surveying the lines, and obtaining the copies aforesaid, and in preparing the general plat above mentioned, shall be defrayed out of the monies appropriated for completing the surveys of the public lands northwest of the river Ohio.

Secretary of the Treasury to cause a general and connected plat to be made.

Copies thereof, how to be disposed of.

Expense—how defrayed.

Sec. 3. *And be it further enacted*, That eighteen quarter townships and three sections, to be selected by the Secretary of the Treasury, by lot, in that tract of land in the state of Ohio, lately purchased from the Indians, and lying between the tract commonly called the United States military tract, and the tract commonly called the Connecticut reserve, be, and the same are hereby appropriated for the use of schools, in that tract of land in the state aforesaid, commonly called "the Virginia military reservation," and be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose whatever; which said eighteen quarter townships and three sections, are thus appropriated, and vested in lieu of the one thirty-sixth part of the tract aforesaid, called the "Virginia military reservation," which by a former act had been appropriated and vested as aforesaid, for the use of schools within the same: *Provided however*, that no quarter townships, including the section number sixteen of such township, shall be selected as aforesaid for the purpose above mentioned. *And provided also*, and it is hereby understood and declared, that the said eighteen quarter town-

A portion of the "Virginia military reservation," to be vested in the state of Ohio, for the use of schools.

Limitation.

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those which were defective, and which might be avoided for irregularity. If this effect be denied to the proviso it becomes itself a nullity. *Ibid.*

Lands surveyed are as completely withdrawn from the common mass, as lands patented. It cannot be said that the prohibition that "no location shall be made on tracts of land for which patents have previously been issued, or which had been previously surveyed," was intended only for valid and regular surveys. They did not require legislative aid. The clause was introduced for the protection of defective entries and surveys, which might be made in quiet times. *Ibid.*

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky and the military district in Ohio, by usages adapted to the circumstances of the country, many principles are established, which are unknown to the common law. A long course of adjudication has fixed these principles, and they are considered as the settled rules by which these military titles are to be governed. Galt *v.* Galloway, 4 Peters, 343.

ships and three sections, shall be appropriated and vested, for the purposes aforesaid, only on condition that the legislature of the state of Ohio shall, within one year after the passing of this act, pass a law accepting the said eighteen quarter townships and three sections, for the purposes aforesaid, in lieu of the thirty-sixth part of the tract commonly called "the Virginia military reservation," heretofore appropriated and vested by law for the use of schools within the same; and releasing to the United States, all their claim, right, title, and interest, and all the right, title and interest of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract heretofore appropriated and vested by law for the use of schools within the same. And if the legislature of the said state shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships and three sections shall not be considered and held as appropriated and vested for the purposes aforesaid, but shall be disposed of in the same manner as is or may be provided, by law, for the disposal of other public lands in the same tract.

Legislature of Ohio to accept this grant in lieu of the part of the Virginia military reservation.

1803, ch. 21.

Approved, March 2, 1807.

Statute II.

March 2, 1807.

Act of March 22, 1794, ch. 11.
Act of May 10, 1800, ch. 51.
Act of Feb. 28, 1803, ch. 10.
Act of April 20, 1818, ch. 83.
Act of May 15, 1820, ch. 112, sec. 4, 5.

Chap. XXII.—*An Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour.

Importation of slaves into the U. S. forbidden after Jan. 1, 1808.

Sec. 2. *And be it further enacted*, That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labour: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts, for the district where the said ship or vessel may be found or seized.

Forfeiture of vessels fitted out for the slave trade after Jan. 1, 1808.

Penalties for being engaged in such expeditions.

Sec. 3. *And be it further enacted*, That all and every person so building, fitting out, equipping, loading, or otherwise preparing or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars, one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Sec. 4. *And be it further enacted*, If any citizen or citizens of the

(a) See notes to act of March 22, 1794, chap. 11, vol. i. 347.

United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labour, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel in which such negro, mulatto, or person of colour, shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several states or territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of colour.(*a*)

Forfeitures and penalties for importing slaves from Africa, &c. after Jan. 1, 1808.

Distribution of the forfeitures.

Slaves imported to remain subject to regulations of the states.

Sec. 5. *And be it further enacted*, That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labour, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of colour, so transported as aforesaid, for a slave, or to be held to service or labour, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

Further penalties on citizens and residents, &c. for bringing slaves to the U. S. from any foreign place.

Imprisonment and penalty not to exceed $10,000.

Sec. 6. *And be it further enacted*, That if any person or persons whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of colour, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of colour, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect: *Provided*, that the aforesaid forfeiture shall not extend to the seller or purchaser of any

Penalties for buying slaves from the neighbouring territories, &c.

Forfeiture not to extend to the seller or purcha-

(*a*) See notes to act of March 22, 1794, chap. 11, vol. i. 347, 348.

ser of any slave sold under the regulations of the legislature of any state.

negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several states in that respect, in pursuance of this act, and the constitution of the United States.

Vessels may be seized, having slaves on board.

Sec. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of colour, for the purpose of selling them as slaves, or with intent to land the same, in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States, having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States all such ships or vessels, and moreover to seize, take, and bring into any port of the United States all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law, and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters thereof, and the same shall be distributed in like manner, as is provided by law, for the distribution of prizes taken from an enemy: *Provided*, that the officers and men, to be entitled to one half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of colour, to such person or persons as shall be appointed by the respective states, to receive the same; and if no such person or persons shall be appointed by the respective states, they shall deliver every such negro, mulatto, or person of colour, to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the governor or chief magistrate of the state, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of colour, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of colour.(*a*)

Vessels seized forfeited to the use of the United States.

Naval force of the U. States may be employed for the purpose of enforcing this act.

Penalties, fine and imprisonment.

Proceeds of prizes divided between the U. States and the officers and men making the seizures.

Every negro and mulatto found on board any vessel captured to be delivered to persons appointed by the respective states to receive them.

An account to be transmitted to the governors of the respective states.

(*a*) The district courts have jurisdiction under the slave trade acts, to determine who are the actual captors under a state law, made in pursuance of the 4th section of the slave trade act of 1807, and directing the proceeds of the sale of the negroes to be paid, "one moiety for the use of the commanding officer of the capturing vessel." The Josefa Segunda, 10 Wheat. 312; 6 Cond. Rep. 111.

The offence against the laws of the United States under the 7th section of the act of 1807, is not that of importing or bringing into the United States, persons of colour, with intent to hold such persons as

Sec. 8. *And be it further enacted*, That no captain, master or commander of any ship or vessel, of less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of colour, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labour, on penalty of forfeiting for every such negro, mulatto, or person of colour, so taken on board and transported, as aforesaid, the sum of eight hundred dollars; one moiety thereof to the use of the United States, and the other moiety to any person or persons who shall sue for, and prosecute the same to effect: *Provided however*, That nothing in this section shall extend to prohibit the taking on board or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of colour, (not imported contrary to the provisions of this act) in any vessel or species of craft whatever.

Slaves not to be transported in vessels under forty tons burthen, to be disposed of, &c.

Penalties.

This section not to prohibit taking on board or transporting on any river or bay within the jurisdiction of the U. States.

Sec. 9. *And be it further enacted*, That the captain, master, or commander of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, from any port in the United States, to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of colour, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labour, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of colour, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of colour, with the name and place of residence of every owner or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner or shipper, shall severally swear or affirm to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States, from and after the first day of January, one thousand eight hundred and eight, and that under the laws of the state, they are held to service or labour; whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests, of every negro, mulatto, and person of colour, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of her destination, take on board any negro, mulatto, or person of colour, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted and condemned in any court of the United States, having jurisdiction thereof; and the captain,

Vessels of larger burthen, sailing coastwise, to have the names of slaves for sale inserted in their papers, &c.

The shipper to swear the negroes were not imported into the U. States after January 1, 1808.

Penalties on departing without such list.

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slaves, but that of hovering on the coast of the United States with such intent. And although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of the coloured persons found on board, any further than to impose a duty upon the officers of the armed vessels who make the capture to keep them safely to be delivered to the overseers of the poor, or the governer of the state, or persons appointed by the respective states to receive them. United States *v.* Preston, 3 Peters, 57.

The persons sold as slaves under an order of the district court of Louisiana, in a case where the decree was afterwards reversed, were illegally sold, and they are free. *Ibid.*

Penalty for negro or mulatto taken on board.

master, or commander of every such ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of colour, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars, one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Manifests to be delivered to officers of customs where such slaves carried coastwise are landed.

Sec. 10. *And be it further enacted,* That the captain, master, or commander of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of colour, to sell or dispose of as slaves, or to be held to service or labour, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm, and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading or suffering such negro, mulatto, or person of colour, to be put on shore, and if the captain, master, or commander of any such ship or vessel being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of colour, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Penalty for landing a negro or mulatto without a permit.

Approved, March 2, 1807.

Statute II.

March 3, 1807.

Act of Feb. 27, 1801, ch. 15.

Service fees, &c. to the marshal.

Chap. XXIII.—*An Act to reduce the expenses attending the administration of justice in the district of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the service of any writ, warrant, attachment, summons, or order of court, the marshal for the district of Columbia shall be entitled to receive the fee of fifty cents only, for each person on whom served; and for the taking any bond required by law, a fee of fifty cents only; and for such services as are not enumerated in this, or some other act of Congress, he shall receive the like fees and compensation, if they be performed in the county of Alexandria, as by the laws of Virginia, in force on the first Monday of December, in the year eighteen hundred, were allowed to the sheriff of a county, for the like services; and if they be performed in the county of Washington, the like fees and compensation, as by the laws of Maryland, in force on the day last mentioned, were allowed to a sheriff of a county, in Maryland, for the like services.

Clerk of Alexandria county entitled to the same fees as clerks of district courts in Virginia, &c.

In chancery proceedings, fees allowed to clerk of the high court of chancery in Virginia.

Sec. 2. *And be it further enacted,* That the clerk of the circuit court of the district of Columbia, for the county of Alexandria, shall be entitled to receive for his services, the same fees only, as by the laws of Virginia, in force on the day last mentioned, were allowed to the clerk of the district court in that state, for the like services; in chancery proceedings, the same fees only, as were allowed by the said laws to the clerk of the high court of chancery, in the said state, for like services; and for such services as were not, by the said laws, to be performed by the clerk of either of the said courts in Virginia, he shall receive such fees only, as

were allowed by the said laws, to the clerk of a county court in the said state, for the like services.

Sec. 3. *And be it further enacted,* That the clerk of the said circuit court of the district of Columbia, for the county of Washington, shall be entitled to receive the same fees only, for his services, as by the laws of Maryland, in force on the said first Monday of December, in the year eighteen hundred, were allowed to the clerk of the general court of Maryland, for the like services; and for his services in chancery proceedings, the same fees only, as by the said laws, were allowed to the register of the court of chancery of Maryland, for the like services; and for such services as were not, by the said laws, to be performed by the said clerk of the said general court, or by the said register, he shall be allowed such fees and compensation only, as by the said laws, were allowed to a clerk of a county court in Maryland, for the like services: *Provided,* that nothing in this act shall prevent the said marshal and clerk from receiving their daily compensation for attending court as heretofore.

For services not incident to the offices of the clerks of the district or chancery courts, the fees allowed in the county courts.

General court fees of Maryland to be charged by the clerk of Washington county.

For services in chancery, the fees of the register of the court of chancery.

In cases not of a nature of the service performed in either of these courts, the fees allowed in the county courts of Maryland to be paid.

Marshal and clerk of Washington still entitled to their daily allowance.

Sec. 4. *And be it further enacted,* That such of the said fees as by the laws aforesaid, are chargeable in tobacco, shall be paid in money, at the rate of one dollar and seventy-five cents for one hundred pounds of tobacco. And it shall be the duty of the said marshal, and the said clerk, of the said circuit court, respectively, to make a table of their respective fees, in dollars and cents, according to this act; and to keep a copy thereof, at all times, exposed to public view, in their respective offices; and all fees and costs shall be taxed, and fee bills for collection, stated in money only.

At what rate fees in tobacco are to be paid.

Tables of fees to be set up in the marshal's and clerk's offices.

Sec. 5. *And be it further enacted,* That in suits at common law in the said circuit court, the taxable fee to an attorney, shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor, shall be ten dollars only: *Provided,* that nothing in this act shall extend to the official services of the attorney of the United States, for the district of Columbia.

Attorney's and solicitor's fees.

Proviso.

Sec. 6. *And be it further enacted,* That all *temporary* statutes of the states of Virginia and Maryland, which by the first section of the act concerning the district of Columbia, passed on the twenty-seventh of February, one thousand eight hundred and one, were adopted for the said district, shall not expire within the said district, by virtue of any limitation in said statutes contained; but shall remain in force as at the time of their adoption, unless other provision has been or shall be made by Congress, respecting the same.

Temporary statutes of Virginia and Maryland, adopted for Columbia, continued in force.

Act of Feb. 27, 1801, ch. 15.

Sec. 7. *And be it further enacted,* That all laws, and parts of laws, contrary to, or inconsistent with this act, shall be, and the same are hereby repealed.

Repeal of acts inconsistent with this law.

This act shall commence and be in force from and after the passing thereof.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Chap. XXV.—*An Act allowing an additional compensation to the judges of the Mississippi, Indiana, Michigan and Louisiana Territories.*

Compensation to the judges of Mississippi, Indiana, Michigan, and Louisiana territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the judges of the Mississippi, Indiana, Michigan and Louisiana territories, appointed under the authority of the United States, be entitled to the annual sum of twelve hundred dollars, in lieu of his present compensation, to commence on the first day of January last.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

[Obsolete.]

Chap. XXVIII.—*An Act making appropriations for finishing the south wing of the Capitol, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to appropriations already made, the following sums of money shall be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

Appropriation to finish south wing of the capitol:

For finishing the south wing of the capitol, twenty-five thousand dollars.

to furnish it:

For furnishing the same for the accommodation of the House of Representatives, seventeen thousand dollars.

to make a new roof and other repairs to the north wing:

For making a new roof and other repairs to the north wing of the capitol, twenty-five thousand dollars.

to open and repair avenues and roads:

For opening and repairing avenues and roads within the territory of Columbia, three thousand dollars.

to repair and improve President's house, and the lot of ground on which it stands.

For repairs and improvements on the President's house, and the lot of ground on which the same stands, fifteen thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury, not otherwise appropriated.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

[Obsolete.]

Chap. XXIX.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and seven.*

Objects of appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-four thousand two hundred dollars.

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and seven, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, thirteen thousand dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the second session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

Specific appropriations.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, the clerks and persons in his office, twelve thousand two hundred dollars.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery and printing in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses incident to the stating and printing of the public accounts for the year one thousand eight hundred and seven, one thousand two hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and seven, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

Specific appropriations.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, five hundred dollars.

For compensation to the Postmaster-General, to the assistant Postmaster-General, and clerks and persons employed in the Postmaster-General's office, fourteen thousand four hundred and fifty dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses for prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster-General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several commissioners of loans, and for an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general, and for that of the clerks employed by him, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two clerks at five hundred dollars.

For the wages of persons employed in the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, seven thousand two hundred and seventy-eight dollars.

For the repairs of furnaces, costs of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand six hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand nine hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses in said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, five thousand one hundred and fifty dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars. Specific appropriations.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads; and for other purposes," thirteen thousand two hundred and sixty-nine dollars. 1806, ch. 41.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney-general, and to the judge of the district of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and seven, to the fourth of March one thousand eight hundred and eight, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-three thousand nine hundred and sixty-one dollars and eight cents.

For erecting a lighthouse on St. Simon's island, in Georgia, the former appropriation of seven thousand dollars for that object having been carried to the surplus fund, nineteen thousand dollars.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, in addition to the sums heretofore appropriated by law for those objects, the balance of a former appropriation for those objects, of twenty-four thousand six hundred and twenty-five dollars and ninety-six cents, having been carried to the surplus fund, fifty-five thousand dollars.

For erecting a lighthouse on Whitehead, at the entrance of Penobscot bay, the former appropriation for that object having been carried to the surplus fund, two thousand two hundred and five dollars and eighty cents.

For the erection of beacons in the harbor of New York, in addition to the sums heretofore appropriated, one thousand two hundred dollars.

For defraying the expenses incurred in surveying the coast of North Carolina, between Cape Hatteras and Cape Fear, in addition to the sum heretofore appropriated for that object, one thousand three hundred dollars.

For compensating the commissioners in the aforesaid service for the loss of their effects incident to the service, on board the revenue cutters

Specific appropriations.

wrecked at Ocracock; the amount of which loss the accounting officers of the treasury are hereby authorized to liquidate and allow upon satisfactory proof being exhibited to them of such loss, one thousand six hundred dollars.

For carrying on the surveys of public lands in the state of Ohio, and in the several territories, seventy-three thousand one hundred and eighty dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

Sec. 2. *And be it further enacted,* That the several appropriations heretofore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

1790, ch. 34.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

After the 30th June, 1807, the act of July 8, 1797, ch. 15, repealed so far as respects the duty on salt.

Chap. XXX.—*An Act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, intituled "An Act further to protect the commerce and seamen of the United States, against the Barbary powers."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, the act, intituled "An act laying an additional duty on salt imported into the United States, and for other purposes," passed the eighth day of July, one thousand seven hundred and ninety-seven, shall be, and the same hereby is repealed, and that from and after the thirty-first day of December next, so much of any act as lays a duty on imported salt, be, and the same hereby is repealed; and from and after the day last aforesaid, salt shall be imported into the United States free of duty: *Provided,* that for the recovery and receipt of such duties as shall have accrued, and on the days aforesaid respectively remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said days respectively, the provisions of the aforesaid act shall remain in full force and virtue.

Proviso. The recovery and receipt of outstanding duties, not to be impaired.

Bounties on salt provisions and pickled fish taken off.

See vol. i. 27, 260, 533, 693.

Sec. 2. *And be it further enacted,* That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is repealed: *Provided,* that the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the first day of January next.

Proviso.

Sec. 3. *And be it further enacted,* That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is continued in force until the first day of January next, and no longer: *Provided however,* that the additional duty laid by the said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

Mediterranean fund continued till 1st January, 1808.

Act of March 26, 1804, ch. 46.

Proviso.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Chap. XXXI.—*An Act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer or soldier of the Virginia line, on continental establishment, or his legal representatives, to whom a land warrant has issued, by virtue of any resolution of the legislature of Virginia, as a bounty for services, which by the laws of Virginia, passed prior to the cession of the North-western territory to the United States, entitled such officer or soldier to bounty lands, shall, if the said warrant has been or shall be located within three years from the twenty-third of March next, and a survey thereof has been or shall be, within five years from the said twenty-third of March next, returned to the office of the Secretary of War, obtain a patent for the same, in the same manner, and on the same conditions, as patents are obtained for lands located and surveyed on other warrants of the officers and soldiers of the Virginia line, on continental establishment: *Provided,* that no patent shall be obtained on such resolution warrant, unless there is produced to the Secretary of War, satisfactory evidence that such warrant was granted for services which, by the laws of Virginia, passed prior to the cession of the North-western territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands, and also a certificate of the register of the land-office of Virginia, that no other warrant has issued from the said land-office for the same services.

Act of May 18, 1796, ch. 29.

Act of March 2, 1799, ch. 29.

Act of Feb. 22, 1815, ch. 48.

Act of April 11, 1818, ch. 43.

Resolution warrants may be located within three years from March, 1808.

Act of Feb. 9, 1821, ch. 10.

Act of Feb. 21, 1823, ch. 10.

Proviso, that no warrant can be obtained unless proof to the satisfaction of the Secretary of War that the warrant was given for services before the cession.

Sec. 2. *And be it further enacted,* That no patent shall be issued by virtue of the preceding section, for a greater quantity of land, than the rank or term of service of the officer or soldier, to whom or to whose legal representatives such resolution warrant has been granted, would have entitled him to under the aforesaid laws of Virginia; and whenever it appears to the Secretary of War, that the survey or surveys, made by virtue of any resolution warrant, is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on the said survey or surveys, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and re-survey his location, excluding such surplus quantity, in one body, from any part of his re-survey, and a patent shall issue upon such re-survey as in other cases.

Patents not to issue for a greater quantity of land than the laws of Virginia entitled the person performing the service to.

Surveys to be withdrawn where locations shall have been made in any other way, and re-surveys to be made, &c.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Chap. XXXIV.—*An Act regulating the grants of land in the territory of Michigan.*(b)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions made

Act of March 26, 1804, ch. 35.

Act of March 3, 1805, ch. 43.

(a) See notes to act of May 18, 1796, chap. 29, Vol. i. 464.

(b) Acts relating to the sale of the public lands in Michigan:—

An act regulating the grants of lands in the territory of Michigan, March 3, 1807, chap. 31.

Act of April 21, 1806, ch. 43.

Decisions of commissioners in favour of land in certain cases, confirmed.

by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Detroit, in favour of such claimants, as entered in the transcript of decisions which have been transmitted by the said commissioners, to the Secretary of the Treasury, according to law, be, and the same are hereby confirmed.

Persons in occupation of land in Michigan, to which Indian title has been extinguished, confirmed in their titles as of estates of inheritance, in fee simple.

Sec. 2. *And be it further enacted*, That to every person or persons in the actual possession, occupancy, and improvement, of any tract or parcel of land, in his, her, or their own right, at the time of the passing of this act, within that part of the territory of Michigan, to which the Indian title has been extinguished, and which said tract or parcel of land was settled, occupied and improved, by him, her, or them, prior to and on the first day of July, one thousand seven hundred and ninety-six, or by some other person or persons, under whom he, she, or they hold or claim the right to the occupancy, or possession thereof, and which said occupancy or possession has been continued to the time of the passing of this act; the said tract or parcel of land thus possessed, occupied, and improved, shall be granted, and such occupant or occupants shall be confirmed in the title to the same, as an estate of inheritance, in fee simple: *Provided however*, that no other claims shall be confirmed, by virtue of this section, than such as have been entered with the register of the land-office of Detroit, within the time, and in the manner provided by law, and by the commissioners aforesaid, have been inserted in their report, transmitted as aforesaid; nor shall more than one tract or parcel of land be thus granted to any one person, and the same shall not contain more than the quantity claimed, nor more than six hundred and forty acres: *And provided also*, that the same shall not extend to any tract heretofore reserved, or which may by the President of the United States, be set aside for public uses, in the town of Detroit and its vicinity, or on the island of Michilimackinac.

Proviso.

Proviso.

Secretary of Michigan, and the register and receiver of public monies of the land-office of Detroit, made commissioners for claims, &c.

Their oath of office.

Sec. 3. *And be it further enacted*, That the secretary of the territory of Michigan, together with the register and receiver of public monies of the land-office of Detroit, shall be commissioners for the purpose of ascertaining and deciding on the rights of persons claiming the benefit of this act: and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, intituled "An act regulating the grants of land in the territory of Michigan." And it shall be the duty of the said commissioners to meet at the town of Detroit, on or before the first day of July next, and they shall not adjourn to any other place, or for any longer time,

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An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35, sec. 2, &c.

An act supplementary to the act entitled, "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," March 3, 1805, chap. 43, sec. 6.

An act for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes, April 21, 1806, chap. 43.

An act supplemental to "an act regulating the grants of land in the territory of Michigan," April 26, 1808, chap. 67.

An act to authorize the granting patents for lands according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes, April 23, 1812, chap. 62.

An act allowing further time for entering donation rights to lands in the district of Detroit, March 3, 1817, chap. 99.

An act to revive the powers of the commissioners for ascertaining and deciding on claims to land at Green Bay and Prairie des Cheins, in the territory of Michigan, May 11, 1820, chap. 84.

An act to revive and continue in force, certain acts for the adjustment of land claims in the territory of Michigan, February 21, 1823, chap. 10.

An act to confirm certain claims to lands in the territory of Michigan, April 17, 1828, chap. 12.

An act to establish a land-office in the territory of Michigan, and for other purposes, February 19, 1831, chap. 27.

An act supplementary to "an act to provide for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes," passed April 21, 1826, August 29, 1842, chap. 260.

than three days, until the first day of January next, or until they shall have completed the business of their appointment. And the said commissioners, or a majority of them, shall have power to hear and decide in a summary manner, all matters respecting such claims, to compel the attendance of witnesses, to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity. Minutes of the proceedings, decisions, meetings, and adjournments of the board, shall be regularly entered by the register, in a book to be kept for that purpose, together with the evidence on which such decisions are made, unless such evidence has already been entered according to law, in the book or books of minutes, kept by the commissioners appointed under former acts, to investigate the claims to land in the district of Detroit. And when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of this act, they shall give a certificate thereof stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land, by virtue of this act; which tract shall be surveyed in conformity with the decision of the commissioners, at the expense of the party, and under the direction of the surveyor-general by such of his assistants, residing in the territory of Michigan, as the said surveyor-general shall appoint for that purpose: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed, or marked. The surveyor-general shall transmit to the register of the land-office at Detroit, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury. The commissioners shall transmit to the Secretary of the Treasury a transcript of their decisions in favour of claimants, which shall contain a fair statement of the evidence on which each respective claim is founded, and shall be signed by the said commissioners, and shall state the names of the parties in whose favour the certificates have been granted, the number of acres granted and the situation of the land. And the certificate and certificates granted as aforesaid, by the commissioners, being duly entered with the register of the land-office of Detroit, prior to the first day of January, one thousand eight hundred and nine, shall entitle the party or parties, as soon as the plot or plots aforesaid, shall have been transmitted to the said register, to receive from him a certificate or certificates, for each of which certificates the register shall receive one dollar, directed to the Secretary of the Treasury; and if it shall appear to the satisfaction of the said secretary, that such certificates have been fairly obtained according to the true intent and meaning of this act, then and in that case, patents shall issue, in like manner as is provided by law, for the other lands of the United States.

Powers and duties of the commissioners.

Lands to be surveyed, &c.

By whom.

Proviso.

General and particular plots to be sent by the surveyor-general to the register of land-office at Detroit, and copies also to Secretary of Treasury.

Transcripts of commissioners' decisions to be likewise forwarded to Secretary of Treasury.

Certificates of commissioners to give titles to land, &c.

Fees to be paid for certificates.

Sec. 4. *And be it further enacted*, That the powers vested by this act in the commissioners above mentioned shall not extend to lots in the town of Detroit, the claims to which shall be ascertained and decided upon, in the manner provided by the act, intituled "An act to provide for the adjustment of titles of land in the town of Detroit, and territory of Michigan, and for other purposes."

Powers of commissioners not extended to lots in town of Detroit.

How claims to such lots are to be decided upon.

Sec. 5. *And be it further enacted*, That the secretary of the territory of Michigan shall be entitled to receive five hundred dollars, in full for all the services rendered by him under this act, to be paid out the sums which have been, or may be appropriated for carrying into effect the several laws enacted for the disposal of public lands, and for the adjustment of claims in the Indiana or Michigan territories.

Compensation to secretary of Michigan, for services under this act.

Out of what fund to be paid.

Approved, March 3, 1807.

Statute II.
March 3, 1807.

Chap. XXXV.—*An Act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi territory.*

Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty, made on the twenty-third day of July, one thousand eight hundred and five, between the United States and the Chickasaw nation of Indians, the following sums, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say; to the said Chickasaw nation, twenty thousand dollars; to George Colbert and O'Koy, each, one thousand dollars; and to Chinubbe Mingo, chief of the nation, an annuity of one hundred dollars, during his natural life.

Surveyor general of the public lands south of Tennessee to cause lands ceded by the Cherokees and Chickasaws, and lying in Mississippi, to be surveyed and laid out.

President authorized to have a land-office for the sale of them; to appoint a register and a receiver of public monies, &c.

Their emoluments.

Sec. 2. *And be it further enacted,* That it shall be the duty of the surveyor-general of the public lands, south of Tennessee, to cause to be surveyed and laid out, in the same manner as is provided by law for the other public lands in the Mississippi territory, so much of the lands ceded to the United States by the Cherokees and Chickasaws, as lies within the said territory; and the President of the United States is hereby authorized, whenever he shall think it proper, to establish a land-office for the sale of the said lands, and to appoint a register of the same, and a receiver of the public monies accruing from the sale of the said lands, whose respective emoluments and duties shall be the same as those of the registers and receivers of the other land-offices in the said territory.

Approved, March 3, 1807.

Statute II.
March 3, 1807.

Chap. XXXVI.—*An Act respecting claims to land in the territories of Orleans and Louisiana.*(a)

Part of the 1st section of a former act repealed, respecting incomplete titles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as provides that no incomplete title shall be confirmed, unless the person in whose name the warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years, be and the same is hereby repealed.

Residents in the territories of Orleans or Louisiana, confirmed in their titles, if in possession a certain number of successive years.

Proviso.

Sec. 2. *And be it further enacted,* That any person or persons, and the legal representative of any person or persons, who, on the twentieth day of December, one thousand eight hundred and three, had for ten consecutive years prior to that day, been in possession of a tract of land not claimed by any other person, and not exceeding two thousand acres, and who were on that day resident in the territory of Orleans or Louisiana, and had still possession of such tract of land, shall be confirmed in their titles to such tract of land: *Provided,* that no claim to a lead mine or salt spring, shall be confirmed merely by virtue of this section: *And provided also,* that no more land shall be granted by virtue of this section, than is actually claimed by the party, nor more than is contained within the acknowledged and ascertained boundaries of the tract claimed.

Claim of New Orleans to the commons confirmed.

Sec. 3. *And be it further enacted,* That the claim of the corporation of the city of New Orleans, to the commons adjacent to the said city, and within six hundred yards from the fortifications of the same, be, and the same are hereby recognized and confirmed: *Provided,* that the

(a) See notes to act of March 2, 1805, chap. 26.

said corporation shall within six months after passing this act, relinquish and release any claim they may have to such commons beyond the distance of six hundred yards aforesaid: *Provided also*, that the corporation shall reserve for the purpose, and convey gratuitously for the public benefit, to the company authorized by the legislature of the territory of Orleans, as much of the said commons as shall be necessary to continue the canal of Carondelet from the present basin to the Mississippi, and shall not dispose of, for the purpose of building thereon, any lot within sixty feet of the space reserved for a canal, which shall for ever remain open as a public highway: *And provided also*, that nothing herein contained, shall be construed to affect or impair the rights of any individual or individuals to the said commons, which are derived from any grant of the French or Spanish government.

Release to be made by the corporation.
Proviso.

Nothing herein to impair rights under the French or Spanish government.

Sec. 4. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming land in the territories of Orleans and Louisiana, shall have full powers to decide according to the laws and established usages and customs of the French and Spanish governments, upon all claims to lands within their respective districts, where the claim is made by any person or persons, or the legal representative of any person or persons, who were on the twentieth of December, one thousand eight hundred and three, inhabitants of Louisiana, and for a tract not exceeding the quantity of acres contained in a league square, and which does not include either a lead mine or salt spring, which decision of the commissioners when in favour of the claimant shall be final, against the United States, any act of Congress to the contrary notwithstanding.

Claims to be decided according to the usages and customs of the French and Spanish governments, in certain cases.

Sec. 5. *And be it further enacted*, That the time fixed by the act above mentioned, and by the acts supplementary to the same, for delivering to the proper register or recorder, notices in writing and the written evidences of claims to land, be, and the same is hereby extended, for the territories of Orleans and Louisiana, till the first day of July, one thousand eight hundred and eight, and persons delivering such notices and evidences shall be entitled to the same benefit as if the same had been delivered within the time limited by the former acts; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of law or equity whatever.

Time fixed for delivering notices of claims, extended.

Persons barred who neglect giving notices, &c.

Sec. 6. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana, shall respectively transmit to the Secretary of the Treasury and to the surveyor-general, or officer acting as surveyor-general, transcripts of the final decisions made in favour of claimants by virtue of this act, and they shall deliver to the party a certificate stating the circumstances of the case, and that he is entitled to a patent for the tract of land therein designated, which certificate shall be filed with the proper register or recorder, within twelve months after date. And the register or recorder shall thereupon (a plat of the tract of land therein designated, being previously filed with him or transmitted to him by the officer acting as surveyor-general in the manner herein after provided,) issue a certificate in favour of the party, which certificate being transmitted to the Secretary of the Treasury, shall entitle the party to a patent, to be issued in like manner as is provided by law for the issuing of patents for public lands lying in other territories of the United States.

Certificates of final decisions to be transmitted to surveyor-general and Secretary of the Treasury.

Patents to issue upon those transmitted to the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That the tracts of land thus granted by the commissioners shall be surveyed at the expense of the parties, under the direction of the surveyor-general, or officer acting as surveyor-

Tracts of land thus granted to be surveyed at expense

of the parties, unless an accurate and authentic survey, made under authority of former governments of Orleans and Louisiana, shall have been filed, &c.

Commissioners authorized to direct re-surveys.

Surveyor-general to transmit general and particular plats to Secretary of the Treasury, &c.

Reports of undecided claims to be regularly transmitted by commissioners to Secretary of the Treasury.

Arrangement of claims.

general, in all cases where an authenticated plat of the land as surveyed under the authority of the officer acting as surveyor-general under the French, Spanish, or American governments respectively, during the time either of the said governments had the actual possession of the said territories of Orleans and Louisiana, shall not have been filed with the proper register or recorder, or shall not appear of record on the public records of the said territories of Orleans and Louisiana. The said commissioners shall also be authorized, whenever they may think it necessary, to direct the surveyor-general, or officer acting as such, to cause any tract of land already duly surveyed, to be re-surveyed at the expense of the United States. And the surveyor-general, or officer acting as such, shall transmit general and particular plats of the tracts of land thus surveyed, to the proper register or recorder, and shall also transmit copies of the said plats to the Secretary of the Treasury.

Sec. 8. *And be it further enacted*, That the commissioners aforesaid shall respectively report to the Secretary of the Treasury their opinion on all the claims to land within their respective districts, which they shall not have finally confirmed by the fourth section of this act. The claims shall, in the said report or reports, be arranged into three general classes, that is to say: first, claims which, in the opinions of the commissioners, ought to be confirmed in conformity with the provisions of the several acts of Congress, for ascertaining and adjusting the titles and claims to land within the territories of Orleans and Louisiana; secondly, claims which, though not embraced by the provisions of the said acts, ought nevertheless in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; thirdly, claims which neither are embraced by the provisions of the said acts, nor ought in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; and the said report and reports being in other respects made in conformity with the forms prescribed according to law, by the Secretary of the Treasury, shall by him be laid before Congress, for their final determination thereon, in the manner and at the time heretofore prescribed by law for that purpose.

Allowances and compensations.

Sec. 9. *And be it further enacted*, That the following allowances and compensations shall be made to the several officers herein after mentioned, that is to say, to the principal deputy of the surveyor-general, for the district of Louisiana, at the rate of five hundred dollars a year, from the time he entered into the duties of his office, in addition to the fees which he is entitled to receive by law. To the register of the western district of the Orleans territory, and to the clerk of the board of commissioners for that district, one thousand dollars each, for their services as commissioners and clerk respectively, during the year one thousand eight hundred and six. To each of the deputy registers of the territory of Orleans, five hundred dollars in full, for their services subsequent to the first day of January last, in addition to the fees to which they are legally entitled. To each of the commissioners at the rate of two thousand dollars a year; to each of the clerks of the boards, and to each of the agents employed by the Secretary of the Treasury, at the rate of fifteen hundred dollars a year, and to each of the translators, at the rate of six hundred dollars a year, to commence from the first day of July next, in the district of Louisiana, and from the first day of January next, in the territory of Orleans, and to continue to the time when each board shall be respectively dissolved: *Provided*, that no more than eighteen months' compensation be thus allowed to the said commissioners, clerks, and translators, and that the compensation of any such officer absenting himself from his district, or failing to attend to the duties of his office, shall cease during such absence or failure.

Proviso.

Approved, March 3, 1807.

Statute II.

Chap. XXXVII.—*An Act making further appropriations for fortifying the ports and harbors of the United States.*

March 3, 1807.

Specific appropriations.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

Sec. 2. *And be it further enacted,* That the money appropriated by this act, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

Approved, March 3, 1807.

Statute II.

Chap. XXXIX.—*An Act authorizing the employment of the land and naval forces of the United States, in cases of insurrections.*

March 3, 1807.

Land and naval forces to be employed for suppressing insurrections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

Approved, March 3, 1807.

Statute II.

Chap. XL.—*An Act in addition to an act intituled "An act in addition to an act entituled An act supplementary to the act providing for a naval peace establishment, and for other purposes."*

March 3, 1807.

Act of April 21, 1806, ch. 35.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen and boys, not exceeding five hundred, should the exigency of the public service require the same.

Approved, March 3, 1807.

Statute II.

Chap. XLI.—*An Act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians.*

March 3, 1807.

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for carrying into effect a convention between the United States and the Cherokee nation of Indians, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby are appropriated; that is to say—to the said Cherokee nation, two thousand dollars, and the further annual sum of two thousand dollars for four years successively; and to the Cherokee chief, called the Black Fox, the annual sum of one hundred dollars, during his natural life.

Sec. 2. *And be it further enacted,* That for carrying into effect a treaty between the United States and the Piankeshaw tribe of Indians, concluded at Vincennes, on the thirtieth day of December, one thousand eight hundred and five, there shall be, and hereby are appropriated, in addition to appropriations for carrying into effect former treaties, a sum

of one thousand dollars, and a further annual sum of three hundred dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

[Repealed.]

Act of April 28, 1810, ch. 30, sec. 2.

Post roads established.

Chap. XLIII.—*An Act to establish certain Post Roads; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be established:

In Orleans.—From New Orleans to the Balize, and from New Orleans, by the mouth of the Fourche, mouth of the canal of Attakapas, lake Veret, the ferry of lake Veret, the mouth of Teache, the church of Attacapas, and the church of Appelousas, to Rapides. And the Postmaster-General be, and he is hereby authorized to allow and pay to the postmaster, which may be appointed at the Balize, in addition to the legal fees of office, such sum as he may judge reasonable, not exceeding four hundred dollars per annum, as a compensation for his services.

A road to be opened, on the route from Athens to New Orleans.

Unexpended balance of a former appropriation to be applied to this object.

Sec. 2. *And be it further enacted,* That the President of the United States is hereby authorized, to cause to be opened a road from the thirty-first degree of north latitude to New Orleans, on the route from Athens to New Orleans, under such regulations as may be agreed upon for that purpose, between the executive of the United States and the Spanish government: and he is hereby authorized to expend, in opening the same, any part of the money heretofore appropriated for opening a road on the said route, from the frontier of Georgia to the thirty-first degree of north latitude, which remains unexpended.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Establishment of the bank of Detroit disapproved of.

Chap. XLIV.—*An Act disapproving of an act passed by the governor and judges of the territory of Michigan, intituled "An act concerning the Bank of Detroit."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act, intituled "An act concerning the bank of Detroit," adopted and published by the governor and judges of the territory of Michigan, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and six, is hereby disapproved of by Congress, and that the same shall be of no force or effect.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Compensation for extra services.

Chap. XLV.—*An Act making compensation for extra services, to the governor, judges and secretary of the Indiana territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is directed to pay to the governor, judges and secretary of the Indiana territory, out of any money in the treasury, not otherwise appropriated, the sum of three hundred dollars each, as a compensation for the extra services by them performed, in obedience to the act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof."

1804, ch. 38.

Approved, March 3, 1807.

STATUTE II.

March 3, 1807.

CHAP. XLVI.—*An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.*

Lands of the U. States, by whatsoever title acquired, not to be occupied, possessed or settled, but with the consent of the U. States. Titles of intruders forfeited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States: or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled: or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law; such offender or offenders, shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States, to direct the marshal, or officer acting as marshal, in the manner herein after directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States, by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make a settlement thereon, until thereunto authorized by law. And every right, title, or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided,* that nothing herein contained, shall be construed to affect the right, title, or claim, of any person to lands in the territories of Orleans or Louisiana, before the boards of commissioners established by the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," shall have made their reports and the decision of Congress been had thereon.

President authorized to have them removed. The mode of doing this.

Forfeitures to enure to the benefit of the U. States.

Saving of claims before board of commissioners under the act of March 2, 1805, ch. 26.

Sec. 2. *And be it further enacted,* That any person or persons who, before the passing of this act, had taken possession of, occupied, or made a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands had not been previously sold, ceded or leased by the United States, or the claim to which lands had not been previously recognized and confirmed by the United States; and who at the time of passing this act does or do actually inhabit and reside on such lands, may at any time prior to the first day of January next, apply to the proper register or recorder, as the case may be, of the land-office established for the disposal, registering, or recording of such lands, or to such person or persons as may by such registers or recorders respectively, be appointed for the purpose of receiving such applications, stating the tract or tracts of land thus occupied, settled, and inhabited by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register or recorder respectively to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land not exceeding three hundred and twenty

Actual settlers may hold under the U. States as tenants at will, under bargains with the officers of the land-offices.

Conditions prescribed.

acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damages on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold, or ceded by the United States, or whenever for any other cause, he or they may be required under the authority of the United States, so to do, give quiet possession of such tract or tracts of land, to the purchaser or purchasers, or remove altogether from the land, as the case may be: *Provided however*, that such permission shall not be granted to any such applicant, unless he shall previously sign a declaration stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same, by virtue of any claim or pretended claim derived, or pretended to be derived from any other person or persons: *And provided also*, that in all cases where the tract of land applied for, includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States, who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper.

1808, ch. 10.

Proviso.

Applications to be entered on books.

Sec. 3. *And be it further enacted*, That all the applications made, and provisions granted by virtue of the last [preceding] section, shall be duly entered on books to be kept for that purpose, by the registers and recorders aforesaid respectively; and they shall be entitled to receive from the party for each application, fifty cents, and for each permission, one dollar.

Marshals, &c. authorized, under instructions from the President, to oust intruders.

Sec. 4. *And be it further enacted*, That it shall be lawful after the first day of January next, for the proper marshal, or officer acting as marshal, under such instructions as may for that purpose be given by the President of the United States, to remove from the lands aforesaid, any and every person or persons, who shall be found on the same, and who shall not have obtained permission to remain thereon as aforesaid: *Provided*, that three months' previous notice shall be given to all such person or persons, as aforesaid, who were settled on such lands prior to the passing of this act. And every such person, who shall at any time after the expiration of three months after such notice shall have been given, be found on any part of the lands aforesaid, shall moreover incur a penalty of one hundred dollars, to be recovered in any court having jurisdiction of the same, and be moreover liable, on conviction, to imprisonment, at the discretion of the court, not exceeding six months; and the certificate of the proper register, or recorder, shall be a sufficient evidence that the tract of land which was occupied by the offender had not been previously sold, leased, or ceded by the United States, that the claim to such tract had not been recognized and confirmed by the United States, and that the person occupying the same, and removed, or to be removed, by the marshal, had not obtained permission to remain thereon in conformity with the provisions of this act: *Provided always, and it is further enacted*, that nothing in this section contained shall be construed to apply to any persons claiming lands in the territories of Orleans or Louisiana, whose claim shall have been filed with the proper commissioners before the first day of January next.

Penalties for keeping possession after notice to give it up.

Proviso.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Chap. XLVII.—*An Act confirming claims to land in the district of Vincennes; and for other purposes.*

Decisions of commissioners, transmitted to Secretary of the Treasury, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Vincennes, in favour of such claimants as entered in the transcripts of decisions which have been

transmitted by the said commissioners to the Secretary of the Treasury, according to law, be and the same are hereby confirmed.

Confirmations of the governor of the N. West and Indiana territories, confirmed by Congress—conditionally. 1791, ch. 27.

Sec. 2. *And be it further enacted,* That the confirmations or grants of land, made in the said district of Vincennes, by the governors of the Northwest and Indiana territories, prior to the establishment of the board of commissioners aforesaid, and in conformity with the act, intituled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions," be, and the same are hereby confirmed; unless when actually rejected by the said commissioners; although the persons entitled to the land may not have given notice of their claim, as required by the several acts making provision for the disposal of the public lands in the Indiana territory: *Provided however,* that no other claims shall be confirmed by virtue of this section, than such as, having been entered on the territorial records, have, by the commissioners aforesaid, been inserted in their reports transmitted as aforesaid.

Proviso.

Assurance of certain titles in the tract called "Continuation."

Sec. 3. *And be it further enacted,* That the several persons, or the legal representatives of the several persons, to whom or to whose assigns the several tracts of the tract of land near Vincennes, known by the name of the "Upper Prairie," have been heretofore confirmed, be and they are hereby respectively confirmed in their claims to the respective tracts also claimed by them, and in their actual possession, lying in that tract of land containing two hundred and forty-four acres, which is known by the name of "Continuation," and is situated between the boundaries of the tracts already confirmed, and the river Wabash.

Claims confirmed under this act to be entered with the register of the land-office of Vincennes.

Sec. 4. *And be it further enacted,* That the several persons whose claims are confirmed by this act, and had not been actually located prior to the establishment of the board of commissioners, be, and they are hereby authorized to enter their locations with the register of the land-office of Vincennes, on any part of the tracts set aside for that purpose, by virtue of the act, intituled "An act respecting the claims to lands in the Indiana territory, and state of Ohio," and in conformity with the provisions of that act: *Provided,* that such location shall be made prior to the first day of July, one thousand eight hundred and eight; and the right of any person who shall neglect to locate prior to that day, shall become void, and forever be barred.

Proviso. Act of April 21, 1806, ch. 40.

Persons whose claims are confirmed under this act, entitled to patents, &c. if they shall not previously have received them.

Sec. 5. *And be it further enacted,* That every person, or the legal representative of every person whose claim to a tract of land is confirmed by this act, and who had not previously obtained a patent for the same, from the governor either of the territory northwest of the Ohio, or of the Indiana territory, shall whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land-office, at Vincennes, a certificate stating, that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for the other lands of the United States.

Register and receiver of Kaskaskias allowed a further time. Additional compensation to them.

Sec. 6. *And be it further enacted,* That the register and receiver of public monies in the district of Kaskaskias, be allowed till the first day of December next, to complete the investigation of claims to land in the said district. And each of the said officers, and the clerk of the board, shall be allowed an additional compensation of five hundred dollars, in full for his service in relation to such claims.

Public sales in Vincennes, how long to be kept open.

Sec. 7. *And be it further enacted,* That the public sales of the public lands in the district of Vincennes, may be continued six weeks, if the term of three weeks now prescribed by law, shall not be found sufficient to offer all the lands within the said district for sale.

1804, ch. 35.

Sec. 8. *And be it further enacted,* That persons entitled to a right

Pre-emption rights in Mississippi—time for satisfying them.

of pre-emption to lands in the Mississippi territory, shall be allowed till the first day of January next, to make the first payment of the purchase money of such lands.

Approved, March 3, 1807.

Statute II.

March 3, 1807.

Chap. XLIX.—*An Act making provision for the disposal of the public lands, situated between the United States military tract and the Connecticut reserve, and for other purposes.*

Land of the U. States to be disposed of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the disposal of the lands of the United States, situated between the United States military tract and the Connecticut reserve, a land-office shall be established, which shall be kept at such place as the President of the United States may direct: and that for the disposal of the lands of the United States, lying on the Ohio river, between the Cincinnati and Vincennes districts, a land-office shall be established at Jeffersonville: and for each of the said offices a register and receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

Offices established.

When to be sold.

Reservations, &c.

Act of Feb. 29, 1808, ch. 26.

Sec. 2. *And be it further enacted,* That all the lands of the United States, in the said districts, shall, with the exception of the section number sixteen, and with the exception also of thirteen sections, including the lower town of the Delaware tribe of Indians, and their improvements, which said thirteen sections shall be designated by the Secretary of the Treasury, and shall be reserved for the use of the said tribe and their descendants, so long as they continue to reside thereon, and cultivate the same, be offered for sale to the highest bidder, under the direction of the register of the land-office, and of the receiver of public monies, at the places, respectively, where the land-offices are kept, and on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the sales shall remain open at each place for six weeks, and no longer: the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size, and on the same terms and conditions, as have been, or may be by law provided for lands sold north of the river Ohio, and above the mouth of the Kentucky river. All the lands of the United States, in the said districts, with the exceptions above mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the respective land-offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the lands of the United States north of the river Ohio, and above the mouth of the Kentucky river. And patents shall be obtained for all lands sold in said districts, in the same manner and on the same terms as are provided by law, for other public lands sold in the state of Ohio and the Indiana territory.

The sales to remain open for six weeks.

1800, ch. 55.

Lands not to be sold for less than two dollars per acre.

1809, ch. 55.

Compensation of superintendents of sales.

Sec. 3. *And be it further enacted,* That the several superintendents of public sales, directed by this act, shall receive six dollars a day for each day's attendance on the said sales.

Registers and receivers may be appointed in the recess of the Senate.

Sec. 4. *And be it further enacted,* That the President of the United States, in the recess of Congress, shall have full power to appoint and commission the registers and receivers of public monies of the land-offices established by this act, and their commissions shall continue in

force until the end of the session of Congress next ensuing such appointment.

SEC. 5. *And be it further enacted*, That the several lead mines in the Indiana territory, together with as many sections contiguous to each as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine, which had been discovered previous to the purchase of such tract from the United States, shall be considered fraudulent and null: and the President of the United States shall be, and is hereby authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana territory, for a term not exceeding five years.

Lead mines to be reserved for the future disposal of Congress, &c.

President authorized to lease lead mines.

SEC. 6. *And be it further enacted*, That George Ash shall have the right of pre-emption to six hundred and forty acres of land including his improvement on the river Ohio, below the former Indian boundary line; the boundaries of the tract shall be designated by the register of the land-office, and the said land shall be granted to him at the same price, and on payment being made in the same manner as for other public land sold at private sale, the respective instalments of the purchase money shall become due at the same time with the payments on the first public lands sold in that district.

George Ash to have the right of pre-emption.

APPROVED, March 3, 1807.

RESOLUTION *to publish the Report and Chart of the Survey of the coast of North Carolina.*

March 2, 1807.

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress passed at the last session for that purpose.

Chart of the survey of the coast of North Carolina to be published.

APPROVED, March 2, 1807.

ACTS OF THE TENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-sixth day of October, 1807, *and ended on the twenty-fifth day of April,* 1808.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, from the 18th of April, 1808; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE I.

Nov. 24, 1807.

[Obsolete.]

Specific appropriations.

CHAPTER I.—*An Act making further appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and seven, the following sums, in addition to the sums heretofore appropriated for that object, be, and the same are hereby respectively appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, seventy-four thousand seven hundred and fifty-four dollars and twenty-nine cents.

For provisions, thirty-one thousand four hundred and sixty-eight dollars and fifteen cents.

For repairs of vessels, one hundred and forty-two thousand eight hundred and eighty-four dollars and sixty-one cents.

For pay and subsistence of the marine corps, eighteen thousand five hundred dollars.

For clothing for the same, ten thousand one hundred and thirty-nine dollars and forty-two cents.

For medicines and hospital stores, one thousand two hundred and sixty-three dollars and forty cents.

For ordnance and military stores, three hundred and ten thousand five hundred and fifty-four dollars and sixty cents.

For timber for the navy, eighty-seven thousand five hundred dollars.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, November 24, 1807.

STATUTE I.

Dec. 5, 1807.

[Obsolete.]

Additional compensation allowed.

CHAP. II.—*An Act allowing an additional compensation to the Secretaries of the Mississippi, Indiana, Louisiana and Michigan Territories.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the secretaries of the Mississippi, Indiana, Louisiana and Michigan territories, appointed

under the authority of the United States, be entitled to the annual sum of one thousand dollars, in lieu of his present compensation, to commence on the first day of January next.

Approved, December 5, 1807.

Statute I.

Dec. 15, 1807.

Act of March 2, 1799, ch. 22, sec. 2.

Name of Saco substituted for that of Biddeford, &c. &c.

Collector to reside at Saco.

Chap. III.—*An Act to change the name of the district of Biddeford and Pepperelborough, in Massachusetts, to that of Saco.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district, at present called the district of Biddeford and Pepperelborough, in Massachusetts, shall in future be called the district of Saco, and that the collector of the said district, be permitted to reside in Saco or Biddeford, and that all the provisions of the several acts of Congress, that relate to the district of Biddeford and Pepperelborough, shall be, and the same are hereby continued in full force, with respect to the district of Saco.

Approved, December 15, 1807.

Statute I.

Dec. 18, 1807.

[Obsolete.]

A number of gun boats to be built, equipped, &c. &c. at the discretion of the President.

Specific appropriation.

Chap. IV.—*An Act to appropriate money for the providing of an additional number of Gun Boats.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to cause to be built, or purchased, armed and equipped, a number not exceeding one hundred and eighty-eight gun boats, for the better protection of the ports and harbors of the United States, and for such other purposes as in his opinion the public service may require.

Sec. 2. *And be it further enacted,* That a sum not exceeding eight hundred and fifty-two thousand five hundred dollars, be, and hereby is appropriated, for this purpose, out of any monies in the treasury not otherwise appropriated.

Approved, December, 18, 1807.

Statute I.

Dec. 22, 1807.

[Repealed.]

Act of Jan. 9, 1808, ch. 8.

Chap. V.—*An Act laying an Embargo on all ships and vessels in the ports and harbors of the United States.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be, and

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(a) Cases decided upon the embargo acts of December 22, 1807, chap. 5: January 9, 1808, chap. 8: March 12, 1808, chap. 33: April 25, 1808, chap. 66: and January 9, 1809, chap. 5:—

Where a vessel had been driven by stress of weather into a port, in the West Indies, while proceeding to Portland in Maine, and there detained by the government of the place, this was such a casualty as came within the exception of "dangers of the seas," in the condition of an embargo bond, dated 29th December, 1807, taken in pursuance of the act of Congress of December 22, 1807. United States *v.* Hall and Worth, 6 Cranch, 176; 2 Cond. Rep. 340.

Subsequent to the execution of this bond, on the 9th of January, 1808, Congress passed a supplement to the embargo law, by which other and additional penalties were imposed, and the circumstances under which the obligor in any embargo bond given under the act of 22d December, 1807, could obtain relief, were changed. The court said they would never consider the latter act as applying to previous facts, unless such construction should be unavoidable. *Ibid.*

In an action of debt for the penalty of an embargo bond, it is a good plea under the act of Congress of 12th March, 1808, sec. 3, that the party was prevented relanding the goods in the United States by unavoidable accidents. Durousseau *v.* The United States, 6 Cranch, 307; 2 Cond. Rep. 380.

It was no offence under the embargo laws, to take goods out of one vessel and put them in another in the port of Baltimore; unless it was with an intention to export them. 6 Cranch, 327.

The evidence of the necessity which will excuse a violation of the embargo laws, must be clear and certain. Brig James Wells *v.* The United States, 7 Cranch, 22; 2 Cond. Rep. 402.

The departure of a vessel from a wharf in a port, and proceeding a mile and an half therefrom, with the intention of proceeding to sea, is not a departure from the port within the meaning of the supplementary embargo act of January 9, 1808, if the vessel had not actually gone out of the port before seizure. Sloop Active *v.* The United States, 7 Cranch, 100; 2 Cond. Rep. 431.

A vessel which has proceeded to a foreign port, contrary to the embargo act of January 8, 1808, is

Act of March 12, 1808, ch. 33.
Act of April 25, 1808, ch. 66.
Act of March 1, 1809, ch. 24.
Embargo laid upon shipping in the U. States.
Clearances to be given to none but vessels under the direction of the President.
Foreign ves-

hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States: and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided*, that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast, or with the goods, wares and merchandise on board of such foreign ship or vessel, when notified of this act.

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liable to be seized on her return, although that act gives a penalty of double her value, in case she should not be seized. United States *v.* The brig Eliza, 7 Cranch, 113; 2 Cond. Rep. 437.

A merchant vessel captured as prize, condemned and sold, and afterwards purchased by her former master, a citizen of the United States, who obtained a Danish burgher's brief, and who cleared out of a port of the United States as a Dane, is a foreign ship within the fifth section of the act of January 9, 1808, supplementary to the embargo act, although the purchaser was yet a citizen of the United States. The schooner Good Catherine *v.* The United States, 7 Cranch, 349; 2 Cond. Rep. 525.

By the 11th section of the act of April 25, 1808, the collector had no right to detain a vessel and her cargo, after her arrival at her port of destination, under a suspicion that she intended to violate the embargo, and such suspicions could not be justified by instructions from the Secretary of the Treasury nor the confirmation of the President. Otis *v.* Bacon, 7 Cranch, 589; 2 Cond. Rep. 618.

Under the 11th section of the embargo act of April 25, 1808, the collector was justified in detaining a vessel by his honest opinion that there was an intention to violate or evade the provisions of the embargo laws. It was not necessary for him to show that his suspicions were reasonable. Crowell et al. *v.* M'Faddon, 8 Cranch, 94; 3 Cond. Rep. 48.

A bond taken under the first section of the embargo act of January 9, 1808, is not void, although taken by consent of the parties, after the vessel had sailed. Speake et al. *v.* The United States, 9 Cranch, 28; 3 Cond. Rep. 244.

The obligors are estopped to deny that the penalty of the bond is double the true value of the cargo. *Ibid.*

Under the third section of the embargo act of April 25, 1808, a vessel is not subject to forfeiture, for departing without a clearance, unless she has departed out of port. The Active *v.* The United States, 7 Cranch, 100; 2 Cond. Rep. 431.

It seems to be a good defence to an action on an embargo bond, that the same was given for more than twice the value of the cargo, and that the obligors were constrained to execute it by the refusal of a clearance. United States *v.* Gordon et al., 7 Cranch, 287; 2 Cond. Rep. 494.

If the collector justify a detention under the embargo law of April 25, 1808, sec. 11, he need not show that his opinion was correct, nor that he used reasonable diligence in ascertaining the facts on which his opinion was founded. Otis *v.* Watkins, 9 Cranch, 339; 3 Cond. Rep. 424. See Slocum *v.* Mayberry, 2 Wheat. 1; 4 Cond. Rep. 1; Otis *v.* Walter, 2 Wheat. 18; 4 Cond. Rep. 10.

Under the embargo act of December 22, 1807, the words, "an embargo shall be laid," not only imposed upon the public officers the duty of preventing the departure of registered or sea-lettered vessels on a foreign voyage, but consequently rendered them liable to forfeiture under the supplementary act of January 9, 1808. In such a case, if the vessel be actually and bona fide carried by force to a foreign port, she is not liable. The William King, 2 Wheat. 148; 4 Cond. Rep. 71.

Under the embargo act of April 25, 1808, a vessel not arriving at her port of original destination, excites an honest suspicion in the collector, that a demand of a permit to land a cargo, was merely colourable; this is not a termination of the voyage, so as to preclude the right of detention. Otis *v.* Walter, 11 Wheat. 192; 6 Cond. Rep. 270.

Under the 5th section of the embargo act of January 9, 1808, "a foreign vessel," means a vessel navigating under the flag of a foreign power; and not a vessel owned in whole or in part by foreigners, domicilled in the United States. The Sally, 1 Gallis. C. C. R. 58.

A departure from any place within the jurisdictional limits of the United States, although such place be not within any port, is within the embargo act of December 22, 1807. The Ann, 1 Gallis. C. C. R. 62.

A vessel, which during the existence of the embargo laws, departed from one port of the United States to another, but was obliged from irresistible necessity, to put into a foreign port, and sell her cargo, was not guilty of a violation of the embargo laws. The Brig William Gray, Paine's C. C. R. 16.

The embargo law was passed December 22, 1807. A vessel cleared for St. Mary's, Georgia, on the 15th of January; the collector received information of the passage of the law, and gave notice of it. It did not appear that this was known to the master or owners previous to the sailing. Being seized for a violation of the law, the court ordered her restitution. The Cotton Planter, 1 Paine's C. C. R. 23.

To excuse a vessel which has sailed under an embargo bond, from re-landing her cargo in the United States, under this clause, "the perils of the sea only excepted," the accident must happen without any fault or negligence of the master, and must occur at sea; or if at land, it must be the immediate consequence of the peril happening at sea. United States *v.* Hall et al., 2 Wash. C. C. R. 366. See the United States *v.* The Nancy, 3 Wash. C. C. R. 281. The United States *v.* Morgan et al., 3 Wash. C. C. R. 10. The United States *v.* Mitchell et al., 3 Wash. C. C. R. 95.

The third section of the embargo act of December 22, 1807, was not repealed by the act of 1809. The Argo, 2 Gallis. C. C. R. 314.

A libel against a vessel for violating the embargo laws, must contain a substantial statement of the offence, with reasonable precision. 1 Brockenb. C. C. R. 347.

Sec. 2. *And be it further enacted*, That during the continuance of this act, no registered, or sea letter vessel, having on board goods, wares and merchandise, shall be allowed to depart from one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel shall first give bond, with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise shall be relanded in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be relanded, shall by the collector respectively be transmitted to the Secretary of the Treasury. All armed vessels possessing public commissions from any foreign power, are not to be considered as liable to the embargo laid by this act.

sels in ballast or with goods on board when notified to be allowed to depart.

Registered or sea letter vessels not to proceed from one port to another in the U. States without giving bonds, &c. &c.

Exception of public armed vessels, &c.

Approved, December 22, 1807.

Statute I.

Jan. 8, 1808.

[Obsolete.]

Chap. VII.—*An Act supplementary to an act, intituled "An act for fortifying the ports and harbors of the United States, and for building Gun Boats."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such other fortifications and works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation, and that the sum of one million of dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated for that purpose, out of any money in the treasury not otherwise appropriated.

President authorized to have fortifications repaired and built.

Act of April 21, 1806, ch. 47.

Appropriation.

Approved, January 8, 1808.

Statute I.

Jan. 9, 1808.

[Repealed.]

Chap. VIII.—*An Act supplementary to the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."* (*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the act to which this act is a supplement, no vessel licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, until the owner, consignee, agent or factor shall, with the master, give bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States.

Act of Dec. 22, 1807, ch. 5.

Bonds to be given in cases of coasting vessels, sailing coast wise.

Sec. 2. *And be it further enacted*, That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than sea stores, salt and the usual fishing tackling and apparel, shall give a general bond, in four times the value of the vessel and cargo, that they will not, during the continuance of the above mentioned act, proceed to any foreign port or place, and will return with their fishing fare to some port or place within the United States: *Provided*, that it shall be lawful and shall be sufficient in the case of any licensed vessel, whose employment has uniformly been confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond, in an amount equal to three hundred dollars for each ton of said vessel, with condition that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

A general bond to be given in the cases of fishing vessels.

Proviso in favour of licensed vessels uniformly employed on rivers, bays and sounds within the U. States.

Sec. 3. *And be it further enacted*, That if any ship or vessel shall, during the continuance of the act to which this act is a supplement,

(*a*) See notes to act of December 22, 1807, chap. 5.

Forfeitures and penalties on vessels departing without a permit.

depart from any port of the United States without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, or of the act to which this act is a supplement, proceed to a foreign port or place, or trade with or put on board of any other ship or vessel any goods, wares or merchandise, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares and merchandise shall be wholly forfeited, and if the same shall not be seized, the owner or owners, agent, freighter or factors of any such ship or vessel shall for every such offence forfeit and pay a sum equal to double the value of the ship or vessel and cargo, and shall never thereafter be allowed a credit for duties on any goods, wares or merchandise imported by him or them into any of the ports of the United States, and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand dollars, for every such offence, whether the vessel be seized and condemned or not, and the oath or affirmation of any master or commander knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

If vessel shall not be seized the owner of the vessel shall be liable for a sum equal to double the value of the ship, vessel and cargo, and master of such vessel subjected to a penalty.

Provision in a former to extend only to public armed vessels, and shall not embrace privateers.

Sec. 4. *And be it further enacted,* That the exception made by the act to which this act is a supplement, in favour of armed vessels possessing public commissions from foreign powers, shall apply only to public armed vessels, and shall not be construed to embrace either privateers, vessels having letters of marque, or any other private armed vessels; but such private armed vessels shall be permitted to depart in the same manner, and on the same conditions as is provided for other private foreign ships or vessels.

Foreign vessels prohibited from shipping specie, merchandise, &c. &c.

Penalties.

Specie may be seized and condemned.

Sec. 5. *And be it further enacted,* That if any foreign ship or vessel shall, during the continuance of the act to which this act is a supplement, take on board any specie or any goods, wares, or merchandise, other than the provisions and sea stores necessary for the voyage, such ship or vessel and the specie and cargo on board shall be wholly forfeited, and may be seized and condemned in any court of the United States, having competent jurisdiction, and every person concerned in such unlawful shipment shall forfeit and pay a sum not exceeding twenty thousand dollars, nor less than one thousand dollars for every such offence.

Distribution of forfeitures, penalties, &c.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Act of Feb. 11, 1800, ch. 6.

Sec. 6. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed, and accounted for in the manner prescribed, by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February one thousand eight hundred.

Drawbacks not to be affected by this act.

Sec. 7. *And be it further enacted,* That the time during which the act to which this act is a supplement, 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, January 9, 1808.

Statute I.
Jan. 9, 1808.

Chap. IX.—*An Act extending the right of suffrage in the Mississippi territory; and for other purposes.*(a)

[Obsolete.]

Qualifications of electors of representatives to the general assembly of the Mississippi territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every free white male person in the Mississippi territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land, by virtue of any act of Congress, or who may become the purchaser of any tract of land from the United States of the quantity of fifty acres, or who may hold in his own right a town lot of the value of one hundred dollars within the said territory, shall be entitled to vote for representatives to the general assembly of said territory.

1804, ch. 57, sec. 7.

General assembly may apportion representatives.

Sec. 2. *And be it further enacted,* That the general assembly of the territory aforesaid, shall have power to apportion the representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants above the age of twenty-one years in such counties: *Provided,* that there be not more than twelve, nor less than ten of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants of full age, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

Not more than 12 nor less than 10 representatives until there shall be six thousand free inhabitants in the territory.

A delegate to Congress to be elected at the time of the general election.

Sec. 3. *And be it further enacted,* That the citizens of the said territory, entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States; any thing in the ordinance for the government of said territory, to the contrary notwithstanding.

Approved, January 9, 1808.

Statute I.
Jan. 19, 1808.

Chap. X.—*An Act supplemental to an act, intituled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee."*(b)

Actual settlers entitled to a preference in becoming purchasers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person and the legal representatives of every person, who being either the head of a family or above the age of twenty-one years, and who did on the third day of March, one thousand eight hundred and seven, actually inhabit and cultivate a tract of land not claimed by virtue of a certificate granted by the boards of commissioners east and west of Pearl river, in the Mississippi territory, and who has obtained permission to remain on such tract or tracts of land agreeably to an act, intituled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law," shall be entitled to a preference in becoming the purchaser from the United States of such tract of land, at the price at which the other lands of the United States in the said territory, are directed to be sold, and payment may be made therefor in the same manner, and under the same conditions as directed by law for such other lands: *Provided,* that such tract of land shall not exceed one section: *And provided also,* that the same shall be surveyed agreeably to the sectional lines already established, or which may hereafter be established by the surveyor of the lands of the United States south of the state of Tennessee.

1803, ch. 27.

1807, ch. 46.

Proviso that such tract of land shall not exceed one section, and shall be surveyed agreeably to

(a) By the act of March 1, 1817, chap. 23, Mississippi was admitted into the Union as a State.
(b) See notes to act of March 3, 1803, chap. 27.

sectional lines already established.

Notice to be given by persons claiming, under the foregoing section.

Their rights otherwise forfeited.

Time allowed to persons having pre-emption rights.

Sec. 2. *And be it further enacted,* That every person claiming a tract of land by virtue of this act shall, before the first day of October next, deliver to the register of the land-office within whose district the land may be, a notice of his claim in writing, together with a plat of the tract of land claimed; and if any person shall fail to deliver such notice and plat, the person or persons so failing, shall forfeit all claim or pretension of claim to such tract of land, and the same shall be sold with the other lands of the United States in said territory.

Sec. 3. *And be it further enacted,* That persons entitled to a right of pre-emption under the first section of this act, shall be allowed until the first day of January, one thousand eight hundred and nine, to make the first payment of the purchase money of such tract or tracts of land as may be claimed by virtue of said section, and the residue of the said purchase money shall be paid in the same manner, and under the same conditions as directed for the other lands in said territory.

This act not to extend to certain other claimants.

Sec. 4. *And be it further enacted,* That this act shall not extend to any person or persons claiming other lands in said territory in his or their own right, by virtue of British or Spanish grants, or to any person or persons to whom a donation has been granted, by either of the said boards of commissioners.

Approved, January 19, 1808.

Statute I.

Jan. 19, 1808.

[Obsolete.]

Part of a former act revived and continued in force.

Act of March 26, 1804, ch. 46.

Act of Jan. 10, 1809, ch. 7.

Proviso.

Chap. XI.—*An Act to revive and continue in force for a further time the first section of the act, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, be, and the same hereby is revived and continued in force, until the first day of January next: *Provided however,* that the additional duty laid by the said section, shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

Approved, January 19, 1808.

Statute I.

Jan. 21, 1808.

[Obsolete.]

Expenses authorized by the committee of inquiry or the managers of the impeachment of Judge Chase to be settled, and paid.

Proviso.

1804, ch. 29.

Chap. XII.—*An Act to provide for the payment of certain expenses incurred in the impeachment of Samuel Chase.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury be, and they are hereby directed to audit and settle the accounts of all persons who may have claims against the United States, for expenses incurred in the inquiry into the conduct, and in the impeachment of Samuel Chase; which expenses may have been authorized by the committee of inquiry, or the managers of the said impeachment: *Provided,* that the said accounts shall have been first certified by the chairman of the said committee, or managers; and the same shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, January 21, 1808.

Statute I.

Jan. 27, 1808.

[Obsolete.]

Act of Feb. 20, 1804, ch. 12,

Chap. XIV.—*An Act to continue in force for a limited time an act, intituled "An act continuing for a limited time the salaries of the officers of government therein mentioned."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the

twentieth day of February, one thousand eight hundred and four, intituled "An act continuing for a limited time the salaries of the officers of government, therein mentioned," shall be, and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

continued in force for three years.

Approved, January 27, 1808.

Statute I.

Feb. 5, 1808.

Chap. XV.—*An Act authorizing the erection of a bridge over the river Potomac, within the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, viz: Robert Brent, Daniel Carroll, of Duddington, Thomas Monroe, James D. Barry, Frederick May, Samuel Harrison Smith, Jonah Thompson, Jonathan Swift, Thomas Vowell, Cuthbert Powell, Elisha Janney, and Charles Alexander, or any seven of them, be, and they are hereby constituted a board of commissioners, with full power and authority to open, or cause to be opened, books for receiving and entering subscriptions for raising a capital stock, not exceeding two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of erecting a bridge over the river Potomac, between the city of Washington and Alexander's island, and making such other incidental works, and defraying such other incidental expenses, as shall be required by this act, or deemed necessary or expedient by the company herein after named; the time, place and manner of receiving and entering such subscriptions, to be ascertained by the said board of commissioners, and duly advertised in such gazettes, as they may deem expedient: *Provided,* that the time to be fixed upon by the said board of commissioners, for opening books for receiving the said subscriptions, shall be on or before the first Monday in July next, and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorized to receive the same, on each share subscribed for.

Names of persons constituted a board of commissioners for receiving subscriptions, &c. &c.

Site of the bridge.

Books to be opened before the first Monday in July, 1808.

Sec. 2. *And be it further enacted,* That whenever nineteen hundred of the said shares shall be subscribed for, all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall be, and they are hereby made and created a body politic and corporate, by the name and style of "The Washington Bridge Company," and by that name may sue, and be sued, implead, and be impleaded, and do and suffer all acts, matters and things, which a body politic and corporate may lawfully do and suffer; and may have a common seal, and the same may break and alter at pleasure, and may make all by-laws, rules, regulations and ordinances for the good government and well being of the said company, and for carrying into effect the objects of their institution, so that such by-laws, rules, regulations or ordinances, be not repugnant to the laws of the United States, in force within the district of Columbia.

The company made a body politic or corporate.

Name of the company.

Their powers, &c. &c.

Sec. 3. *And be it further enacted,* That when nineteen hundred of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners shall call a meeting of the company, at the city of Washington, by public advertisement, in one or more gazettes, published in Washington, Alexandria, or Georgetown, appointing a fit and convenient time and place of meeting, for the purpose of electing five directors, a clerk and a treasurer, and such other officers, agents and servants, as the said company may think fit to appoint, and for transacting any other business in pursuance of this act and appertaining to the nature and objects of the institution of the said

A meeting of the company to be advertised for choosing directors, officers, &c. &c.

Meetings may be adjourned by the company until a quorum shall be formed.

company; and the said board of commissioners shall, if necessary, adjourn the said meeting from time to time, until a quorum shall be formed; and a majority of the said company, or the proprietors of two thirds of the number of shares actually subscribed for, their legal representatives, successors, or proxies, shall be a quorum to do business; and the said board of commissioners, before opening the said subscription books, shall ascertain and publish, in their said advertisement, a fit and convenient mode of authenticating all powers of attorney authorizing subscriptions to be made in the name of any person or persons; and before calling a meeting of the said company, shall ascertain and publish in their advertisement, a fit and convenient mode of authenticating all instruments of writing authorizing any person or persons, to act and vote at such meeting, as the proxy or proxies of any member of the said company; all which powers of attorney and instruments of writing shall be filed with the clerk of the said company, and by him be safely kept among the records and documents appertaining to his office; and as soon as a quorum of the said company, and a board of directors shall be formed, as aforesaid, all the powers, authority, and duties whatsoever, by this act vested in the said board of commissioners, shall cease and determine, and thenceforward become vested in the directors, for the time being, of the said company, under such limitations and restrictions, as the said company may think fit to prescribe; and the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or their agents, on account of such subscriptions, and shall immediately pay over the same to the treasurer of the said company, or to such other person or persons, as the said company may direct and appoint: the said company, nevertheless, to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.

All the powers of the company to be vested in the directors.

Directors to be annually appointed, &c. &c.

Sec. 4. *And be it further enacted*, That there shall be annually holden, on the first Monday in January, a meeting of the said company, for the purpose of electing five directors, a clerk, and a treasurer; and the said company shall have power, at any meeting, legally called and constituted, in pursuance of this act, to displace any of their directors or officers, and to supply by a new election or appointment all vacancies that may happen among the directors or officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said directors, and of all other officers of the company; and a majority of the said directors may, from time to time, elect one of their body as a president, and may provisionally supply, by their own election, any vacancies that may happen among the number of directors, or among any of the officers of the company, and the persons so elected by the said directors, may continue in office till the next legal meeting of the company; and the directors of the said company, to be elected, in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first Monday in January next, succeeding their election, and from that time until a new election shall be made by the said company.

Directors may fill vacancies in the board of directors.

A meeting of the company may at any time be called by a majority of directors.

A majority of the members of the company to be a quorum.

Sec. 5. *And be it further enacted*, That a meeting of the said company may, at any time, be called by a majority of the directors of the company, for the time being, and by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors: *Provided however*, that no meeting of the said company shall be legal, or valid, unless a quorum shall be formed, consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies, nor unless

the place (being within the city of Washington) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington, Alexandria or Georgetown.

Shares made negotiable and transferable.

Sec. 6. *And be it further enacted*, That the said shares shall be negotiable and transferable from one to another by assignments in writing, executed before two witnesses at the least, and authenticated, and registered, as the said company may prescribe and direct in their by-laws and regulations.

Mode of recovering debts from the company.

Sec. 7. *And be it further enacted*, That in suits at law against the said company, the first process shall be a summons, to be served on the president, or any one or more of the directors of the said company; upon the service and return of which summons, if no appearance shall be entered for the said company, at the return term, the court may order the general issue to be entered on the record, and may proceed to trial and judgment, in like manner, as if an appearance had been entered, and the issue made up by the said company; and if judgment shall be recovered against the said company, the court may order the usual process of execution, or a special writ to attach the money, goods, chattels, debts, choses in action, and tolls in the hands of any officer of the said company, or of any other person; and such attachment shall operate on the tolls thereafter to be received, which may [be] collected by a person, specially appointed by the court, for the use of the plaintiff recovering such judgment, until such judgment shall be satisfied, and the court may make such further or other order for enforcing the payment of such judgment, as may be consistent with the practice and powers of such court, as a court of law or equity, and that the shares in said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct; and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from such individual in like manner as other personal property may be.

Shares to be deemed personal property.

Mode of paying up the shares.

Sec. 8. *And be it further enacted*, That the amount of each share shall be paid by instalments of ten dollars at such time as the said company shall direct; and in case any instalment or instalments shall not be paid at the time appointed by the said company, or within ten days thereafter, the same may be recovered, in the name of the said company, by warrant from a justice of the peace, if the amount due shall not exceed twenty dollars; and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor shall be found; and in all such warrants and motions, the certificate of the clerk of the said company, authenticated by the president, under the common seal of the said company, shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the shares held by such defendant. And if such instalment or instalments be not paid within sixty days, after the time limited for the payment of the same, and advertised for four weeks successively, in one or more gazettes, published in Washington, Alexandria or Georgetown, the president and directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons, so failing to pay.

Dimensions of the bridge to commence from Maryland avenue, &c.

Sec. 9. *And be it further enacted*, That the said company be, and they are hereby authorized and empowered to erect and build, or to cause to be erected and built, over the river Potomac, between the termination of Maryland avenue and Alexander's island, a good and sufficient bridge, at least thirty-six feet wide, of sound and suitable materials, and in all respects adequate for the passage of travellers, horses, cattle and carriages, with a secure railing on each side at least four feet high; of which width six feet on one side shall be appropriated to the purpose of

a way for foot passengers, and shall be separated from the carriage way by a good and sufficient railing at least four feet high.

A draw and wharf to be made and kept in proper order.

Sec. 10. *And be it further enacted*, That the said company shall cause to be built and kept and maintained in good repair, a convenient and sufficient draw or passage way, at least thirty-five feet wide, in the said bridge, over the main channel of the river, for the passing and repassing of vessels, by day and by night; and shall also cause to be built, and to be kept and maintained in good repair, a well constructed and substantial wharf erected on piles on each side of the said bridge, and adjoining or near to the said draw, in every respect sufficient for ships and other vessels to lie at securely; and all ships, waiting for a passage through the said draw, may lie at such wharves, free of charge, until a suitable opportunity offers of passing through the said draw; and the said company shall, at their own cost, and without toll, cause the said draw or passage way to be hoisted or removed, without delay, for the passage of all ships and vessels with masts, that are unable to pass under the same; and if through the unskilfulness or negligence of the person or persons employed by the said company, to hoist or remove the said draw, any ship or vessel shall be unjustly or unreasonably hindered or delayed, or shall be damaged in her hull, spars or rigging, in passing the said draw, the said company shall be liable to the master or the owner or owners of such ship or vessel, for damages at the rate of six cents per ton of such ship or vessel, for each and every hour such ship or vessel shall be hindered or delayed, and for all damages in her hull, spars and rigging, as aforesaid, to be ascertained and recovered in a special action on the case, in any court of competent jurisdiction; and the said company shall constantly keep the said bridge furnished with twenty good lamps, to be well supplied with oil, and lighted in due season, four of which lamps shall be kept at the said draw, and be kept burning through the night, and the others shall be kept burning until the hour of twelve at night, under the penalty of five dollars for each offence, to be recovered by warrant before any justice of the peace, having jurisdiction, by such person or persons as shall sue for the same. And it shall be lawful for the said company, to cause each leaf of the said draw to be made of the width of twenty feet instead of thirty-six feet, the width of the said bridge; and if at any time hereafter the channel under the said principal draw of thirty-five feet shall change and shift to and under any other part of said bridge, then it shall be the duty of said company at all times to remove the former, and keep a good and sufficient draw of thirty-five feet in width over the main and principal channel, wherever the same shall pass under the said bridge: *Provided*, that the same shall appear necessary on a survey to be made by three commissioners to be appointed for that purpose by the President of the United States.

Penalties for the detention of vessels, &c. &c.

A second draw to be made across the Maryland channel.

Sec. 11. *And be it further enacted*, That the said company shall, in like manner, cause a draw or passage way, at least fifteen feet wide, to be made in the said bridge, across the other channel of the said river, near the eastern shore, commonly called the Maryland channel, subject to all the restrictions, penalties and provisions contained in the last preceding section, for keeping and maintaining the draw or passage way over the main channel of the said river, except so far as respects the building of wharves on each side thereof: *Provided*, the same shall appear necessary on a view and survey thereof, by three commissioners to be appointed for that purpose by the President of the United States.

Proviso. A survey to be made.

Sec. 12. *And be it further enacted*, That as soon as the said bridge and wharves shall be erected and built, and furnished and completed, as required by this act, the said company shall be entitled to demand and receive, by their proper agents, servants, or officers, tolls at the following rates, viz. for each foot passenger six cents and a quarter; for each person and a horse, eighteen cents and three quarters of a cent; for each

Tolls.

chaise, sulky or riding chair, thirty-seven cents and a half; for each coach, coachee, stage-wagon, chariot, phaeton or curricle, or other riding carriage, one hundred cents, and the further sum of twelve cents and a half for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curricle, shall be drawn; for each sled or sleigh, thirty-seven cents and a half, and the further sum of twelve cents and a half for each horse or other beast, more than two, by which such sled or sleigh shall be drawn; for each four-wheeled wagon, cart, or other four-wheeled carriage of burthen, thirty-seven cents and a half, and the further sum of twelve cents and a half, for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled cart, dray, or other two-wheeled carriage of burthen, eighteen cents and three quarters; and the further sum of twelve cents and a half for each horse or other beast, more than one, by which the same shall be drawn; for each sheep or swine, three cents; for horses and neat cattle, other than those in teams, drawing sleds, sleighs, or carriages, or those with riders, six cents and a quarter each; and one person only to each team or drove shall be allowed to pass free of toll: *Provided*, that no toll shall be exacted at said bridge, for the passage of any wagon or carriage, laden with the property of the United States, or for the drivers thereof; or for the passage of any troops of the United States, or the militia of any state, or the district of Columbia, marching in a body, or any cannon or military equipments belonging to the United States; and it shall be the duty of the said company, to keep posted up in some conspicuous place on the said bridge, where the toll is collected, a printed list of the rates of toll allowed by this act; and for every day the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: *Provided also*, that if the number of nineteen hundred shares shall not be subscribed within one year from the time of opening subscription books by the commissioners, as herein before directed, or if the said bridge and wharves be not erected and built, and finished and completed, as required by this act, within five years, from and after the first day of October next, or if it should remain at any time thereafter, so out of repair, for two years, as to be unsafe for travelling; then and in that case, all the powers, authority, privileges, emoluments, and immunities whatsoever, by this act granted to the said company, shall cease and determine, and become absolutely forfeited.

Tolls.

Proviso, that no toll be exacted for the passage of any wagon or carriage laden with the property of the U. States, or of any troop of the U. States or militia of any state.

Proviso, if nineteen hundred shares are not subscribed in one year, and if the bridge be not completed in five years, &c. the authorities, &c. of this act to cease.

Sec. 13. *And be it further enacted*, That it shall be the duty of the said corporation, as long as they shall be entitled to receive toll at the said bridge, to keep the same in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding five hundred dollars, at the discretion of the court; and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action or actions of trespass on the case, in any court competent to try the same.

Bridge to be kept in good order.

Penalty.

Sec. 14. *And be it further enacted*, That the toll to be taken at the said bridge shall be receivable by the said corporation, for and during the term of sixty years, to commence from the day when the said bridge shall be opened for passengers; after which time the said bridge shall be the property of the United States, and the said corporation be dissolved.

Limitation of tolls.

Approved, February 5, 1808.

Statute I.

Feb. 10, 1808.

Chap. XVI.—*An Act to erect a Lighthouse on Point Judith, in the state of Rhode Island.*

Lighthouse to be built on Point Judith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall be, and he hereby is authorized and required, to cause a good and sufficient lighthouse to be erected on Point Judith, in the state of Rhode Island, and to appoint the keeper of the said lighthouse, under the direction of the President of the United States, and otherwise to provide for such lighthouse at the expense of the United States: *Provided,* that sufficient land for accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Rhode Island shall cede the jurisdiction over the same to the United States. And the sum not exceeding five thousand dollars is hereby appropriated for the purpose of defraying the expense of erecting the said lighthouse; to be paid out of any monies in the treasury not otherwise appropriated.

Proviso.

Appropriation.

Lighthouse to be so constructed as that the light may be distinguished.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, to cause the said lighthouse to be so constructed, that the light on being discovered, may with certainty be distinguished from that of other lighthouses, heretofore erected in its neighbourhood.

Approved, February 10, 1808.

Statute I.

Feb. 10, 1808.

Chap. XVII.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and eight.*

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditures of the civil list in the year one thousand eight hundred and eight, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-nine thousand two hundred dollars.

For all contingent expenses of the library of Congress, and the librarian's allowance for the year one thousand eight hundred and eight, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, thirteen thousand dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the first session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

Specific appropriations.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses in the office of the auditor of the treasury, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery and printing in the register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For purchasing books, maps and charts, for the use of the treasury department, four hundred dollars.

For fuel and other contingent expenses of the treasury department, four thousand dollars.

For defraying the expenses of stating and printing the public accounts for the year one thousand eight hundred and eight, one thousand two hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and eight, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of Secretary of the Navy, two thousand dollars.

Specific appropriations.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, five hundred dollars.

For compensation to the Postmaster-General, to the assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, sixteen thousand dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several commissioners of loans, and for an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general, and for his clerks, three thousand two hundred dollars.

For compensation to the surveyor of lands south of the state of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars.

And two clerks at five hundred dollars each.

For the wages of persons employed in the different branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron works, eight thousand and fifty dollars.

For the repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, including additional compensation allowed the judges for the year one thousand eight hundred and seven, nine thousand four hundred dollars.

For expense of stationery, office rent, and other contingent expenses in said territory, including a deficiency in the appropriation for these objects in the year one thousand eight hundred and seven, six hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.

For expenses of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars. Specific appropriations.

For compensation to the governor, judges, and secretary of the Louisiana territory, including additional compensation allowed to the judges for the year one thousand eight hundred and seven, seven thousand eight hundred dollars.

For expense of stationery, office rent, and other contingent expenses of the said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding, for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents. 1806, ch. 41.

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and eight, to the fourth of March one thousand eight hundred and nine, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, and certain contingent expenses, including repairs and raising Newport lighthouse, eighty-five thousand dollars.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, a former appropriation of twenty thousand dollars for those objects, having been carried to the surplus fund, twenty thousand dollars.

For erecting a lighthouse on the south point of Cumberland island, in the state of Georgia, a former appropriation of four thousand dollars for that object having been carried to the surplus fund, four thousand dollars.

For erecting a lighthouse on Cape Hatteras, and beacon on Shellcastle island, in addition to the sums heretofore appropriated for those objects, one thousand one hundred and forty-five dollars, and forty-four cents.

For erecting the following lighthouses, in addition to the sums heretofore appropriated for them respectively, that is to say: for erecting a

Specific appropriations.

lighthouse on New-Point Comfort, in Virginia, one hundred and seventy-seven dollars and twenty cents.

For erecting lighthouses on Long Island sound, one thousand dollars.

For erecting a lighthouse on Wood Island or Fletcher's neck, one hundred dollars.

For erecting a double lighthouse at or near Chatham harbor, on the back of Cape Cod, two thousand dollars.

For placing buoys and beacons in or near the rocks and shoals in the channel leading into the harbor of Salem, in Massachusetts, in addition to the sum heretofore appropriated for that object, five thousand dollars.

For the expenses of the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, thirty-three thousand three hundred dollars.

For carrying on the surveys of the public lands in the several territories, twenty-one thousand one hundred and seventy-four dollars.

For the contingent expenses of government, the balance of former appropriations for that object having been carried to the surplus fund, twenty thousand dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For expenses of prosecuting claims in relation to captures, twelve thousand five hundred dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, four thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

1790, ch. 34.

Approved, February 10, 1808.

Statute I.

Feb. 10, 1808.

[Obsolete.]

Specific appropriations.

Chap. XVIII.—*An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and eight, the following sums be, and the same hereby are, respectively, appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, three hundred and sixty-eight thousand and forty-eight dollars.

For provisions, one hundred and sixty-two thousand seven hundred and sixty-five dollars and ten cents.

For medicines, instruments and hospital stores, five thousand dollars.

For repairs of vessels, one hundred and ninety-five thousand dollars.

For freight, store rent, commissions to agents and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for

those on shore, and forage for the staff, one hundred and sixty thousand one hundred and thirty-one dollars and ninety cents.

Specific appropriations.

For clothing for the same, twenty-nine thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, nine thousand six hundred and fifty-four dollars.

For medicine, medical services, hospital stores and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermaster's and barrack-master's stores, officer's travelling expenses, armorer's and carpenter's bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses, fourteen thousand and thirty-five dollars.

For the expense of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums herein specifically appropriated shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, February 10, 1808.

Statute I.

Chap. XIX.—*An Act to revive and continue certain causes and proceedings in the District Court of the District of Columbia.*

Feb. 10, 1808.

[Obsolete.]

Causes, &c. &c. pending in district court of the District of Columbia continued over from last October to next April term.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all causes, suits, actions, writs, process and proceedings, which were pending in the district court of the district of Columbia at the time appointed by law for holding a session thereof, on the first Tuesday of October last past, or which were returnable to the session of the said court which ought to have been holden on the first Tuesday of October, shall be, and the same are hereby revived, reinstated and continued over to the next stated session of the said court, to be holden on the first Tuesday of April next, in the same manner and condition, and the same further proceedings may be had therein, as if a session of the said court had been, on the said first Tuesday of October, holden according to law, and as if a regular continuance of all the said causes, suits, actions, writs, process and proceedings had been duly entered upon the records of the said court.

Approved, February 10, 1808.

Statute I.

Chap. XX.—*An Act making appropriations for carrying into effect certain Indian Treaties.*

Feb. 19, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Choctaw nation of Indians, concluded at Pooshapukanuk, in the Choctaw country, on the sixteenth day of November, one thousand eight hundred and five, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

To the said Choctaw nation, fifty thousand five hundred dollars, and the further annual sum of three thousand dollars.

Specific appropriations.

To each of the three great Medal Mingoes, Pukshunnubbee, Mingo Hoomastubbee and Pooshamattaha, five hundred dollars, and a further annual sum of one hundred and fifty dollars to each of the said Mingoes during his continuance in office.

Specific appropriations.

Sec. 2. *And be it further enacted,* That for the purpose of carrying into effect a treaty between the United States and the Ottoway, Chippeway, Wyandotte and Pottawatamie nations of Indians, concluded at Detroit on the seventeenth day of November, in the year one thousand eight hundred and seven, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

Ten thousand dollars to be paid to the said nations in the following proportions:

To the Ottoway nation three thousand three hundred and thirty-three dollars thirty-three cents and four mills.

To the Chippeway nation three thousand three hundred and thirty-three dollars thirty-three cents and four mills.

To the Wyandotte nation one thousand six hundred and sixty-six dollars sixty-six cents and six mills.

To the Pottawatamie nation one thousand six hundred and sixty-six dollars sixty-six cents and six mills; and the further annual sum of two thousand four hundred dollars, to be paid to the said nations in the following proportions:

To the Ottoways eight hundred dollars.

To the Chippeways eight hundred dollars.

To the Wyandottes four hundred dollars: and to such of the Pottawatamies as now reside on the river Huron of Lake Erie, the river Raisin, and in the vicinity of the said rivers, four hundred dollars.

Sec. 3. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, February 19, 1808.

Statute I.

Feb. 19, 1808.

[Obsolete.]

Accounts of persons having claims against the U. States for expenses authorized in the inquiry into the conduct of John Smith, (Senator) to be settled and paid.

Chap. XXI.—*An Act to provide for the payment of certain expenses incurred in the inquiry into the conduct of John Smith, a Senator from the state of Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury be, and they are hereby directed to audit and settle the accounts of all persons who may have claims against the United States, for expenses incurred in the inquiry into the conduct of John Smith, a Senator of the United States, from the state of Ohio, as an alleged associate of Aaron Burr; which expenses may have been authorized by the committee of inquiry, or by order of the Senate: *Provided,* that the said accounts shall have been first certified by the chairman of the committee, or by the secretary of the Senate.

Per diem allowance to witnesses.

Sec. 2. *And be it further enacted,* That to every witness before the said committee of inquiry, or before the Senate upon the said inquiry, there shall be allowed and paid for every day's attendance thereon, the sum of three dollars. And to defray the said expenses, there is hereby appropriated the sum of five hundred dollars, to be paid from any monies in the treasury, not otherwise appropriated.

Appropriation.

Approved, February 19, 1808.

Statute I.

Feb. 25, 1808.

Additional compensation to the marshals of N. Carolina and N. Jersey.

Chap. XXII.—*An Act making additional compensation to the Marshals for the Districts of North Carolina and New Jersey.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of March next, there shall be paid annually to the marshal for the district of North Carolina, the sum of four hundred dollars; to the

marshal for the district of New Jersey, the sum of two hundred dollars, in addition to the fees and emoluments heretofore allowed them by law.

Approved, February 25, 1808.

Statute I.

Chap. XXIV.—*An Act extending the right of suffrage in the Indiana territory.*(a)

Feb. 26, 1808.

[Obsolete.]

Qualifications of electors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every free white male person in the Indiana territory, above the age of twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of the quantity of fifty acres, or who may become the purchaser from the United States of a tract of land of the quantity of fifty acres, or who holds in his own right a town lot of the value of one hundred dollars, shall be entitled to vote for representatives to the general assembly of the said territory.

Act of April 19, 1816, ch. 57.

Approved, February 26, 1808.

Statute I.

Chap. XXV.—*An Act supplementary to the act intituled "An act to prohibit the importation of certain goods, wares and merchandise."*(b)

Feb. 27, 1808.

Act of April 18, 1806, ch. 29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the act to which this is a supplement shall be so construed as to prohibit the importation of the following articles, that is to say:

Articles not interdicted.

First. Wrappers and outside packages, in which goods, the importation of which is not prohibited, usually are and shall be wrapped or packed, at the time of their importation.

Second. Bags or sacks in which salt shall be imported.

Third. Glass bottles or phials in which drugs, medicines, or any other article, the importation of which is not prohibited, shall be imported.

Fourth. Printed books, maps and charts.

Fifth. Watches, tradesmen's and artificers' tools; mathematical, astronomical and surgical instruments; gilt buttons, locks and all other articles manufactured partly of brass, and partly of any other metal.

Sixth. Shalloons and woollen stuffs, muskets, bayonets, swords, cutlasses and pistols.

Sec. 2. *And be it further enacted,* That the articles of the following description shall be held and considered as being embraced by the description of articles, the importation of which is prohibited by the act to which this act is a supplement, that is to say:

Articles prohibited.

All articles manufactured entirely of silk and wool, or of silk and flax, or of flax and wool; floor cloths; woollen cassimeres, carpets, carpeting and mats, whose invoice prices shall exceed five shillings sterling per square yard.

No vessel which cleared out from the U. States before December 14, 1805, subject to this law, &c.

Sec. 3. *And be it further enacted,* That no articles imported on board any vessel of the United States, cleared out before the fourteenth day of December last, from any port within the United States, or the territories thereof, shall be subject to the prohibition enacted by the act to which this act is a supplement: *Provided,* that such vessels which may have cleared for any port beyond the Cape of Good Hope, shall return to some port in the United States, or its territories, within twelve months: *And provided,* that such vessels as shall have cleared from any other port shall return as aforesaid within six months from the said fourteenth day of December.

Approved, February 27, 1808.

(a) Indiana was incorporated into the Union by the act of April 19, 1816, chap. 57.
(b) Repealed by act of March 1, 1809, chap. 24, sec. 17.

Statute I.
Feb. 29, 1808.

Chap. XXVI.—*An Act making further provision for the disposal of the sections of land heretofore reserved for the future disposition of Congress.*

Reserved lands in Ohio with certain exceptions, to be offered for sale.

1807, ch. 49.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the sections of land heretofore reserved for the future disposition of Congress, not sold or otherwise disposed of, and lying within either of the districts established for the disposition of public lands in the state of Ohio, with the exception of the section numbered sixteen of the salt springs and lands reserved for the use of the same, shall be offered for sale in that district, within which such reserved sections may respectively lie, on the same terms, and under the same regulations, as other lands in the same district: *Provided,* that such sections shall previously be offered to the highest bidder, at public sales, to be held under the superintendence of the registers and receivers of public monies of the land-offices respectively to which they are attached, on the same terms as have been provided by law for the public sales of the other lands of the United States, and on such day or days as shall, by a proclamation of the President of the United States, be designated for that purpose: *And provided also,* that no such heretofore reserved section shall be sold either at public or private sale, at a less price than four dollars per acre.

Such sections to be previously offered at public sale.

No reserved sections to be sold at less than four dollars per acre.

Approved, February 29, 1808.

Statute I.
March 3, 1808.

Chap. XXVII.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and eight.*

Specific appropriations.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and eight; for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, three hundred and two thousand nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and forty-two thousand five hundred and forty-eight dollars and thirty-five cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools and transportation, ninety thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand six hundred and forty-two dollars, and five cents.

For purchasing maps, plans, books, and instruments, fifteen hundred dollars.

For contingencies, eighteen thousand dollars.

For ordnance, forty-five thousand dollars.

For tents, twenty thousand dollars.

For extra transportation of military stores, twenty-five thousand dollars.

For the Indian department, one hundred and forty thousand six hundred dollars.

Sec. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, March 3, 1808.

Statute I.
March 4, 1808.

Chap. XXVIII.—*An Act to allow the importation of old copper, saltpetre and sulphur, free of duty.*

[Obsolete.]
Old copper may be imported free from duty after March 31, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of March next, no duty shall be demanded or collected on the importation of old copper, which term shall apply only to such copper manufactures as have been worn out or otherwise so damaged as to be unfit for any other purpose than that of supplying a raw material, to be manufactured anew. And it shall be lawful for the collector of the port or district in which such old copper shall arrive, should any doubt arise whether such importation comes within the intent and meaning of this act, to appoint one person, and the owner, importer, or consignee, to appoint another, who shall ascertain whether the copper imported comes under the denomination of old copper, as above described; and the proceedings in this instance shall be conducted in the like manner and form as the proceedings are directed to be had by the fifty-second section of the act passed the second of March, one thousand seven hundred and ninety-nine, regulating the collection of duties on imports and tonnage, in cases of incomplete entry, or of damage sustained by goods, wares and merchandise during the voyage.

Persons to determine if the article imported is within the provision of this act.

1799, ch. 22, sec. 52.

Sec. 2. *And be it further enacted,* That from and after the said thirty-first day of March next, no duty shall be demanded or collected on the importation of saltpetre or sulphur.

Saltpetre and sulphur may also be imported free from duties.

Approved, March 4, 1808.

Statute I.
March 9, 1808.

Chap. XXIX.—*An Act in further addition to an act intituled "An act to amend the judicial system of the United States."*

Act of April 29, 1802, ch. 31.
Of what judges the circuit court of the second circuit shall be composed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of the United States, in the second circuit, shall consist of the justice of the supreme court residing within said circuit, and the district judge of the district in which such court may be holden.

December term of circuit court for Georgia district to be held at Milledgeville.

Sec. 2. *And be it further enacted,* That within the district of Georgia, the circuit court to be holden in the month of December, annually, shall hereafter be holden at Milledgeville, instead of Louisville.

Act of Feb. 4, 1807, ch. 5.
Terms of the district court of N. Carolina changed.
Act of Jan. 23, 1812, ch. 17.

Sec. 3. *And be it further enacted,* That instead of the times heretofore established by law for holding the fall terms of the district court for the district of North Carolina, the same be commenced and holden in future on the following days, that is to say: at Wilmington, in and for the district of Cape Fear, on the third Monday of October; at Newbern, in and for the district of Pamptico, on the Friday next after the third Monday of October, and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the third Monday of October, annually. And that all actions, suits, writs, process, pleadings, and other proceedings commenced, or to be commenced, or which shall be now pending in any of the district courts of the district of North Carolina, for the terms aforesaid, shall be continued over and have day according to the alterations hereby made and established, any thing in any former act or acts to the contrary notwithstanding.

Causes, &c. &c. continued over, accordingly.

Approved, March 9, 1808.

Statute I.
March 10, 1808.

Chap. XXX.—*An Act for extending the terms of credit on revenue bonds in certain cases, and for other purposes.*

[Obsolete.]
Act of March 1, 1809, ch. 24, sec. 7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment of all bonds

Payment of duties on the importation of coffee, &c. &c. suspended.

Act of Dec. 22, 1807, ch. 5, not to apply to duties due for any of the articles which have been re-exported or which are not entitled to drawback.

given for duties on the importation of coffee, sugar, pepper, indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, which remain unpaid at the passing of this act, and have or may become due, subsequent to the twenty-second of December last, and whilst the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended during the continuance of the said act, on the terms and conditions herein after provided: *Provided*, that such extension of credit shall not apply to the duties due for any of the above described articles, which either have been re-exported, or are not entitled to be exported with benefit of drawback, nor to any which have been, or will be sold by the importer.

Old bonds to be delivered up, and new ones given.

Sec. 2. *And be it further enacted*, That the persons entitled to the extension of credit, allowed by the preceding section, shall, in order to enjoy its benefit, take up, or have cancelled, the bonds heretofore given for duties, on which the extension of credit is allowed, and give to the collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of their former bonds respectively, payable whenever the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall no longer be in force: which bonds shall be accepted by the collectors respectively, upon the terms following, that is to say: the goods for the duties whereon such bonds shall be accepted, shall be deposited at the expense and risk of the importer or importers, parties to the said bonds, in one or more store-house, or store-houses, in the same manner as is now provided for the deposit of teas, by the sixty-second section of the act intituled "An act to regulate the collection of duties on imports and tonnage," but no delivery of the said goods, or of part thereof, shall be made to the owners thereof, unless the duties on so much thereof, as may, on the application of the owners, be thus delivered, shall have been paid. And whenever the sum specified in any of the bonds taken by virtue of this section shall become due and remain unpaid more than forty-five days, so much of the said deposited goods as may be necessary shall be sold by the collector at public sale, and the proceeds thereof, after deducting the charges of safe-keeping and sale thereof, shall be applied to the payment of such sum, rendering the overplus arising on such sale and the residue of the goods so deposited, if any there be, to the person or persons, by whom such a deposit shall have been made, or to his or their agent or lawful representative. But if the proceeds of such sale shall not be sufficient to pay the duties and charges, or if any of the goods shall, while deposited, be destroyed, stolen, lost, or damaged, the bonds taken by virtue of this section, for the payment of duties on such goods, shall be proceeded with, in all respects, as other bonds taken by collectors for duties due to the United States.

Act of March 2, 1799, ch. 22.

Same regulations with respect to goods stopped by the embargo law, and laden on board vessels for re-exportation when it went into force, &c. &c.

Sec. 3. *And be it further enacted*, That whenever any goods, wares or merchandise, which, being entitled to be exported with benefit of drawback, had, prior to the twenty-second day of December last, been actually laden on board a vessel, and inspected under the superintendence of a proper officer, in conformity with the provisions of the seventy-sixth section of the act intituled "An act to regulate the collection of duties on imports and tonnage," have been detained under the act laying an embargo on all ships and vessels in the ports and harbors of the United States, so as to prevent the actual exportation of such goods, wares and merchandise, the payment of bonds given for duties on the importation of the same, may, to an amount equal to that of such duties, and no farther, be suspended during the continuance of the last mentioned act, in the same manner, and on the same terms and conditions, as is provided by the preceding section for bonds given for duties on certain specified articles: *Provided*, that the owners of such goods, wares and

1799, ch. 22.

merchandise, shall surrender any debentures which previously have been granted for the drawback of duties on the same.

Debentures already granted to be surrendered.

Sec. 4. *And be it further enacted*, That the persons entitled to the extension of credit allowed by the next preceding section, may, at their option, either deposit the goods, wares and merchandise, in a store-house or store-houses, or leave the same on board the vessel on which the same have been laden; the said goods, wares and merchandise, being in either case secured in the same manner as is provided for goods deposited in conformity with the second section of this act: *Provided always*, that whenever it may be lawful to export such goods, wares or merchandise, it shall be necessary that the same should again be inspected by a proper officer on board the vessel in which the same shall be exported, in order to entitle the exporter to the benefit of drawback: nor shall any debentures for drawback of duties on such goods, wares and merchandise be issued or paid, until after the actual exportation of the same. *And provided also*, that nothing herein contained shall be construed to prevent the owners of such goods, wares and merchandise, who may not claim the extension of credit allowed by this act, and who have not received debentures for the drawback of duties on the same, from landing and keeping in their possession any such goods, wares and merchandise.

What must be done by those entitled to an extension of credit.

Proviso.

Proviso.

Approved, March 10, 1808.

Statute I.

Chap. XXXI.—*An Act for procuring an additional number of Arms, and for the purchase of saltpetre and sulphur.*

March 11, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money not exceeding three hundred thousand dollars be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the purpose of procuring by purchase, or causing to be manufactured within the United States, and under the direction of the President of the United States, an additional number of stands of arms to be deposited in safe and suitable places. And for the purchase of saltpetre and sulphur, a sum not exceeding one hundred and fifty thousand dollars.

Appropriation.

Appropriation.

Approved, March 11, 1808.

Statute I.

Chap. XXXIII.—*An Act in addition to the act, intituled "An act supplementary to the act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States."* (a)

March 12, 1808.

[Repealed.]

Act of Jan. 9, 1808, ch. 8.

Act of April 25, 1808, ch. 66.

Act of March 1, 1809, ch. 24.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," no ship, vessel or boat of any description whatever, owned by citizens of the United States, and which is neither registered, licensed or possessed of a sea letter, shall be allowed to depart from any port of the United States, or shall receive a clearance; nor shall any foreign vessel be allowed to depart from any port of the United States, with a cargo destined for another port of the United States, or shall receive a clearance for that purpose, until the owner or owners, consignee or factors of such American or foreign vessel shall, with the master, give bond, with one or more sureties to the United States in case of a vessel owned by citizens of the United States, in a sum double the value of the vessel and cargo, and in that of a foreign vessel four times the value of the vessel and cargo, that

Owners of unregistered vessels not allowed clearances but on certain conditions.

Foreign vessels made subject to the conditions, also, in their clearances.

(a) See notes to act of December 22, 1807, chap. 5.

Proviso.

the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient, in the case of any such American vessel, whose employment has uniformly been confined to rivers, bays, sounds and lakes, within the jurisdiction of the United States, to give bond in an amount equal to two hundred dollars for each ton of said vessel, with condition that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

Bonds not required in cases of boats and vessels not masted, engaged in the river trade, where the adjacent territory does not belong to a foreign nation: but in particular instances the Secretary of the Treasury may require them.

1807, ch. 5.

Sec. 2. *And be it further enacted*, That no bond shall be required of boats not masted, or if masted, not being decked, whose employment has been, and shall continue to be confined to rivers, bays and sounds, within the jurisdiction of the United States, and lying within districts which are not adjacent to the territories, colonies or provinces of a foreign nation, whether such boats be licensed or not, and unless in the opinion of the Secretary of the Treasury, such bond be necessary, and in case the secretary shall deem such bond necessary, it shall be lawful and sufficient for the owner of the boat, to give bond in an amount equal to thirty dollars for each ton of said boat, with condition that such boat shall not be employed in any foreign trade during the continuance of the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

Time within which certificates of relanding must be produced.

1807, ch. 5.

Sec. 3. *And be it further enacted*, That in every case where a bond hath been or shall be given to the United States under this act, or under the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or under the act supplementary to the last mentioned act, with condition that certain goods, wares and merchandise, or the cargo of a vessel shall be relanded in some port of the United States; the party or parties to such bond shall, within four months after the date of the same, produce to the collector of the port, from which the vessel had been cleared with such goods, wares, merchandise or cargo, a certificate of the relanding of the same from the collector of the proper port, on failure whereof the bond shall be put in suit, and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss by sea, or other unavoidable accident.

Penalties and forfeitures for exporting goods, &c. &c.

1807, ch. 5.

Sec. 4. *And be it further enacted*, That it shall not be lawful to export from the United States, in any manner whatever, any goods, wares or merchandise, of foreign or domestic growth or manufacture, and if any goods, wares or merchandise shall, during the continuance of the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and of the act supplementary to the last mentioned act, contrary to the prohibitions of this act, be exported from the United States, either by land or water, the vessel, boat, raft, cart, wagon, sleigh, or other carriage, in which the same shall have been exported, shall, together with the tackle, apparel, horses, mules, and oxen, be forfeited, and the owner or owners of such goods, wares or merchandise, and every other person knowingly concerned in such prohibited exportation, shall each respectively forfeit and pay a sum not exceeding ten thousand dollars for every such offence: *Provided however*, that nothing in this section contained shall be construed to prevent foreign vessels from departing from the ports of the United States with the cargo or cargoes which may be on board of the same, when notified of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, in conformity with the provisions of the said act, nor to take away any power conferred on the President by the last mentioned act, nor to prevent foreign vessels from furnishing themselves with necessary provisions and sea stores for the voyage, nor fishing vessels from departing with sea stores, salt, and their usual fishing tackle and apparel, in the manner prescribed by the act supplementary to the aforesaid act.

Nothing in this act shall prevent foreign vessels departing with the cargo on board when notified of this act.

Sec. 5. *And be it further enacted*, That on the return into the United States of any fishing vessel, such as is described by the second section of the act, supplementary to the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," which shall have sailed subsequent to the passage of the last mentioned acts, it shall be the duty of the master and mate to declare, on oath or affirmation, before the collector, whether any part of the fishing fare has been sold during the voyage, and in default of taking such oath or affirmation, the master and mate shall each respectively forfeit and pay one hundred dollars: *Provided*, that the aforesaid oath or affirmation may be dispensed with so far as relates to the fishery on our own coasts in the customary small vessels.

Masters and mates of fishing vessels to make declarations, under oath, whether any part of their fishing fare has been sold, &c. &c.

1808, ch. 8.

Proviso.

Sec. 6. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

Penalties and forfeitures.

How to be distributed.

1799, ch. 22.
1797, ch. 13.

1800, ch. 6.

Sec. 7. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, if he shall be satisfied by a statement or account current on oath or affirmation of any citizen or citizens of the United States, and such other proof as the nature of the case will admit, or the President may require, that such citizen or citizens have property of value in any port or place without the jurisdiction of the United States, arising from property actually without such jurisdiction, prior to the twenty-second day of December last, to grant, on application, permission to such citizen or citizens, to dispatch a vessel in ballast to such port or place, for the purpose of importing into the United States such property: *Provided*, that bond with sufficient security be given to the United States, under the direction of the Secretary of the Treasury, in such a sum as he shall deem necessary, with the following conditions, to wit: that such vessel shall not export from the United States any specie or any goods, wares, or merchandise, of foreign or domestic growth or manufacture, necessary provisions and stores excepted, that she shall return (reasonable time being allowed for performing the voyage) to the United States with such property, and that she shall not during the voyage, either directly or indirectly, be engaged in any traffic, freighting or other employment, and that no goods, wares or merchandise shall be imported in such vessel other than the property for which such vessel shall obtain such permission, or the proceeds of property shipped bona fide by a citizen or citizens of the United States prior to the said twenty-second day of December last: *And provided also*, that the bond herein directed to be taken shall not be cancelled, unless the Secretary of the Treasury be satisfied, either by the oath of the party or parties to the same, or such other proof as the nature of the case will admit, that the conditions of the said bond have been complied with: *And provided further*, that the owner or owners, factor or agent, master and mate of such vessel, shall, on her return to the United States, make oath or affirmation that such vessel hath not, to the best of their knowledge and belief, during the voyage for which such permission had been granted, either directly or indirectly been employed in any act contrary to the tenor of such bond.

President authorized to grant permission to citizens of the U. States to send vessels in ballast, for property which they may have, out of the U. States jurisdiction.

Proviso.

Conditions in the bond.

Bond not to be cancelled unless the Secretary of the Treasury shall be satisfied.

Owner, agent and master to make oath.

Approved, March 12, 1808.

Statute I.

March 13, 1808.

[Obsolete.]

Chap. XXXIV.—*An Act remitting the duties payable on the importation of a monument to be erected in memory of the officers of the United States Navy, who fell during the attack made on the city of Tripoli, in the year one thousand eight hundred and four.*

Duties remitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties payable according to law, on the importation of a monument imported in the frigate Constitution from Italy, on account of the officers of the United States navy, be, and they are hereby remitted.

Approved, March 13, 1808.

Statute I.

March 17, 1808.

Chap. XXXV.—*An Act for erecting a Lighthouse on the south point of the island of Sapelo, and for placing buoys and beacons in the shoals of the inlet leading to the town of Darien, and near the entrance of Ipswich harbor, near Plymouth harbor, before the harbor of Nantucket, and on the island of Tuckanuck, at or near the entrance of Connecticut river, and near the entrance of Great Egg Harbor river.*

Upon a cession of jurisdiction by the state of Georgia a lighthouse to be erected, provided, &c. &c. on the island of Sapelo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as the jurisdiction of so much of the head land of the south point of the island of Sapelo, in the state of Georgia, as the President of the United States shall deem sufficient for the purpose of erecting a lighthouse and its appurtenances, shall have been ceded to the United States, provided the said land can be obtained at a reasonable price, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President, for the superintendence and care of building the said lighthouse. And the President is hereby authorized to make the said appointment.

Buoys to be placed in the entrance of the inlet leading into Darien.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be further authorized and directed to cause to be placed four buoys on the shoals called the South and North banks of the harbor or entrance of the inlet leading to the town of Darien.

Beacons and buoys to be fixed at sundry places.

Sec. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized to cause to be erected and placed beacons and buoys at the following places, to wit: two beacons and three buoys near the entrance of Ipswich harbor; three buoys, one on Gurnet rock, one on Boss rock, and one on Deek's flats, and two beacons on the stony muscle bed, near Plymouth harbor; three additional buoys before the harbor of Nantucket, and a buoy or leading mark on the island of Tuckanuck, in the state of Massachusetts—three buoys at or near to the entrance of Connecticut river, and three buoys to be placed at or near the entrance of Great Egg Harbor river, in the state of New Jersey.

Appropriation.

Sec. 4. *And be it further enacted,* That there shall be appropriated and paid out of any monies in the treasury, not otherwise appropriated, a sum not exceeding eleven thousand five hundred dollars, for the purposes aforesaid.

Approved, March 17, 1808.

Statute I.
March 21, 1808.

Chap. XXXVII.—*An Act extending the time for issuing and locating military land warrants.*(a)

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants to such persons as have, or shall, before the first day of March, one thousand eight hundred and ten, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall and may be located in the names of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and ten, on any unlocated parts of the fifty quarter townships and the fractional quarter townships, reserved by law for original holders of military land warrants.

Secretary of War may issue land warrants to 1st March, 1810.

1809, ch. 3.

Approved, March 21, 1808.

Statute I.
March 22, 1808.

Chap. XXXVIII.—*An Act to amend the act intituled "An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio."*

Act of March 23, 1804, ch. 31.
Act of Feb. 24, 1807, ch. 16.
Act of Feb. 4, 1809, ch. 14.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second section of the act, intituled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," passed the twenty-fourth day of February, eighteen hundred and seven, constituting the state of Tennessee one district, for the purpose of holding circuit courts therein, shall be, and is hereby repealed, and from and after the passage of this act, the state of Tennessee shall be divided into two districts, for the purpose of holding circuit courts therein, and the limits of the said districts shall be the same as those now prescribed for the districts of East and West Tennessee, in and by the fourth section of the above recited act, and there shall be holden annually in each of the said two districts, one circuit court, to consist of one justice of the supreme court of the United States and the district judge of the said districts of East and West Tennessee, and the sessions of the said courts shall be held in each of the said districts, at Nashville on the second Monday in June, and at Knoxville on the third Monday in October annually, and that all actions, causes, pleas, processes and other proceedings relative to any cause civil or criminal, which shall be returnable to, or depending in the said circuit court of the United States, to be held at Nashville on the first Monday of June next, shall be returned, and held continued to, and be proceeded upon, on the second Monday in June next, in the same manner they would have been if this change had not taken place.

Part of a former law repealed.

State of Tennessee divided into two districts.

Limits of districts.

A circuit court to be annually holden in each.

Sessions of the court.

Causes continued over, &c. &c.

Sec. 2. *And be it further enacted*, That where any suit or suits has or have been brought, or is or are now pending before the circuit court held at Knoxville, in and for the district of East Tennessee, against a person residing in said district of East Tennessee, such suit or suits shall be proceeded upon and finally determined in the district of East Tennessee, and where any suit or suits has or have been brought, or is or are now pending before the circuit court held at Nashville, in and for the district of West Tennessee, against a person residing in the said district of West Tennessee, such suit or suits shall be proceeded upon and finally determined in the district of West Tennessee.

In what courts suits shall be brought and determined.

Sec. 3. *And be it further enacted*, That it shall be the duty of the district judge of Tennessee to attend at Knoxville on the first Thursday after the third Monday in April next, and on the first Thursday after the

Rules to be held for the districts—at what times, &c. &c.

(a) See vol. i. 464, 724.

third Monday in April of each and every year thereafter, and at Nashville on the first Thursday after the fourth Monday in November next, and on the first Thursday after the fourth Monday in November of each and every year thereafter, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court next to be holden thereafter at Knoxville, and Nashville, or depending therein, preparatory to the hearing, trial, or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings; and all writs and process may be returnable to the said courts on the first Thursday after the third Monday in April, at Knoxville, and on the first Thursday after the fourth Monday in November, at Nashville, in the same manner as to the sessions of the circuit court, directed to be held by this act in the district of East Tennessee, at Knoxville, and in the district of West Tennessee, at Nashville; and the said writs, returnable to the circuit courts to be held at Knoxville, may also bear test on the said first Thursday after the third Monday in April; and the writs returnable to the circuit court to be held at Nashville may bear test on the first Thursday after the fourth Monday in November, as though a session of the said circuit court was holden on those days at Knoxville and Nashville respectively.

Process and proceedings to be regulated accordingly.

Sec. 4. *And be it further enacted,* That there shall be two clerks appointed, one for the circuit court to be held at Knoxville, and one for the circuit court to be held at Nashville, whose duty it shall be to attend the said district judge on the said first Thursday after the third Monday in April, and on the said first Thursday after the fourth Monday in November, of each and every year, at the places aforesaid, who shall make due entry of all such matters and things as shall or may be ordered by the said judge, and at each and every of the said sessions so held for the purpose aforesaid, all actions, pleas, and other proceedings relative to any cause, civil or criminal, shall, for the circuit court to be held at Nashville, be continued over to the ensuing second Monday in June, and shall, for the circuit court to be held at Knoxville, be continued over to the ensuing third Monday in October.

Clerks of circuit courts to be appointed, &c. &c. for each circuit.

Sec. 5. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Nashville, on the first Monday in June last; and all writs, process, and proceedings, as aforesaid, which are, [or] may be made returnable to the said circuit court to be held at Nashville, shall, after the next June term of the circuit court, be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the fourth Monday in November next, and all actions, suits, process, pleadings and other proceedings of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Knoxville, on the third Monday in October last; and all writs, process, and pleadings as aforesaid which are or may be made returnable to the said circuit court, shall be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the third Monday in April next; and such proceedings shall be had thereon, at the said session, as are herein before provided.

Causes to be continued over, which were commenced at Nashville and Knoxville.

Approved, March 22, 1808.

Statute I.

March 30, 1808.

[Expired.]

President authorized to call upon the state executives to 1812, ch. 55.

Chap. XXXIX.—*An Act authorizing a detachment from the Militia of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at such times as he shall deem necessary, to require of the executives of the several states and

territories, to take effectual measures to organize, arm and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the department of war, and in cases where such returns have not been made, by such other data as he shall judge equitable.

organize and equip their quotas of militia.

Apportionment, how made.

Sec. 2. *And be it further enacted*, That the executives of the several states and territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

Executives of states may accept corps of volunteers.

Sec. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories, the President apportioning the general officers among the respective states and territories, as he may deem proper.

Detachment of militia,—how to be officered.

General officers to be apportioned by the President.

Sec. 4. *And be it further enacted*, That the said detachments shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, as are established by law for the army of the United States.

Term of service of the detachment; allowance of pay, rations, &c.

Sec. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of said detachment, when he shall judge that the exigencies of the United States require it; and, if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

President may call the whole or part of detachment into service.

Sec. 6. *And be it further enacted*, That a sum not exceeding one million of dollars be, and the same is hereby appropriated, out of any monies in the treasury, not otherwise appropriated, for the pay, subsistence, and support of such part of said detachment as may be called into actual service.

Appropriation.

Sec. 7. *And be it further enacted*, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

Limitation of this act.

Approved, March 30, 1808.

Statute I.

March 31, 1808.

Chap. XL.—*An Act concerning the sale of the Lands of the United States, and for other purposes.*(a)

Act of March 3, 1803, ch. 27.
Act of March 27, 1804, ch. 35.
Act of June 30, 1812, ch. 110.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States has been or may be authorized to cause the public lands, in any land district, to be offered for sale, it shall be lawful, whenever he shall think it convenient, to offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times, to offer for sale in the same manner, any other part, or the remainder of the lands contained in the same.

Public lands may be offered for sale in such proportions as the President chooses.

Sec. 2. *And be it further enacted*, That the fourth section of an act passed the twenty-first day of April, one thousand eight hundred and six, intituled "An act in addition to an act, intituled An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee," be revived and continued in force until the first day of October next: and in any case where a donation shall be granted in lieu of a pre-emption certificate, agreeable to the provisions of the said fourth section, the money, if any shall

Part of a former act revived.

Act of April 21, 1806, ch. 46.

(a) See notes to act of March 3, 1803, chap. 27.

have been paid, shall be by the receiver of the public money repaid to the person or persons who have paid the same.

Settlers on the river Mobile allowed a further time to put in their claims.

Sec. 3. *And be it further enacted*, That certain settlers on the river Mobile, in the Mississippi territory, east of Pearl river, who reside near the line of demarcation, between the United States and Spain, run in pursuance of the treaty of the twenty-seventh day of October, one thousand seven hundred and ninety-five, and whose claims to land has not been decided on according to law, shall be allowed until the first day of October next, to file a notice in writing with the register of the land-office, stating the nature and extent of their claims, together with a plat of the tract or tracts claimed; and the said register of the land-office, and the receiver of public monies, are hereby required to hear and determine such claims according to the several acts of Congress "regulating the grants of land and providing for the disposal of the lands of the United States south of the state of Tennessee," and to grant certificates in the form heretofore prescribed by the board of commissioners in said district.

Act of March 3, 1803, ch. 27.

Reports to be made by the registers of the land-offices east and west of Pearl river, to the Secretary of the Treasury, &c. &c.

Sec. 4. *And be it further enacted*, That it shall be the duty of the registers of the land-office east and west of Pearl river, in the Mississippi territory, to transmit to the Secretary of the Treasury of the United States, on or before the first day of November next, a full and fair report of all the claims of certain persons to lands in the Mississippi territory, founded upon British or Spanish warrants or orders of survey granted prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, not confirmed by former laws regulating the grants of lands in said territory, which have heretofore been regularly filed with the register of the land-office aforesaid, together with the evidence in support of such claims respectively, and to be by him laid before Congress at their next ensuing session. And the land contained in such warrants or orders of survey shall not be disposed of until otherwise directed by law.

Certain lands to which Indian title has been extinguished, to be attached to land district east of Pearl river.

Sec. 5. *And be it further enacted*, That that part of the lands to which the Indian title was extinguished by the treaty with the Choctaw nation made on Mount Dexter, in the year one thousand eight hundred and five, lying on the east of Pearl river, shall be attached to the land district east of Pearl river, and that the residue of the lands to which the Indian title was extinguished by said treaty, shall be attached to the land district west of Pearl river; and the said lands shall, with the exception of section number sixteen, which shall be reserved in each township for the use of schools within the same, and also with the exception of fifteen hundred acres of land, which is hereby confirmed to John M'Grew, in compliance with the fourth article of said treaty, be offered for sale under the same regulations, at the same prices, and on the same terms as other lands lying within the said districts.

Actual settlers on lands of the U. States in Mississippi territory, allowed a further time.

Sec. 6. *And be it further enacted*, That every person and the legal representatives of every person, who being either the head of a family, or above the age of twenty-one years, who did before the third day of March, one thousand eight hundred and seven, actually inhabit and cultivate a tract of land in the Mississippi territory, belonging to the United States, shall be allowed until the first day of October next, to obtain permission to remain on such tract or tracts of land, according to the provisions of the act, intituled "An act to prevent settlements being made on lands ceded to the United States until authorized by law," and the person or persons obtaining such permission shall be entitled to all the benefits, rights and privileges granted by law to those who obtained the same prior to the first day of January, one thousand eight hundred and eight.

1807, ch. 46.

Right of U. States to two

Sec. 7. *And be it further enacted*, That the right of the United States to two town lots lying and being in the city of Natchez be, and the same

is hereby forever vested in the corporation of the said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic or corporate, if any such there be.

town lots ceded to the corporation of Natchez.

Saving of private rights.

Sec. 8. *And be it further enacted,* That whenever the claims of persons having a right of pre-emption in either of the districts east or west of Pearl river, shall interfere with each other, the register and receiver of public monies are hereby authorized in their respective districts so to regulate their locations as to prevent such interference.

Interfering claims in districts east and west of Pearl river, how to be settled.

Approved, March 31, 1808.

Statute I.

Chap. XLI.—*An Act further to prolong the continuance of the Mint at Philadelphia.*

April 1, 1808.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act concerning the mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation for the further term of five years after the fourth day of March, one thousand eight hundred and eight.

Mint continued in Philadelphia for five years after 4th March, 1808.

1812, ch. 2.

Approved, April 1, 1808.

Statute I.

Chap. XLII.—*An Act authorizing the sale of public Arms.*

April 2, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be sold to individual states, which may wish to purchase, any arms now owned by the United States, and which may be parted with without injury to the public: Accounts of such sales shall be laid before Congress, and the money arising therefrom be, and the same is hereby appropriated, under the direction of the President of the United States, to the purchase or manufacture of other arms for the use of the United States: *Provided,* that such arms be not delivered to any state or their agents until the payment of the purchase money be first made into the treasury of the United States, in money or in the stock of the United States, at its value, as established by an act, intituled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt:" *Provided also,* that this provision shall not extend to any purchase, not exceeding five thousand stand of arms, which shall be made by a state to which the United States by existing engagements are bound to pay a sum of money, equal to the amount of such purchase.

President authorized to sell to individual states public arms.

Payment of the purchase money to be first made into the treasury of the U. States.

1806, ch. 50.

Proviso.

Approved, April 2, 1808.

Statute I.

Chap. XLIII.—*An Act to raise for a limited time an additional military force.*(a)

April 12, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the present military establishment of the United States, there be raised five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

Additional military force to be raised.

Term of service.

Sec. 2. *And be it further enacted,* That the said regiments of infantry, riflemen, and artillery, shall consist of ten companies each, and

How the regiments are to be composed.

(a) See the act fixing the military peace establishment of the United States, March 3, 1815, chap. 78.

the regiment of light dragoons of eight troops; and the field and staff officers of each regiment, of one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant major, one quartermaster sergeant, two principal musicians, and for the regiment of light dragoons, one riding master; each company of infantry and riflemen, to consist of one captain, one first and one second lieutenant, one ensign, two cadets, four sergeants, four corporals, two musicians, and sixty-eight privates; each company of artillery of one captain, one first and one second lieutenant, two cadets, four sergeants, four corporals, two musicians, eight artificers, and fifty-eight matrosses; and each troop of light dragoons, of one captain, one first and one second lieutenant, one cornet, two cadets, four sergeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

Two additional brigadier-generals to be appointed. When.

Sec. 3. *And be it further enacted*, That when in the opinion of the President of the United States, a suitable proportion of the troops authorized by this act shall be raised, there may be appointed two additional brigadier generals, who shall be entitled to one aid-de-camp each, to be taken from the subalterns of the line; two brigade inspectors, and two brigade quartermasters; and such number of hospital surgeons, and surgeons' mates, as the service may require, but not exceeding five surgeons and fifteen mates, with one steward, and one ward-master to each hospital; the brigade inspectors appointed under this act shall be taken from the line; and the brigade quartermasters, the adjutants, regimental quartermasters, and paymasters from the subalterns of the line.

Compensations of officers, soldiers, &c.

Sec. 4. *And be it further enacted*, That the compensation of the officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall be, viz., to each brigadier general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage, when not furnished by the public: each brigade inspector, thirty dollars per month, in addition to his pay in the line; each brigade quartermaster and aid-de-camp, twenty dollars, and each adjutant regimental quartermaster and paymaster, ten dollars per month, in addition to their pay in the line; and to each six dollars per month for forage, when not furnished as aforesaid; each hospital surgeon, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars per month for forage, when not furnished as aforesaid; each hospital surgeon's mate, forty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid; each hospital steward, twenty dollars per month and two rations per day, or an equivalent in money; each wardmaster, sixteen dollars per month, and two rations per day, or an equivalent in money; to the colonel of light dragoons, ninety dollars per month, six rations per day, and forage for five horses; to the lieutenant colonel of light dragoons, seventy-five dollars per month, five rations per day, and forage for four horses; to the major of light dragoons, sixty dollars per month, four rations per day, and forage for four horses; to each captain of light dragoons, fifty dollars per month, three rations per day, and forage for three horses; to each lieutenant of light dragoons thirty-three and one third dollars per month, two rations per day, and forage for two horses; to each cornet of light dragoons, twenty-six and two thirds dollars per month, two rations per day, and forage for two horses; to the riding master, twenty-six and two thirds dollars per month, two rations per day and forage for two horses; each saddler and farrier, ten dollars per month, one ration per day, and a suit of uniform clothing annually; and all other officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall receive the like pay, clothing, rations, forage and other emoluments as the officers, cadets, non-com-

missioned officers, musicians, artificers and privates of the present military establishment: *Provided*, the officers and riding master furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses to entitle them to the aforegoing allowance for forage, or its equivalent in money: *And provided also*, that the whole or any part of the regiment of light dragoons shall be liable to serve on foot as light infantry until by order of the President of the United States, horses and accoutrements shall be provided to equip the whole or any part thereof, as mounted dragoons.

Officers to furnish their own horses.

The regiment of light dragoons to serve as infantry until equipped.

Sec. 5. *And be it further enacted*, That the officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds and otherwise, incurred in the service, as the officers, cadets, non-commissioned officers, musicians, artificers and privates in the present military establishment, and with them shall be subject to the rules and articles of war which have been established or may be hereafter, by law, be established: And that the provisions of the act, intituled "An act fixing the military peace establishment of the United States," relative to the widow, child, or children of any commissioned officer who shall die, while in the service of the United States, by reason of any wound received in actual service of the United States, to courts martial, the regulation and compensation of recruiting officers, the age, size, qualifications and bounties of recruits, arrears of pay, the bonds and duties of paymasters, penalties for desertion, punishment of persons who shall procure or entice any soldier to desert, or shall purchase from any soldier his arms, uniform, clothing or any part thereof; and the punishment of any commanding officer of any ship or vessel who shall receive on board of his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians and privates, to the allowance for extra expense to any commissioned officer in travelling and sitting on general courts martial, to arrests of non-commissioned officers, musicians and privates for debts, to the allowance to soldiers discharged from service, except by way of punishment, shall be in force and applied to all persons, matters and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same.

Same provisions extended to the present force as that already raised, as to compensation.

1802, ch. 9.

Sec. 6. *And be it further enacted*, That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

Subsistence of officers estimated at twenty cents per ration.

Sec. 7. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

A chaplain to be appointed to each brigade. His pay, &c.

Sec. 8. *And be it further enacted*, That in the recess of the Senate the President of the United States is hereby authorized to appoint all or any of the officers, other than the general officers, proper to be appointed under this act, which appointments shall be submitted to the Senate, at the next session, for their advice and consent.

President may make appointments in recess of the Senate.

Sec. 9. *And be it further enacted*, That every commissioned and staff officer to be appointed in virtue of this act shall be a citizen of the United States, or some one of the territories thereof.

Commissioned and staff officers must be citizens of U. States.

Approved, April 12, 1808.

Statute I.

April 13, 1808.

[Obsolete.]

President's message, &c.

Chap. XLIV.—*An Act to authorize the transportation of certain documents by mail, free of postage.*

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

&c. of March 22, 1808, may be transported by mail free of postage.

By whom in that case to be sent.

the secretary of the Senate, and the clerk of the House of Representatives be, and they are hereby authorized to transmit free of postage, the message of the President of the United States, of the twenty-second day of March, one thousand eight hundred and eight, and the documents accompanying the same, and the documents accompanying the message of the President of the United States, of the thirtieth of March, printed by order of the Senate and House of Representatives, to any post-office within the United States, and territories thereof, to which they may respectively direct; and it shall be a duty of the secretary of the Senate, and of the clerk of the House of Representatives, to send by the mail, the printed copies of the same message and documents, or any part thereof that may remain after Congress shall adjourn, and the same shall be conveyed free of postage as aforesaid, conformably to the directions of the members of each house of Congress respectively: any law to the contrary notwithstanding.

Approved, April 13, 1808.

Statute I.

April 19, 1808.

[Expired.]

Act of March 3, 1805, ch. 41, continued in force for two years.

Chap. XLVI.—*An Act to continue in force, for a further time, an act intituled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," passed on the third day of March, in the year of our Lord one thousand eight hundred and five, be, and the same hereby is continued in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, April 19, 1808.

Statute I.

April 20, 1808.

[Expired.]

Act of March 17, 1800, ch. 15, revived and continued in force until March 3, 1814.
1800, ch. 15.
1814, ch. 60.

Chap. XLVII.—*An Act to revive and continue in force "An act declaring the assent of Congress to certain acts of the states of Maryland and Georgia."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act which passed the seventeenth day of March, in the year one thousand eight hundred, intituled "An act declaring the assent of Congress, to certain acts of the states of Maryland and Georgia," be, and the same is hereby revived and continued in force until the third day of March, one thousand eight hundred and fourteen.

Approved, April 20, 1808.

Statute I.

April 21, 1808.

No member of Congress to have any public contract, under the authority of the U. States, directly or indirectly.

Chap. XLVIII.—*An Act concerning public contracts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute any such contract or agreement, in the whole, or in part, every member so offending, shall, for every such offence, upon conviction

thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall moreover be absolutely void and of no effect: *Provided nevertheless*, that in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

Penalty of three thousand dollars.

Advances made by the U. States to be repaid.

Sec. 2. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

Provisions of this act not to extend to incorporated companies, or to bills of exchange negotiated by members of Congress.

Sec. 3. *And be it further enacted*, That in every such contract or agreement to be made or entered into, or accepted as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

Members of Congress to be excepted by particular clauses from participation in public contracts, &c. &c.

Sec. 4. *And be it further enacted*, That if any officer of the United States, on behalf of the United States, shall directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

Penalties upon officers making public contracts with members of Congress.

Sec. 5. *And be it further enacted*, That from and after the passing of this act it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the Postmaster-General annually, to lay before Congress, a statement of all the contracts which have been made in their respective departments, during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

Secretary of the Treasury, War, &c. to make to Congress, annual statements of contracts made by their departments.

Approved, April 21, 1808.

Statute I.

April 21, 1808.

Chap. L.—*An Act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jonah Thompson, Thomas Swann, Charles Alexander, Edmund I. Lee, Jacob Hoffman, Cuthbert Powel, and John Mandeville, or a majority of them, be, and they are hereby constituted a board of commissioners, with full power and authority to open, or cause to be opened, books for receiving and entering subscriptions for raising a capital stock, not exceeding twenty thousand dollars, in shares of fifty dollars each, for the purpose of opening, gravelling, and improving a road not exceeding one hundred, nor less than thirty feet wide, between the town of Alexandria and Bridgepoint, on Alexander's island, opposite the city of Washington, and of erecting

A board of commissioners for receiving subscriptions, appointed.

a bridge over Fourmile creek, in the county of Alexandria; and of making such other incidental works, and defraying such other incidental expenses, as may be deemed necessary or expedient by the company herein after named; the time, place, and manner of receiving and entering such subscriptions to be ascertained by the said board of commissioners, and duly advertised in such gazettes as they may deem expedient: *Provided*, that the time to be fixed upon by the said board of commissioners for opening books for receiving the said subscriptions, shall be on or before the first Monday in April next; and that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of the person authorized to receive the same, on each share subscribed for.

Proviso.

Subscribers created a body politic, by the name of the Washington and Alexandria turnpike company, &c. &c.

Sec. 2. *And be it further enacted*, That whenever two hundred of the said shares shall be subscribed for, all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall be, and they are hereby made and created, a body politic and corporate, by the name and style of "The Washington and Alexandria Turnpike Company," and by that name may sue and be sued, implead and be impleaded, and do and suffer all acts, matters and things which a body politic and corporate may lawfully do and suffer; and may have a common seal, and the same may break and alter at pleasure, and may make all by-laws, rules, regulations, and ordinances, for the good government and well being of the said company, and for carrying into effect the objects of their institution, so that such by-laws, rules, regulations, or ordinances be not repugnant to the laws of the United States in force within the said county of Alexandria.

Board of commissioners to call a meeting of the stockholders to choose directors &c. &c.

Sec. 3. *And be it further enacted*, That when two hundred of the said shares shall be subscribed for, as aforesaid, or as soon after as may be, the said board of commissioners shall call a meeting of the company, at the town of Alexandria, by public advertisement in one or more gazettes published in Washington and Alexandria, appointing a fit and convenient time and place of meeting for the purpose of electing five directors, a clerk and a treasurer, and such officers, agents, and servants, as the said company may think fit to appoint, and for transacting any other business, in pursuance of this act, and appertaining to the nature and objects of the institution of the said company; and the said board of commissioners shall, if necessary, adjourn the said meeting from time to time, until a quorum shall be formed; and a majority of the said company, or the proprietors of two thirds of the number of shares actually subscribed for, their legal representatives, successors, or proxies, shall be a quorum to do business; and the said board of commissioners, before opening the said subscription books, shall ascertain and publish in their said advertisement, a fit and convenient mode of authenticating all powers of attorney, authorizing subscriptions to be made in the name of any person or persons; and before calling a meeting of the said company shall ascertain and publish in their advertisement, a fit and convenient mode of authenticating all instruments of writing, authorizing any person or persons to act and vote at such meeting, as the proxy or proxies of any member of the said company; all which powers of attorney and instruments of writing shall be filed with the clerk of the said company, and by him be safely kept among the records and documents appertaining to his office; and as soon as a quorum of the said company and a board of directors shall be formed as aforesaid, all the powers, authority, and duties whatsoever, by this act vested in the said board of commissioners, shall cease and determine, and thenceforward become vested in the directors, for the time being, of the said company, under such limitations and restrictions as the said

company may think fit to prescribe. And the said board of commissioners shall account to the said company, at the first meeting of the same, for all monies received by them or their agents, on account of such subscriptions, and shall immediately pay over the same to the treasurer of the said company, or to such other person or persons as the said company may direct and appoint; the said company, nevertheless, to allow all just credits for monies actually and necessarily expended by the said board of commissioners, in the execution of their said trust and duties.

Directors to be annually appointed by the company, &c. &c.

Sec. 4. *And be it further enacted*, That there shall be annually holden, on the first Monday in January, a meeting of the said company, for the purpose of electing five directors, a clerk, and a treasurer; and the said company shall have power, at any meeting legally called and constituted, in pursuance of this act, to displace any of their directors or officers, and to supply by a new election or appointment, all vacancies that may happen among the directors or officers of the company; and the said company shall have power to prescribe and regulate the powers and duties of the said directors, and of all other officers of the company; and a majority of the said directors may, from time to time, elect one of their body as president, and may provisionally supply, by their own election, any vacancies that may happen among the number of directors, or among any of the officers of the company: and the persons so elected by the said directors may continue in office till the next legal meeting of the company; and the directors of the said company to be elected in pursuance of this act, shall, unless sooner displaced by the said company, continue in office until the first Monday in January next succeeding their election, and from that time until a new election shall be made by the said company.

Meetings of the company may be called by a majority of the directors.

Sec. 5. *And be it further enacted*, That a meeting of the said company may, at any time, be called by a majority of the directors of the company, for the time being, or by one third of the members of the said company, or by the proprietors of one third of the shares actually subscribed for, or the legal representatives or successors of such members or proprietors: *Provided however*, that no meeting of the said company shall be legal or valid, unless a quorum shall be formed, consisting of the majority of the members of the said company, or of the proprietors of at least two thirds of the number of shares actually subscribed for, their legal representatives, successors or proxies, nor unless the place, (being within the town of Alexandria,) and the time of such meeting be previously advertised for three weeks successively, in one or more gazettes in the city of Washington and Alexandria.

A quorum to consist of a majority of the members of the company.

Directors &c. &c. to take an oath of office.

Sec. 6. *And be it further enacted*, That every director, clerk and treasurer, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

Shares transferable.

Sec. 7. *And be it further enacted*, That the said shares shall be negotiable and transferable from one to another, by assignments in writing, executed before two witnesses at the least, and authenticated and registered, as the said company may prescribe and direct in their by-laws and regulations.

Shares to be paid for by instalments.

Sec. 8. *And be it further enacted*, That the amount of each share shall be paid by instalments of ten dollars, at such times as the said directors, for the time being, shall appoint; and in case any instalment or instalments shall not be paid at the time appointed, or within ten days thereafter, the same may be recovered in the name of the company, by warrant from a justice of the peace, if the amount due shall not exceed twenty dollars; and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the

Mode of recovering arrears of instalments.

certificate of the clerk of the said company shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the shares held by such defendant; and if such instalment or instalments be not paid within sixty days after the time limited for the payment of the same, and advertised for four weeks successively in one or more gazettes published in Washington or Alexandria, the president and directors of the said company may proceed to forfeit, for the use of the company, the share or shares of the person or persons so failing to pay.

Former payments towards opening the road, to be placed to the credit of those who advanced the money, and now wish to purchase stock in this company.

Sec. 9. *And whereas*, certain individuals have already subscribed and paid sundry small sums of money, which have been appropriated to the purpose of opening and partially improving the said road from Alexandria to Washington: *Be it further enacted*, That it shall and may be lawful for the said board of commissioners to place the said payments to the credit of those individuals, who have respectively paid the same, and who are desirous of purchasing stock in the said company, by allowing them the full amount of the money they have respectively advanced, in the purchase of a share or shares in the said company.

Direction or course of the road.

Sec. 10. *And be it further enacted*, That the said company be, and they are hereby authorized and empowered to open, extend, gravel and improve, in the turnpike manner, a good and sufficient road, commencing at the intersection of Washington and Montgomery streets, in the said town of Alexandria, thence extending in a straight line to the northeastern corner of the almshouse lot, and thence by the most eligible and convenient route, to Bridgepoint, on Alexander's island; and also to erect and build, or cause to be erected and built over Fourmile creek, a good and sufficient bridge, of sound and suitable materials, and in all respects adequate for the passage of travellers, horses and carriages, with a secure railing on each side, at least four feet high, and a convenient way for foot passengers on one side, which shall be separated from the carriage way, by a good and sufficient railing, at least four feet high.

A bridge to be built over Four Mile creek.

Land through which the road is to pass may be purchased, &c. &c.

Sec. 11. *And be it further enacted*, That it shall and may be lawful for the said president and directors, or the majority of them, to agree with the owners of any land, through which the said road is intended to pass, for the purchase thereof: and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the circuit court, the said judge shall issue a warrant directed to the marshal of the district, to summon a jury of twenty-four inhabitants of Alexandria county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the marshal, upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every juryman that shall appear, "That he will faithfully, justly, and impartially value the land not exceeding the width of one hundred feet, and all damages the owner thereof shall sustain by opening the road through such land, according to the best of his skill and judgment." And the inquisition thereupon taken shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded. And upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative; and on payment thereof said land shall become an open public road for ever.

Tolls, when demandable.

Sec. 12. *And be it further enacted*, That as soon as the said road shall be opened and improved, and the said bridge shall be erected and built, as required by this act, the said company shall be entitled to de-

mand and receive by their proper agents, servants, or officers, at the said bridge, tolls not exceeding the following rates, to be regulated from time to time by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, under the direction of Congress; for each person and horse, six cents and a quarter; for each chaise, sulky, or riding chair, twelve and a half cents; for each coach, coachee, stage-wagon, chariot, phaeton, or curricle, or other riding carriage, twenty-five cents, and the further sum of four cents for each horse, more than two, by which such coach, coachee, chariot, phaeton, or curricle, shall be drawn; for each sled or sleigh, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than two, by which such sled or sleigh shall be drawn; for each four-wheeled wagon, cart, or other four-wheeled carriage of burthen, twenty-five cents, and the further sum of four cents for each horse or other beast, more than two, by which the same shall be drawn; for each two-wheeled cart, dray, or other two-wheeled carriage of burthen, twelve and a half cents, and the further sum of four cents for each horse or other beast, more than one, by which the same shall be drawn; for each sheep or swine, one cent; for horses and neat cattle, other than those in teams, drawing sleds, sleighs, or carriages, or those with riders, two cents each. And it shall be the duty of the said company to keep posted up, in some conspicuous place, at the said bridge where the toll is collected, a printed list of the rates of toll allowed by this act, and for every day the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same.

Rates of tolls.

Sec. 13. *And be it further enacted*, That it shall be the duty of the said corporation, to keep the said road and bridge in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said road or bridge to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court; and shall also be responsible for all damages, which may be sustained by any person or persons, in consequence of such want of repair, to be recovered in an action of trespass on the case, in any court competent to try the same: *Provided always, and it is further enacted*, that whenever the nett proceeds of toll collected on said road shall amount to a sum sufficient to reimburse the capital stock, which shall be expended in the purchase of said land, building said bridge, and making said road, and twelve per cent. interest thereon, to be ascertained by said circuit court, the same shall become a free road, and toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court, of the amount of toll collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

Road to be kept in good repair.

Penalties.

Proviso.

Approved, April 21, 1808.

Statute I.

April 21, 1808.

Chap. LI.—*An Act to continue in force an act intituled "An act to extend jurisdiction in certain cases to state judges and state courts; and for other purposes."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to extend jurisdiction in certain cases to state judges and state courts," passed the eighth day of March, one thousand eight hundred and six, be, and the same is hereby continued in force without limitation of time.

Act of March 8, 1806, ch. 14, continued in force without limitation.

(a) See notes to act of March 8, 1806, chap. 14.

Sec. 2. *And be it further enacted,* That the several provisions of the above-mentioned act, intituled "An act to extend jurisdiction in certain cases to state judges and state courts," be, and the same are hereby extended to the respective county courts within, or next adjoining the revenue districts in the state of Ohio on Lake Erie, and to the district attorney of the United States for the district of Ohio.

Approved, April 21, 1808.

Statute I.

April 22, 1808.

[Repealed.]

Act of March 1, 1809, ch. 24, sec. 19.

In the event of peace or suspension of hostilities between the belligerent powers of Europe the embargo may be suspended.

1807, ch. 5.

1808, ch. 8.

Chap. LII.—*An Act to authorize the President of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the event of such peace or suspension of hostilities between the belligerent powers of Europe, or of such changes in their measures affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the President of the United States, he is hereby authorized, during the recess of Congress, to suspend, in whole or in part, the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, under such exceptions and restrictions, and on such bond and security being given as the public interest and circumstances of the case may appear to require: *Provided,* such suspension shall not extend beyond twenty days after the next meeting of Congress.

Approved, April 22, 1808.

Statute I.

April 22, 1808.

Meeting of Congress on the first Monday in Nov. 1808.

Chap. LIII.—*An Act to alter the time for the next meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday of November next.

Approved, April 22, 1808.

Statute I.

April 23, 1808.

Act of May 8, 1792, ch. 33.

Act of March 2, 1803, ch. 15.

Act of April 10, 1806, ch. 20.

Act of April 18, 1814, ch. 80.

Act of April 24, 1816, ch. 69.

Act of May 12, 1820, ch. 96.

Act of March 2, 1821, ch. 12, sec. 14.

Annual appropriation for arms and military equipments.

President authorized to purchase sites for arsenals, &c.

Arms to be distributed

Chap. LV.—*An Act making provision for arming and equipping the whole body of the Militia of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual sum of two hundred thousand dollars be, and the same hereby is appropriated, for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by and on account of the United States.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized, to purchase sites for, and erect such additional arsenals and manufactories of arms, as he may deem expedient, under the limitations and restrictions now provided by law: *Provided also,* that so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is repealed.

Sec. 3. *And be it further enacted,* That all the arms procured in virtue of this act, shall be transmitted to the several states composing this Union, and territories thereof, to each state and territory respectively, in proportion to the number of the effective militia in each state and territory, and by each state and territory to be distributed, to the militia

in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

Approved, April 23, 1808.

amongst the states and territories—in what proportions.

Statute I.

Chap. LVI.—*An Act to establish certain post roads in the states of Georgia and Ohio.*

April 23, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be established, viz. from Darien, by John Jones' to Milledgeville, and from thence to Athens; from Sparta to Milledgeville, and from thence by Jones's Courthouse to the Garrison on Oakmulgee; from Milledgeville to Putnam Courthouse, and from thence to Morgan Courthouse, and to Randolph Courthouse; from New Lisbon to Canton, in Ohio.

Post roads established. Repealed 1810, ch. 30.

Approved, April 23, 1808.

Statute I.

Chap. LVII.—*An Act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making an appropriation for defraying the expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.*

April 23, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to make good a deficiency in the appropriation for the contingent expenses of both houses of Congress, authorized by the act of the tenth of February last, the further sum of seven thousand dollars be, and the same hereby is appropriated.

Appropriation.

Sec. 2. *And be it further enacted,* That a sum not exceeding five thousand four hundred and one dollars and twenty-seven cents, the balance of a former appropriation to that amount, for that object, having been carried to the credit of the surplus fund, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same is hereby appropriated, for defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

Appropriation.

Approved, April 23, 1808.

Statute I.

Chap. LVIII.—*An Act concerning invalid pensioners.*(a)

April 25, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby directed to place the following named persons, whose claims have been transmitted to Congress, pursuant to a law passed the tenth of April, one thousand eight hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times herein mentioned, that is to say:

Names of persons to be placed on the pension list: and rates. 1806, ch. 25.

Thomas Lamar Davis, at the rate of two dollars and fifty cents per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Albert Chapman, at the rate of ten dollars per month, to commence on the seventeenth day of October, one thousand eight hundred and seven.

Ambrose Homan, at the rate of two dollars and fifty cents per month, to commence on the fifteenth day of December, one thousand eight hundred and six.

(a) Some of the sections of this act are of a public and general character. Sec. 3, 4, p. 96.

Names of pensioners, and rates of pensions.

Richard Scott, at the rate of two dollars and fifty cents per month, to commence on the fifth day of October, one thousand eight hundred and seven.

Francis Blood, at the rate of five dollars per month, to commence on the sixteenth day of December, one thousand eight hundred and six.

Jonas Green, at the rate of five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

William Green, at the rate of eight dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

Seth Weed, at the rate of six dollars per month, to commence on the seventh day of October, one thousand eight hundred and seven.

Samuel Lathrop, at the rate of five dollars per month, to commence on the twenty-second day of September, one thousand eight hundred and seven.

Peter Smith, at the rate of four dollars per month, to commence on the sixteenth day of July, one thousand eight hundred and six.

William Johnston, at the rate of two dollars and fifty cents per month, to commence on the first day of April, one thousand eight hundred and seven.

James Houston, at the rate of fifteen dollars per month, to commence on the thirteenth day of July, one thousand eight hundred and seven.

Jedediah Hyde, at the rate of fifteen dollars per month, to commence on the third day of August, one thousand eight hundred and seven.

Samuel Nesbit, at the rate of five dollars per month, to commence on the eighteenth day of October, one thousand eight hundred and seven.

Shepherd Packard, at the rate of three dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

Richard Kisby, at the rate of four dollars per month, to commence on the twenty-fourth day of March, one thousand eight hundred and seven.

Jonathan Wilkins, at the rate of two dollars and fifty cents per month, to commence on the twenty-sixth day of March, one thousand eight hundred and seven.

Waterman Baldwin, at the rate of five dollars per month, to commence on the twenty-fifth day of October, one thousand eight hundred and seven.

John Clark, at the rate of eight dollars per month, to commence on the fifteenth day of December, one thousand eight hundred and seven.

John Venus, at the rate of two dollars and fifty cents per month, to commence on the eleventh day of December, one thousand eight hundred and seven.

John Holcombe, at the rate of fifteen dollars per month, to commence on the first day of December, one thousand eight hundred and seven.

Richard Steads, at the rate of four dollars per month, to commence on the ninth day of December, one thousand eight hundred and seven.

Alexander Jones, at the rate of three dollars thirty-three and one third cents per month, to commence on the nineteenth day of June, one thousand seven hundred and eighty-four.

Benjamin Saddler, at the rate of three dollars per month, to commence on the first day of January, one thousand eight hundred and three.

Benjamin Jenkins, at the rate of two dollars and fifty cents per month, to commence on the sixteenth day of September, one thousand eight hundred and seven.

William Scott, at the rate of twenty-five dollars per month, to commence on the twelfth day of March, one thousand eight hundred and seven.

James Bruff, at the rate of twenty dollars per month, to commence

on the seventeenth day of August, one thousand eight hundred and seven.

Names of pensioners, and rates of pensions.

Nathan Taylor, at the rate of ten dollars per month, to commence on the nineteenth day of February, one thousand eight hundred and eight.

Aaron Stevens, at the rate of ten dollars per month, to commence on the twenty-fourth day of February, one thousand eight hundred and eight.

Simon Morgan, at the rate of twenty dollars per month, to commence on the second day of March, one thousand eight hundred and eight.

Jonathan Patch, at the rate of five dollars per month, to commence on the eleventh day of July, one thousand eight hundred and six.

Ebenezer Rowe, at the rate of five dollars per month, to commence on the sixteenth day of January, one thousand eight hundred and seven.

Benjamin Kendrick, at the rate of three dollars thirty-three and one third cents per month, to commence on the first day of January, one thousand seven hundred and eighty-six.

Nicholas Hoff, at the rate of five dollars per month, to commence on the twenty-second day of February, one thousand eight hundred and eight.

Samuel Shaw, at the rate of eight dollars per month, to commence on the thirteenth day of February, one thousand eight hundred and eight.

Nicholas Lott, at the rate of two dollars and fifty cents per month, to commence on the twenty-third day of January, one thousand eight hundred and eight.

Humphrey Becket, at the rate of two dollars and fifty cents per month, to commence on the eighth day of January, one thousand eight hundred and eight.

Silas Parrot, at the rate of six dollars per month, to commence on the tenth day of February, one thousand eight hundred and eight.

Jared Hinkley, junior, at the rate of two dollars and fifty cents per month, to commence on the nineteenth day of January, one thousand eight hundred and eight.

Francis Davidson, at the rate of four dollars per month, to commence on the sixteenth day of January, one thousand eight hundred and eight.

Andrew Waggoner, at the rate of twenty dollars per month, to commence on the second day of November, one thousand eight hundred and seven.

George Richardson, at the rate of four dollars per month, to commence on the tenth day of February, one thousand eight hundred and eight.

William Wallace, at the rate of eight dollars per month, to commence on the thirtieth of January, one thousand eight hundred and eight.

Joseph Bird, at the rate of four dollars per month, to commence on the twenty-ninth day of January, one thousand eight hundred and eight.

John St. John, at the rate of five dollars per month, to commence on the twenty-ninth day of January, one thousand eight hundred and eight.

Abner Snow, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-seventh day of January, one thousand eight hundred and eight.

Aaron Crane, at the rate of two dollars and fifty cents per month, to commence on the third day of November, one thousand eight hundred and seven.

James Hawkley, at the rate of five dollars per month, to commence on the sixth day of January, one thousand eight hundred and eight.

Elijah Morse, at the rate of four dollars per month, to commence on the sixth day of January, one thousand eight hundred and eight.

John Van Anglen, at the rate of fifteen dollars per month, to com-

Names of pensioners, and rates of pensions.

mence on the third day of November, one thousand eight hundred and seven.

James Boden, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of March, one thousand eight hundred and eight.

Isaac Burnham, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and three.

Benjamin Hillman, at the rate of ten dollars per month, to commence on the fourteenth day of March, one thousand eight hundred and eight.

Silas Pierce, at the rate of ten dollars per month, to commence on the seventh day of March, one thousand eight hundred and eight.

Randel M'Allistor, at the rate of five dollars per month, to commence on the seventh day of March, one thousand eight hundred and eight.

John Durnal, at the rate of three dollars per month, to commence on the seventh day of April, one thousand eight hundred and eight.

Jabez Church, at the rate of two dollars and fifty cents per month, to commence on the twenty-second day of February, one thousand eight hundred and eight.

Thomas Machin, at the rate of ten dollars per month, to commence on the nineteenth day of March, one thousand eight hundred and eight.

David Richey, at the rate of two dollars and fifty cents per month, to commence on the second day of April, one thousand eight hundred and eight.

Sec. 2. *And be it further enacted,* That the pensions of the following persons already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names, the said increase to commence at the times herein mentioned, that is to say:

1806, ch. 25.

James Campbell, four dollars per month, to commence on the twenty-fifth day of September, one thousand eight hundred and seven.

John Beardsley, jun. five dollars per month, to commence on the thirteenth day of November, one thousand eight hundred and seven.

Thomas Bristol, five dollars per month, to commence on the twenty-second day of October, one thousand eight hundred and seven.

Josiah Smith, five dollars per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Joseph Wace, five dollars per month, to commence on the twenty-ninth day of December, one thousand eight hundred and seven.

Daniel Buck, five dollars per month, to commence on the seventeenth day of December, one thousand eight hundred and seven.

Lemuel King, five dollars per month, to commence on the twenty-third day of December, one thousand eight hundred and seven.

William Wallace, five dollars per month, to commence on the seventeenth day of November, one thousand eight hundred and seven.

Joseph Saunders, five dollars per month, to commence on the seventh day of February, one thousand eight hundred and seven.

William Hastings, five dollars per month, to commence on the eleventh day of February, one thousand eight hundred and seven.

Joshua Lovejoy, five dollars per month, to commence on the fifth day of June, one thousand eight hundred and seven.

Isaac Higgins, three dollars thirty-three and one third cents per month, to commence on the twenty-ninth day of September, one thousand eight hundred and seven.

Reuben Dow, fifteen dollars per month, to commence on the nineteenth day of February, one thousand eight hundred and seven.

Joseph Harrup, five dollars per month, to commence on the fifteenth day of September, one thousand eight hundred and seven.

Names of pensioners, and rates of pensions.

David Ranney, five dollars per month, to commence on the fifth day of November, one thousand eight hundred and seven.

John Whitehorn, five dollars per month, to commence on the thirtieth day of September, one thousand eight hundred and seven.

Richard Sherman, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Noah Sinclair, three dollars and seventy-five cents per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Nathaniel Church, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Gersham Clarke, five dollars per month, to commence on the first day of January, one thousand eight hundred and eight.

John M'Kinstrey, twelve dollars per month, to commence on the seventh day of December, one thousand eight hundred and seven.

Ebenezer Perkins, five dollars per month, to commence on the fifteenth of September, one thousand eight hundred and seven.

Henry Ten Eyck, fifteen dollars per month, to commence on the twenty-first day of November, one thousand eight hundred and seven.

Thomas Simpson, thirteen dollars thirty-three and one third cents [per month], to commence on the twenty-fourth day of December, one thousand eight hundred and six.

John Rybecker, four dollars per month, to commence on the eighteenth day of April, one thousand eight hundred and seven.

Lemuel Dean, five dollars per month, to commence on the eighth day of October, one thousand eight hundred and seven.

Thomas Johnson, five dollars per month, to commence on the seventeenth day of April, one thousand eight hundred and seven.

Levi Chubbuck, three dollars and seventy-five cents per month, to commence on the twentieth day of June, one thousand eight hundred and seven.

George Walter, two dollars and fifty cents per month, to commence on the twenty-fourth day of February, one thousand eight hundred and eight.

Samuel Rossetter, five dollars per month, to commence on the thirtieth day of January, one thousand eight hundred and eight.

Jeremiah Prichard, thirteen dollars thirty-three and one third cents per month, to commence on the sixth day of January, one thousand eight hundred and eight.

Abner Gage, five dollars per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

John Devoe, five dollars per month, to commence on the thirtieth day of January, one thousand eight hundred and eight.

Nathaniel Bradley, five dollars per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

Thaddeus Seely, two dollars and fifty cents per month, to commence on the ninth day of January, one thousand eight hundred and eight.

John Herron, two dollars and fifty cents per month, to commence on the twenty-sixth day of January, one thousand eight hundred and eight.

Peter Nevius, four dollars per month, to commence on the seventeenth day of February, one thousand eight hundred and eight.

John Hampton, six dollars per month, to commence on the seventeenth day of February, one thousand eight hundred and eight.

Roswell Woodworth, five dollars per month, to commence on the twenty-third day of March, one thousand eight hundred and eight.

David Hulbell, five dollars per month, to commence on the nineteenth day of March, one thousand eight hundred and eight.

John M'Coy, five dollars per month, to commence on the fifteenth day of March, one thousand eight hundred and eight.

Names of pensioners, and rates of pensions.

Caleb Hunt, five dollars per month, to commence on the fifth day of March, one thousand eight hundred and eight.

Henry Gates, five dollars per month, to commence on the ninth day of March, one thousand eight hundred and eight.

David Hall, five dollars per month, to commence on the twelfth day of February, one thousand eight hundred and eight.

Jonah Cook, five dollars per month, to commence on the fourth day of April, one thousand eight hundred and eight.

William Nelson, five dollars per month, to commence on the twenty-second day of January, one thousand eight hundred and eight.

Secretary of War authorized to cause to be placed on the pension list of the U. States persons disabled in the revolutionary war, &c.

No person to exceed the sum allowed by the sixth section of the act of April 10, 1806, ch. 25.

Proviso.

Sec. 3. *And be it further enacted*, That the Secretary at War be, and he is hereby authorized and directed to place on the pension list of the United States, all persons who now remain on the pension list of any of the states, and who were placed on the same in consequence of disability occasioned by known wounds received during the revolutionary war, whether such person or persons served in the land or sea service of the forces of the United States, or of any particular state, in the regular corps, or the militia, or as volunteers: *Provided*, that in no case the pensions allowed to such person or persons, shall exceed the sums specified by the sixth section of an act, intituled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six: *And provided*, that in every case where application shall be made, to have such person or persons placed on the pension list of the United States, under this law, satisfactory documents from the proper officers of the state, shall be adduced to establish the fact of such person or persons having been placed on the state pension list in consequence of disability occasioned by known wounds received during the revolutionary war.

Persons disabled in the actual service of the U. States since the revolution, to be placed on pension list.

At what rates.

1806, ch. 25.

Sec. 4. *And be it further enacted*, That any officer, non-commissioned officer, musician, or private, who has been wounded or disabled since the revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate of compensation, and under such regulations as are prescribed by the act, intituled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed April the tenth, one thousand eight hundred and six.

Pensioners now to be placed on pension list how to be paid.

Sec. 5. *And be it further enacted*, That the pensioners becoming such in virtue of this act, shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations in all respects, as are prescribed by the laws of the United States, in such cases provided.

Approved, April 25, 1808.

Statute I.

April 25, 1808.

Exchange of lands for fortifications in Portland.

Chap. LX.—*An Act to authorize and empower the President of the United States to exchange certain lands, for other lands more suitable for fortification.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered, to cause the lands in Portland, whereon the fort and battery now stand, and the lands at Ocracock and Old Topsail inlets, in North Carolina, acquired with a view to erecting fortifications, to be exchanged for other lands more suitable for fortification, and the protection of Portland, in the district of Maine, and Ocracock, and Old Topsail inlet, in North Carolina.

Approved, April 25, 1808.

Statute I.
April 25, 1808.

Chap. LXI.—*An Act to make Plymouth, in North Carolina, a port of entry; to change the name of the District of Nanjemoy to that of St. Mary's, and to make Augusta, in the District of Maine, a port of delivery.*

Act of March 2, 1799, ch. 22.

District of Plymouth formed out of that of Edenton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, a district shall be formed out of the district of Edenton, in North Carolina, to be called the district of Plymouth, which shall include and comprehend the rivers Roanoak and Cashie, and all the waters, creeks, and harbors belonging thereto. The town of Plymouth shall be the port of entry and delivery; and Windsor and Skewarky, ports of delivery. A collector for the district shall be appointed, to reside and keep his office at the town of Plymouth, who shall be entitled to receive three per cent. commissions on all monies by him received on account of the duties arising on goods, wares and merchandise imported into the said district, and on the tonnage of ships and vessels and the other emoluments and fees of office established by law.

Plymouth made the port of entry, &c.

Sec. 2. *And be it further enacted,* That from and after the thirtieth day of June next the district of Nanjemoy, in the state of Maryland, shall be called the district of St. Mary's, and the collector shall reside at St. Mary's river, which shall be the port of entry and delivery for said district, and Nanjemoy a port of delivery only, to which a surveyor shall be appointed, who shall be entitled, in addition to the fees and emoluments already allowed by law, to receive a salary of one hundred and fifty dollars.

Name of district of Nanjemoy changed to that of St. Mary's.

Sec. 3. *And be it further enacted,* That the town of Augusta, in the district of Maine, shall be, and the same is hereby constituted a port of delivery, to be annexed to the district of Bath, and subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor, to reside at the said port of delivery, who shall be entitled to receive a salary of one hundred and fifty dollars, annually, in addition to the other emoluments allowed by law.

Augusta made a port of delivery, to be annexed to district of Bath, &c.

Approved, April 25, 1808.

Statute I.
April 25, 1808.

Chap. LXII.—*An Act making appropriations for the support of an additional military force, for the year one thousand eight hundred and eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the necessary expense to the first day of January next, of the troops to be raised by virtue of an act, intituled "An act to raise for a limited time an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight, the following sums be, and the same hereby are respectively appropriated, that is to say:

1808, ch. 43.

Specific appropriations.

For pay, two hundred and eighty-five thousand nine hundred and twenty dollars.

For forage, eighteen thousand four hundred and seventy-nine dollars.

For subsistence, two hundred and thirteen thousand six hundred and ninety-six dollars.

For clothing, one hundred and fifty thousand five hundred and twenty-eight dollars.

For bounties and premiums, eighty-five thousand one hundred and twenty dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, tents, barracks, fuel, and transportation one hundred and eleven thousand dollars.

For contingencies, ten thousand dollars.

For ordnance, sixty thousand dollars.

For the purchase of horses and other expenses necessary to mount the cavalry, thirty-six thousand seven hundred and twenty dollars.

Sec. 2. *And be it further enacted*, That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, April 25, 1808.

Statute I.

April 25, 1808.

Chap. LXIII.—*An Act authorizing the Secretary of the Treasury to pay to the comptroller of the treasury, in trust, the amount of certain bills drawn by John Armstrong, minister from the United States to the court of France, on [the] treasury of the United States.*

Secretary of Treasury to pay into comptroller's hands amount of certain bills drawn by Gen. Armstrong.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed, to pay into the hands of the comptroller of the treasury of the United States, the amount in cash, of the bills drawn by John Armstrong, minister from the United States to the court of France, on the treasurer of the United States, in favour of Nathan Freres, Denton and Hall, pursuant to a liquidation made by the government of France under the convention concluded between the United States and the French government, on the thirtieth day of April, in the year one thousand eight hundred and three; *and also*, the amount of the bills drawn by the aforesaid minister on the said treasurer of the United States in favour of Joseph Sands, pursuant to a liquidation made under the convention aforesaid, which sums so paid to the comptroller, shall be held by him in trust, to pay and satisfy such persons, and in such proportions, as shall be adjudged or decreed by the courts hereafter specified; and the said sums shall be by the comptroller deposited in the office of discount and deposit, in the city of Washington, for safe keeping until such judgments or decrees shall take place.

Money to be held in trust, and paid over to the persons who shall appear to be entitled.

Claims, how to be established.

Sec. 2. *And be it further enacted*, That all suits or proceedings at law or in equity, to establish claims against, or recover the whole or any part of the sum so deposited, on account of the bills drawn in favour of Nathan Freres, Denton and Hall, shall be commenced on or before the first day of November next, in the circuit court of the fourth circuit, holden in the district of Maryland, and all suits or proceedings at law or in equity, to establish claims against, or to recover the whole or any part of the sum so deposited on account of the bills drawn in favour of Joseph Sands, shall be commenced on or before the day aforesaid, in the circuit court of the second circuit, holden in the district of New York, or in the circuit court of the district of Columbia, to be held for Washington county in said district, and any, or either party aggrieved by the judgment or decree of either of the said courts, may remove the same to the supreme court of the United States, in the same manner, and on the same terms and conditions, as appeals and writs of error are now prosecuted from the said courts.

Claims, when established, how to be satisfied.

Sec. 3. *And be it further enacted*, That whenever a final judgment or decree shall be entered up by either of the said courts in favour of any person or persons, who may have established a right or claim to the whole or any part of the said sums so paid to the comptroller, and deposited in virtue of this law, the said comptroller shall direct the cashier of the said office of discount and deposit, to pay the amount recovered to the party or persons entitled under such judgment or decree so rendered by the said courts.

Approved, April 25, 1808.

Statute I.
April 25, 1808

Chap. LXV.—*An Act to make good a deficit in the appropriation of eighteen hundred and seven, for completing the public buildings, and for other purposes.*

Specific appropriations.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the appropriations already made, the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

For making good the deficit of eighteen hundred and seven, including the debt due from the public offices, fifty-one thousand five hundred dollars.

For completing the wall of the President's square, planting the ground so as to close this part of the expenditure, building a solid flight of steps to the principal door, and minor expenses, fourteen thousand dollars.

For carrying up in solid work, the interior of the north wing, comprising the Senate chamber, twenty-five thousand dollars.

For executing the work deficient in the interior of the south wing and for painting, eleven thousand five hundred dollars.

Sec. 2. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated.

Approved, April 25, 1808.

Statute I.
April 25, 1808.

Act of Dec. 22, 1807, ch. 5.
Act of Jan. 9, 1808, ch. 8.
Act of March 12, 1808, ch. 33.
Act of Jan. 9, 1809, ch. 5.
Act of March 1, 1809, ch. 24.
Additional regulations for coasting vessels.

Chap. LXVI.—*An Act in addition to the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, no vessel of any description whatever, and wherever bound, whose employment is confined to the navigation of bays, sounds, rivers and lakes, within the jurisdiction of the United States, (packets, ferry-boats, and vessels exempted from the obligation of giving any bond whatever, only excepted,) shall be allowed to depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure, a manifest of the whole cargo on board, including articles of domestic growth or manufacture, as well as foreign merchandise. And it shall also be the duty of the owners, agents or master of every such vessel, to produce within two months thereafter, to the collector of the district from which the vessel departed, a certificate of the landing of the whole of such cargo, in a port of the United States, within the bay, sound, rivers or lakes, to which the navigation of such vessel is confined, signed by the collector or surveyor of the port where the cargo shall have been landed.

Clearances to be given to no vessels but on the regulations prescribed being complied with.

Sec. 2. *And be it further enacted,* That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, no ship or vessel of any description whatever, other than those described in the next preceding section, and wherever bound, shall receive a clearance, unless the lading shall be made hereafter under the inspection of the proper revenue officers, subject to the same restrictions, regulations, penalties, and forfeitures, as are provided by law for the inspection of goods, wares, and merchandise, imported into the United States, upon which duties are imposed, any law to the contrary notwithstanding:

(a) See notes to act of December 22, 1807, chap. 5.

Vessels laden in whole or in part not to be affected.

Provided, that nothing herein contained shall be construed to affect vessels laden in whole or in part on the receipt of this act by the respective collectors.

Forfeitures and penalties.

Sec. 3. *And be it further enacted*, That if any vessel described in the first section, shall depart from any district of the United States, without a clearance, or before the manifest of the cargo shall have been delivered to the collector or surveyor, in the manner therein prohibited, or if a certificate of the landing of the cargo shall not be produced within the time and in the manner therein provided, such vessel and cargo shall be forfeited, and the owner or owners, consignee, agent, factors, freighters, master, or skipper of such vessel, shall respectively forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars: *Provided always*, that nothing herein contained shall be construed to bar or prevent the recovery of the penalty on the bond given for such vessel.

Proviso.

Vessels going down the Mississippi to stop at Fort Adams, and those going up, at Iberville, to report their cargoes, &c.

Sec. 4. *And be it further enacted*, That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, it shall be the duty of the master or person having charge or command of any vessel, flat, or boat intended to enter that part of the river Mississippi, which lies between the southern boundary of the Mississippi territory and the river Iberville, if going down the said river, to stop at Fort Adams, and if going up the river to stop at Iberville, and at each place, as the case may be, to deliver to an inspector of the revenue, to be stationed there for that purpose, a manifest of the whole cargo on board, and also to produce to the same officer, within two months thereafter, if going down the river, and within six months thereafter if going up the river, a certificate of the landing of the same in some part of the district of Mississippi, and within the jurisdiction of the United States, which certificate shall be signed by the collector or one of the surveyors of the district of Mississippi; or if the cargo shall be landed more than thirty miles from the place of residence of any such officer, by a state or territorial judge, having jurisdiction at the place of such landing.

Penalty.

Sec. 5. *And be it further enacted*, That if any vessel, flat, or boat, shall enter that part of the river Mississippi as prescribed in the next preceding section, without stopping and delivering a manifest in the manner therein provided, or if a certificate of the landing of the cargo shall not be produced within the time, and in the manner therein provided, such vessel, flat, or boat and cargo shall be forfeited, and the owner or owners, consignee, agent, factors, freighters, master, or skipper of such vessel, flat, or boat, shall respectively forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars.

Clearances not to be allowed to vessels of the U. States but by special permission of the President, to ports of U. States adjacent to territories of foreign states.

Penalties, forfeitures.

Sec. 6. *And be it further enacted*, That no ship or vessel having any cargo whatever on board, shall, during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, be allowed to depart from any port of the United States, for any other port or district of the United States, adjacent to the territories, colonies, or provinces of a foreign nation; nor shall any clearance be furnished to any ship or vessel, bound as aforesaid, without special permission of the President of the United States. And if any ship or vessel shall, contrary to the provisions of this act, proceed to any port or district adjacent to the territories, colonies, or provinces of a foreign nation, such ship or vessel, with her cargo, shall be wholly forfeited; and if the same shall not be seized, the owner, owners, agents, factors, and freighters of such ship or vessel shall, for every such offence, forfeit and pay double the value of such ship and cargo; and the master and commander of such ship or vessel, as well as all other persons, who shall knowingly be concerned in such prohibited voyage, shall each respectively forfeit and pay not exceeding three thousand dollars, nor less than five hundred dollars for every such offence, whether the vessel be seized or not.

Public armed vessels, and gun boats authorized to stop vessels suspected of violating embargo laws.

Sec. 7. *And be it further enacted,* That the commanders of the public armed vessels and gun boats of the United States shall, as well as the commanders or masters of the revenue cutters, and revenue boats, be authorized, and they are hereby authorized to stop and examine any vessel, flat, or boat, belonging to any citizen of the United States, either on the high seas, or within the jurisdiction of the United States, or any foreign vessel within the jurisdiction of the United States, which there may be reason to suspect to be engaged in any traffic or commerce, or in the transportation of merchandise, of either domestic or foreign growth or manufacture, contrary to the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, and if upon examination, it shall appear that such vessel, flat or boat is thus engaged, it shall be the duty of the commander to seize every such vessel, flat, or boat, and to send the same to the nearest port of the United States for trial.

Comptroller of treasury may remit certain duties, &c. &c.

Sec. 8. *And be it further enacted,* That the comptroller of the treasury be, and he hereby is authorized to remit the duties accruing on the importation of goods of domestic produce, or which being of foreign produce, had been exported without receiving a drawback, which may have been, or may be re-imported in vessels owned by citizens of the United States, and which having sailed subsequent to the first day of October last, and prior to the twenty-second day of December last, may be or have been stopped on the high seas by foreign armed vessels, and by reason thereof have returned, or may hereafter return into the United States. And the said comptroller is likewise authorized to direct the exportation bonds given for foreign merchandise, exported with privilege of drawback, in such vessel and re-imported in the same, in the manner aforesaid to be cancelled, the duties on such re-importation being previously paid, and on such other conditions and restrictions as may be necessary for the security of the revenue.

Foreign vessels not allowed to carry on the coasting trade in the U. States during the continuance of the embargo.

Sec. 9. *And be it further enacted,* That during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, no foreign ship or vessel shall go from one port in the United States to another, and should any foreign ship or vessel, contrary to this section, go from one port of the United States to another, the vessel with her cargo shall be wholly forfeited, and the owner, or owners, agent, factors, freighters, and master of such ship or vessel, shall forfeit and pay a sum not exceeding three thousand dollars, nor less than one thousand dollars.

Fees for clearances of vessels, &c. &c.

Sec. 10. *And be it further enacted,* That no vessel, flat, or boat, comprehended in this act shall be obliged to pay more than twenty cents for each clearance.

Collectors authorized to detain vessels ostensibly bound to other ports of the U. States under suspicious circumstances.

Sec. 11. *And be it further enacted,* That the collectors of the customs be, and they are hereby respectively authorized to detain any vessel ostensibly bound with a cargo to some other port of the United States, whenever in their opinions the intention is to violate or evade any of the provisions of the acts laying an embargo, until the decision of the President of the United States be had thereupon.

Collectors in ports adjacent to foreign territories may take into their custody provisions, &c. &c. accumulated in large quantities in their districts, &c. &c.

Sec. 12. *And be it further enacted,* That if any unusual deposits of provisions, lumber, or other articles of domestic growth or manufacture shall have been, or shall be made in any of the ports of the United States, adjacent to the territories, colonies, or provinces of a foreign nation, the collector of the district shall be, and he hereby is authorized to take the same in his custody, and not to permit such articles to be removed until bond with sufficient sureties shall have been given for the landing or delivery of the same in some port or place of the United States.

Sec. 13. *And be it further enacted,* That any ship or vessel owned

Vessels laden at the passage of the embargo act allowed to go with their cargoes to other ports of U. S.

by a citizen or citizens of the United States, loaded, or in part loaded with the produce of the United States before the act laying an embargo was passed, and by said act detained in any port of the United States, may be permitted to proceed to any other port of the United States, and there to remain with such cargo on board, subject to such other restrictions and bonds as are prescribed in the act laying an embargo, and the several supplementary acts thereto.

Forfeitures and penalties—how mitigated or remitted.

1797, ch. 13.

1800, ch. 33, sec. 6.

1799, ch. 22.

Sec. 14. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, may be mitigated and remitted in the manner prescribed by the act, intituled "An act to provide for mitigating and remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned;" and all penalties and forfeitures which may be recovered in pursuance of this act, in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States," and all other penalties and forfeitures arising under this act, shall be distributed in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

Trade with the Indians from Canada permitted through the territories of the U. States.

Sec. 15. *And be it further enacted*, That nothing in the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in the several acts supplementary thereto, or in the act to prohibit the importation of certain goods, wares, and merchandise, shall be construed to prevent the exportation by land, or inland navigation, from the territories of the United States into those of Great Britain, of furs and peltries, the property of subjects of Great Britain, and by them purchased from the Indians, or to prevent the importation by land, or inland navigation, from the territories of Great Britain into those of the United States, of merchandise, the property of British subjects, and by them imported solely for the use of the Indians aforesaid.

Approved, April 25, 1808.

Statute I.

April 25, 1808.

Act of March 3, 1807, ch. 34.

Claimants to land in the Michigan territory, where the Indian title has been extinguished, allowed until the first of January next, to deliver to the register a notice of their claims.

Chap. LXVII.—*An Act supplemental to "An act regulating the grants of land in the territory of Michigan."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person claiming lands, within that part of the Michigan territory to which the Indian title hath been extinguished by virtue of any legal grant made by the French government prior to the treaty of Paris of the tenth of February, one thousand seven hundred and sixty-three; or of any legal grant made by the British government subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, of the third of September, one thousand seven hundred and eighty-three, or of the second section of the act to which this act is a supplement, shall be allowed until the first day of January next, to deliver to the register of the land-office for the district of Detroit, a notice in writing, stating the nature and extent of his claims, together with a plat or plats of the tract or tracts claimed, and if such person shall fail to deliver such notice in writing, together with a plat of the tract claimed, all his right, so far as it may be derived from any act of Congress, shall become void, and the commissioners appointed for the purpose of ascertaining and deciding the rights of persons claiming lands in the said district of Detroit, shall have the same powers and perform the duties in relation to the claims, notices of which shall be thus filed, as are provided by the act to which this act is a supplement, in relation to the claims therein described.

(a) See notes to act of March 3, 1807, chap. 34.

Sec. 2. *And be it further enacted*, That every person whose claim has been, or shall be confirmed by the commissioners aforesaid, to a tract of land bordering on the river Detroit, and not exceeding in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to, and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land that which is contained in his own tract, at the same price, and on the same terms and conditions as are provided by law for the other public lands in the said district. And the surveyor-general shall be, and he is hereby authorized, as soon as may be, to cause to be surveyed, the tracts claimed by virtue of this section, and in all cases where, by reason of bends in the said river, and of adjacent prior, or pre-emption claims, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him, to divide the vacant land, applicable to that object, between the several claimants, in such manner as to him will appear most equitable. And every person entitled to the benefit of this section, shall, on or before the first day of January next, deliver to the register of the land-office for the district of Detroit, a notice in writing, stating the situation and extent of the tract of land he wishes to purchase, and deposit at the same time one twentieth part of the purchase money; and shall also, within three months after the return of the survey to the office of the said register, produce to him a receipt from the receiver of public money for the said district for one fourth part of the purchase money. And if any such person shall fail to deliver such notice, and make such deposit and payment, at the times above mentioned, his right of pre-emption shall cease, and become void.

Persons whose claims are established entitled to a preference in becoming the purchasers of the contiguous vacant lands.

Surveyor-general to cause surveys to be made.

Every person entitled to the benefit of this section to give notice in writing to the register.

Sec. 3. *And be it further enacted*, That every person, who being the head of a family, did, prior to the twenty-sixth of March, one thousand eight hundred and four, and doth, at the time of the passage of this act, inhabit and cultivate a tract of land in the territory of Michigan, not claimed by virtue of a legal French or British grant, or by the second section of the act to which this act is a supplement, shall be entitled to a preference, in becoming the purchaser from the United States of such tract of land not exceeding one section, at the price at which the other public lands in the said territory are directed to be sold; and payment may be made therefor in the same manner, and under the same conditions, as are provided by law for such other public lands. And every person entitled to the benefit of this section, shall, on or before the first day of January, next, deliver to [the] register of the land-office, for the district aforesaid, a notice in writing, of the situation and extent of the tract of land he wishes to purchase. The commissioners aforesaid are hereby authorized to examine and decide the claims, of every person claiming the benefit of this section, and whenever it shall appear to them that the claimant is entitled to a right of pre-emption they shall give a certificate thereof, directed to the register of the land-office, which certificate, together with a receipt from the receiver of public money, of at least one fourth part of the purchase money, shall, on, or before the first day of January, next, be produced by the claimant to the register of the land-office for the said district. And if any person shall fail to deliver such notice in writing, or produce such certificate and receipt within the times above mentioned, his right of pre-emption shall cease, and become void.

Pre-emption right secured to actual settlers.

Notice in writing to be given of the situation and extent of the land to be purchased.

Sec. 4. *And be it further enacted*, That so much of the second section of the act to which this act is a supplement, as provides that not more than one tract or parcel of land shall be granted to any one person, shall be, and the same is hereby repealed.

Repeal of part of a former act. Act of March 3, 1807, ch. 34, sec. 2.

Sec. 5. *And be it further enacted*, That the lands to which the Indian title has been extinguished, by the treaty made at Detroit, on the seven-

Lands to which Indian title was

extinguished by treaty of Detroit to be attached to district of Detroit, and sold, &c.

teenth of November, one thousand eight hundred and seven, shall be attached to and made a part of the district of Detroit, and be offered for sale at that place, under the same exceptions and regulations, at the same price, and on the same terms, as other lands lying in that district.

Approved, April 25, 1808.

March 4, 1808.

Resolution *to authorize the disposition of certain charts of the coast of North Carolina.*

Secretary of Treasury authorized to cause charts of North Carolina to be sold.

Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby directed to cause to be sold, as many of the charts of the coast of North Carolina, published in conformity to the resolution which passed the second of March, one thousand eight hundred and seven, as shall remain on hand, after reserving the number requisite for the use of the government of the United States.

Approved, March 4, 1808.

ACTS OF THE TENTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of November, 1808, *and ended on the third day of March,* 1809.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; STEPHEN R. BRADLEY, President of the Senate pro tempore, from the 4th to the 7th of January, 1809; JOHN MILLEDGE, President of the Senate pro tempore, from January 30th, 1809; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An Act to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same.*

Nov. 18, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress and delegates from the several territories of the United States be, and they are hereby authorized to transmit by mail, free of postage, the message of the President of the United States of the eighth day of November, in the year one thousand eight hundred and eight, and documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may respectively direct, any law to the contrary notwithstanding.

APPROVED, November 18, 1808.

STATUTE II.

CHAP. III.—*An Act authorizing the President of the United States to employ an additional number of revenue cutters.*

Jan. 6, 1809.

Additional revenue cutters to be employed not to exceed twelve.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby empowered to procure so many revenue cutters, not exceeding twelve, as may be necessary for the public service, the expense whereof shall be paid out of the product of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.

APPROVED, January 6, 1809.

STATUTE II.

CHAP. IV.—*An Act authorizing the payment of certain pensions by the Secretary of War at the seat of government.*

Jan. 7, 1809.

Pensions to be paid at Washington where agents to pay pensions have not been appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every pension or arrearage of pension that shall be due on the third day of March, one thousand eight hundred and nine, or that may thereafter become due to any officer or soldier residing in either of the United States, or the territories

thereof, in which there hath not been appointed an agent for the payment of pensions, shall be paid at the seat of the government of the United States, by the secretary for the war department, and the name of the pensioner shall, on his application to the Secretary at War, be transferred from the books of the state in which it was originally enregistered to a register, to be opened for that purpose at the war office of the United States.

Approved, January 7, 1809.

Statute II.

Jan. 9, 1809.

[Repealed.]

Act of Dec. 22, 1807, ch. 5.
Act of Jan. 9, 1808, ch. 8.
Act of March 12, 1808, ch. 33.
Act of April 25, 1808, ch. 66.
Act of March 1, 1809, ch. 24.

Direct or indirect exportation of specie, &c. prohibited.

Penalties.

Proviso.

Informers to be entitled to one half the fine.

Permit previously required to the lading of vessels.

Ladings to be made under the inspection of revenue officers. Conditions.

Chap. V.—*An Act to enforce and make more effectual an act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall put, place, or load on board any ship, vessel, boat or water craft, or into any cart, wagon, sled, or other carriage or vehicle, with or without wheels, any specie, goods, wares or merchandise, with intent to export, transport or convey the same without the United States or the territories thereof, to any foreign place, kingdom or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the acts to which this act is a supplement, all such specie, goods, wares and merchandise, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or in which the same may be so put, placed, or loaded as aforesaid, shall be forfeited, and the person or persons so putting, placing or loading the same as aforesaid, and also the aiders and abettors therein, shall, upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum, by the court before which the conviction is had, equal to four times the value of such specie, goods, wares and merchandise: *Provided however,* that this section shall not be construed to extend to any person or persons, not being the owner or owners of such specie, goods, wares or merchandise, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer or informers, not being the owner or owners as aforesaid, upon conviction of the offenders, shall be entitled to one half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

Sec. 2. *And be it further enacted,* That it shall not be lawful to put on board any ship, vessel, or boat of any description whatever, any specie or goods, wares or merchandise, either of domestic or foreign growth, produce, or manufacture, and the same is hereby prohibited, unless a permit particularly stating the articles thus to be laden shall have been previously obtained from the collector of the district, in which such ship, vessel, or boat may then be, or from a revenue officer specially authorized by the collector to grant such permits; nor unless the lading shall be made under the inspection of the proper revenue officers, nor unless the owner or owners, consignee or factor of such ship, vessel, or boat shall, with the master, have given bond with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to a foreign port or place, nor shall put any article on board of any other vessel; and that the whole cargo shall be relanded either in the port where the vessel may then be, or in such other port of the United States as shall be designated in the clearance.

(a) See notes to act of December 22, 1807, chap. 5.

And it shall be lawful for the collectors of the customs to refuse permission to put any cargo on board any such ship, vessel, or boat, whenever in their opinion there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States: *Provided*, that nothing contained in this section shall be construed to extend to any ship, vessel, or boat, uniformly employed in the navigation only of bays, sounds, rivers and lakes, within the jurisdiction of the United States, which shall have obtained a general permission, agreeably to the provisions in the fourth section of this act.

Collectors may refuse permits, in certain cases.

Proviso.

Sec. 3. *And be it further enacted*, That the owner or owners, consignee or factor, of any ship, vessel, or boat, as described in the preceding section, which may, at the time when notice of this act shall be received at the several custom-houses respectively, be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo or give bond for the same, in the manner and on the conditions mentioned in the preceding section; and if the cargo shall not be discharged within ten days or the bond given within three days after such notice, the ship, vessel, or boat and cargo shall be wholly forfeited: but the collectors are hereby authorized to order or to cause the cargoes of such vessels to be discharged for the same causes as they may refuse permission to put any cargo on board of vessels not yet laden in whole or in part. And they are likewise authorized in the mean while, and until the cargoes shall have been discharged, or bonds given, as the case may be, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

Vessels already laden, in part or in whole, to be discharged, on the requisition of the collector.

Sec. 4. *And be it further enacted*, That the collectors of the customs be, and they are hereby authorized to grant, under such general instructions as the President of the United States may give to that effect, a general permission to ships, vessels or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes within the jurisdiction of the United States, when it can be done without danger of the embargo being violated, to take on board at any time such articles of domestic or foreign growth as may be designated in such general permission or permissions, bond with one or more sureties being previously given to the United States by the owner, owners, consignee or factors of such ship, vessel, or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel, that such vessel shall not, during the time limited in the condition of the bond, depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board, that the said vessel shall not during the time above mentioned, proceed to any other port than that mentioned in her clearance, or put any article on board of any other vessel, or be employed in any foreign trade; and that on every voyage or trip, the whole of the cargo shall be landed in a port of the United States within the bay, sound, rivers or lakes, to which the navigation of such vessel is confined.

General permits may be granted to coasting vessels.

Conditions.

Sec. 5. *And be it further enacted*, That if any ship, vessel or boat, not having received a general permission, and a general bond not having been first given in the manner provided for in the next preceding section, shall take on board any specie, or any goods, wares or merchandise, either of foreign or domestic growth, produce or manufacture, contrary to the provisions of the second section of this act, such ship, vessel, or boat, together with the specie and goods, wares or merchandise, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship, vessel or boat, shall moreover severally

Penalties, in cases of violations of the next preceding section.

forfeit and pay a sum equal to the value of the ship, vessel or boat, and of the cargo put on board the same.

Persons, whose names appear on the papers, to be considered as the owners.

Sec. 6. *And be it further enacted*, That the person or persons whose names do or may appear as owner or owners of any ship or vessel either on the certificate of registry, enrolment, or license of any such ship or vessel, or if neither registered or licensed, on the last clearance or custom-house document issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, by such ship or vessel: *Provided always*, that nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of any of the acts aforesaid. And in case of any new register or license being granted during the continuance of the said acts, or in case of the sale of any ship or vessel neither registered or licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognizing the sale of such vessel not registered or licensed, be required by the collector, in an amount equal to three hundred dollars for each ton of such ship or vessel, that such ship or vessel shall not, during the continuance of the acts laying an embargo on all ships and vessels in the ports and harbors of the United States, contravene or infringe any of the provisions of the said acts: *Provided*, that nothing herein contained, shall be construed to extend to the owner or owners of any ship or vessel who shall have made a bona fide sale of such ship or vessel, in any port or harbor of the United States, before notice of this act at such port or harbor, respectively; nor to the owner or owners of any ship or vessel, in any foreign port or place, who shall have made a bona fide sale thereof, before notice of this act: *And provided also*, that such bond shall not release the owners and master of such ship or vessel, or any other person from the obligation of giving every other bond required by this act or by any of the acts aforesaid.

Proviso.

Proceedings on granting a new register.

Proviso.

Proofs to be furnished of the relanding of cargoes, &c.

Sec. 7. *And be it further enacted*, That in all cases where, either under this act, or under the act laying an embargo on all ships or vessels in the ports and harbors of the United States, or under any of the acts supplementary thereto, a bond has been or shall be given to the United States, with condition that certain goods, wares, and merchandise, or the cargo of a vessel shall be relanded in some port of the United States, the party or parties to such bond shall, within two months after the date of the same, (unless in the case of a voyage from New Orleans to an Atlantic port or from an Atlantic port to New Orleans, in either of which cases, four months shall as heretofore be allowed,) produce to the collector of the port from which the vessel had been cleared with such goods, wares, merchandise or cargo, a certificate of the relanding of the same from the collector of the proper port; on failure whereof, the bond shall be put in suit: and in every such suit, as well as in every suit instituted on a bond given for a voyage from or to New Orleans, judgment shall be given against the defendant or defendants, unless proof shall be given of such relanding, or of loss of the vessel at sea. But neither capture, distress, or any other accident whatever shall be pleaded or given in evidence in any such suit: Unless such capture shall be expressly proved to have been hostile, and such distress or accident occasioned by no negligence or deviation, nor unless such vessel shall have been from the commencement of the voyage wholly navigated by a master, mate or mates, mariners and crew, all of whom shall be citizens

Judgment on the bond to be given unless proof of the relanding of the cargo, or the loss of the vessel is produced.

of the United States; nor unless such mate or mates, mariners and crew, shall, all, if living, (and the proof of their death shall lie on the defendant) be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew shall have signed a shipping paper in due form of law, and a copy thereof designating specially the master, mate or mates, mariners and crew, and their permanent places of residence, shall have been lodged with the collector of the port, to whom the bond aforesaid shall have been given, before the commencement of the voyage, and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully, and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury. And in every suit instituted on a bond, given as aforesaid, the defendants shall pay all costs, if they shall not within the limited time have produced the certificate of relanding to the collector of the proper port.

Vessels to be navigated by citizens of the U. States.

Mate and mariners to be produced on the trial.

Sec. 8. *And be it further enacted,* That no registered or sea letter vessel, although in ballast, shall receive a clearance, or be permitted to depart from any port of the United States, unless the same bond shall have been previously given which is required from vessels licensed for the coasting trade, before they are allowed to depart. And if any such ship or vessel shall depart without bond having been given as aforesaid, the said ship or vessel shall be forfeited; and the owner, owners, agent, consignee, factor and master or commander of such ship or vessel, as well as any other person concerned in such prohibited departure, shall be liable to the same penalties imposed by law in the case of vessels licensed for the coasting trade departing without bond having been given, or without clearance, as aforesaid.

Registered or sea letter vessels to have clearances, upon what conditions.

Penalties.

Sec. 9. *And be it further enacted,* That the collectors of all the districts of the United States shall, and they are hereby authorized to take into their custody specie or any articles of domestic growth, produce, or manufacture, found on board of any ship or vessel, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported; and not to permit such articles to be removed, until bond with sufficient sureties shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported.(*a*)

Collectors authorized to seize specie, &c. in certain cases.

Sec. 10. *And be it further enacted,* That the powers given to the collectors, either by this or any other act respecting the embargo, to refuse permission to put any cargo on board any vessel, boat, or other water craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey: And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence, for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector

Powers given by this act and by the embargo laws, with respect to giving and refusing permissions, to be exercised in conformity with directions of the President.

(*a*) The act of Congress of January 9, 1809, authorized the collector to seize for any violation of its provisions; and it was not necessary that such seizure should be made by the collector in person, or by his written authority; nor that a record should be made of such seizure. The Bolina and cargo, 1 Gallis. C. C. R. 75.

resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

President may employ the land and naval forces to prevent violations of this and the embargo laws.

Sec. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces or militia of the United States, or of the territories thereof as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie, or articles of domestic growth, produce or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.

Penalties and forfeitures; how to be remitted or mitigated.
Act of Dec. 22, 1807, ch. 5.

Sec. 12. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, unless herein before otherwise directed, and all penalties and forfeitures incurred by force of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or by virtue of the several acts supplementary thereto, may be prosecuted, sued for, and recovered by action of debt, or by indictment or information, any law, usage or custom to the contrary notwithstanding; and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States," and if otherwise, shall be distributed, and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred; and any officer or other person entitled to a part or share of any of the fines, penalties or forfeitures aforesaid, may, if necessary, be a witness on the trial therefor, but in such case he shall not receive any part or share of the said fine, penalty or forfeiture, but the part or share to which he would otherwise be entitled shall revert to the United States.

Distribution of penalties.
Act of March 2, 1799, ch. 24, sec. 6.
Act of March 2, 1799, ch. 22.
Act of March 3, 1797, ch. 13.
Act of Feb. 11, 1800, ch. 6.

President may employ a certain number of vessels in enforcing the embargo, &c. &c.

Sec. 13. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to hire, arm and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many seamen as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the sea coast thereof, and to dismiss the same from service, whenever he shall deem the same expedient: *Provided however*, that such hiring, arming and employment shall not be for a term exceeding one year. And the said ships or vessels, when so

hired and armed, shall be employed under the direction of the Secretary of the Treasury.

President no longer authorized to grant permissions to despatch vessels. 1808, ch. 33.

Sec. 14. *And be it further enacted*, That the powers given to the President of the United States by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to despatch vessels for the same, shall henceforth cease.

Continuance of this act. 1807, ch. 5.

Sec. 15. *And be it further enacted*, That this act shall be in force from and after the passing thereof, during the continuance of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and no longer.

Approved, January 9, 1809.

Statute II.

Jan. 10, 1809.

[Obsolete.]

Chap. VI.—*An Act to revive and continue in force, for a further time, the first section of the act, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers."*

Act of March 26, 1804, ch. 46.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, intituled "An act to revive and continue in force, for a further time, the first section of the act, intituled An act further to protect the commerce and seamen of the United States, against the Barbary powers," passed the nineteenth day of January, one thousand eight hundred and eight,) be, and the same hereby is revived and continued in force, until the first day of January, one thousand eight hundred and ten: *Provided however*, that the additional duty laid by the said section shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

Act of Jan. 19, 1808, ch. 11.

Additional duty.

Approved, January 10, 1809.

Statute II.

Jan. 12, 1809.

Chap. VIII.—*An Act authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record.*

Proprietors of squares, &c. &c. may subdivide them.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the proprietor of any square or lot in the city of Washington shall deem it necessary to subdivide such square or lot into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat of the same to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary, for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

Subdivisions may be examined by the surveyor, and recorded.

Sec. 2. *And be it further enacted*, That at the request of the said proprietor, the surveyor of the city shall examine whether the lots, pieces or parcels into which any square or lot may be subdivided as aforesaid, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision, be the true dimensions of the parts so expressed; and if upon such examination, he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary

for the further illustration thereof, and record the said plat, as examined, in a book or books, to be kept by him for that purpose.

Records of subdivisions to form evidence of the manner in which they were made.

Sec. 3. *And be it further enacted,* That when such subdivision of any square or lot shall be so certified, examined and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the said plat and record for description, in the same manner as to squares and lots divided between the commissioners and original proprietors; and the ways, alleys or passages, laid out or expressed on such plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the proprietors.

Deficiency, or excess, how to be apportioned.

Sec. 4. *And be it further enacted,* That whenever the surveyor of the said city shall lay off any lot therein, or any of the parts into which a square or lot may be subdivided as aforesaid, he shall measure the whole of that front of the square on which such lot or part lies; and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimensions. Whenever on such admeasurement, the wall of a house previously erected by any proprietor, shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand, a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree; but if the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in said city, as promulgated by the President of the United States, and the ground so occupied, more than seven inches in width, shall be paid for as above. Which fact the surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein.

Surveyor to examine the foundation or walls of houses, &c. &c.

Sec. 5. *And be it further enacted,* That it shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

Fees to the surveyor.

Sec. 6. *And be it further enacted,* That the surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act, the fees following, that is to say: For examining the plat and calculations of any subdivision of a square or lot twelve and an half cents for each of the lots or portions into which it may be subdivided: *Provided,* that no more shall be paid for the lots in one square than one dollar and fifty cents; for examining any building and giving the certificate required by the fifth section of this act, and recording the same, one dollar and fifty cents; for recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the same fees that have heretofore been paid to the clerk of the county: *Provided,* that they do not in any case exceed the fee hereby allowed for examination.

Proviso.

Proviso.

Records of divisions, where to be kept.

Sec. 7. *And be it further enacted,* That all records of the division of squares and lots heretofore made between the public and original proprietors, or which are authorized by this act, shall be kept in the office of the surveyor of the city; and all transcripts therefrom, certified

by him, shall be evidence equally valid with certified transcripts from the keeper of the office for recording deeds for the conveyance of land in the county of Washington.

Public property may be subdivided by direction of the President.

Sec. 8. *And be it further enacted,* That whenever the President of the United States shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, which may not have been reserved for public purposes, into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor of the city in the manner prescribed in the first section of this act, which plat shall be recorded by the said surveyor, and the provisions of this act shall extend to the lots, pieces and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

Sec. 9. *And be it further enacted,* That the surveyor of the city of Washington, before entering upon the discharge of the duties required of him by this act, shall take an oath or affirmation before the mayor of the city of Washington, that he will faithfully and impartially perform the duties herein before required of him.

Approved, January 12, 1809.

Statute II.

Jan. 12, 1809.

[Obsolete.]

Payment of duties in certain cases suspended.

Chap. IX.—*An Act supplemental to an act intituled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment of all bonds given, subsequent to the date of the act to which this act is a supplement, for duties on coffee, sugar, pepper, indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, and which remain unpaid, or for the same articles which may arrive hereafter in any of the ports of the United States, and whilst the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended, subject however in all respects to the conditions and provisions made and provided in the act of the tenth of March, one thousand eight hundred and eight, to which this act is a supplement: *Provided,* that nothing herein contained shall be construed to extend to importations made in vessels despatched under permissions granted by the President of the United States in pursuance of powers in him vested by the seventh section of the act, intituled "An act in addition to the act intituled, An act supplementary to the act intituled, An act laying an embargo on all ships and vessels in the ports and harbors of the United States."*

1807, ch. 5.

1808, ch. 30.

This act not to extend to vessels despatched under permission from the President of the U. States under the embargo acts.

Monies to be refunded.

In what cases.

Sec. 2. *And be it further enacted,* That if the amount of any bond given for the payment of duties on the importation of coffee, sugar, pepper, indigo, cocoa, or wine paying a duty of twenty-three cents per gallon, made subsequent to the passage of the act to which this is a supplement, and which bond would by virtue of this act have been entitled to an extension of credit, shall have been previously paid, the money so paid shall, by the proper collector, be refunded to the person or persons who shall have paid the same, or to his, her, or their agent or agents, on his or their giving a bond with sureties, in the same manner and on the same terms, conditions and restrictions, and on a compliance of the person or persons receiving the indulgence hereby granted, with all the provisions of the act to which this is a supplement.

*1808, ch. 33.

Conditions.

Approved, January 12, 1809.

Statute II.

Jan. 30, 1809.

[Obsolete.]

Congress to meet on the fourth Monday of May, 1809.

Chap. X.—*An Act to alter the time for the next meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

Approved, January 30, 1809.

Statute II.

Jan. 31, 1809.

[Obsolete.]

President authorized to man and fit out certain frigates.

Chap. XI.—*An Act authorizing the employment of an additional naval force.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the frigates now employed in actual service, there be fitted out, officered and manned, as soon as may be, the four following frigates, to wit: the *United States, Essex, John Adams,* and *President:* and moreover the President of the United States is hereby authorized and empowered to equip, man, and employ in actual service, so many of the public armed vessels, now laid up in ordinary, and gun boats, as in his judgment the public service may require; and to cause the frigates, and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the sea coast as he may deem most expedient, or to cruise on any part of the coast of the United States or the territories thereof.

And other public vessels. 1809, ch. 17, sec. 2.

President authorized to employ an additional number of seamen.

Sec. 2. *And be it further enacted,* That for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and he is hereby authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen and boys, who shall be engaged to serve for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum not exceeding four hundred thousand dollars, be, and the same is hereby appropriated, and shall be paid out of any monies in the treasury, not otherwise appropriated.

Appropriation.

Approved, January 31, 1809.

Statute II.

Feb. 3, 1809.

Act of May 7, 1800, ch. 41.

Act of March 2, 1801, ch. 16.

Chap. XIII.—*An Act for dividing the Indiana Territory into two separate governments.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first

(*a*) Acts for the establishment and government of the Indiana territory:—

An act to divide the territory of the United States northwest of the river Ohio, into two separate governments, May 7, 1800, chap. 41.

An act supplementary to "an act to divide the territory northwest of the river Ohio, into two separate governments," March 2, 1801, chap. 16.

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35.

An act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 13.

An act extending the right of suffrage in the Indiana territory, February 26, 1808, chap. 24.

An act for dividing the Indiana territory into two separate governments, February 3, 1809, chap. 13.

An act extending the right of suffrage in the Indiana territory, and for other purposes, February 27, 1809, chap. 19.

An act to extend the right of suffrage in the Indiana territory, and for other purposes, March 3, 1811, chap. 38.

An act supplementary to the act entitled, "An act giving further time to the purchasers of public lands northwest of the river Ohio, to complete their payments," July 6, 1812, chap. 134.

An act for the regulation of the courts of justice in Indiana, February 24, 1815, chap. 54.

day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

Act of Feb. 26, 1808, ch. 20.

Indiana territory divided, and the Illinois formed.

Sec. 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, intituled "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages, granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

A government similar to that provided for the Northwest territory provided.

1789, ch. 8.

Sec. 3. *And be it further enacted*, That the officers for the said territory, who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana territory. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

Officers' duties, &c. &c.

Proviso.

Sec. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Illinois territory, whenever satisfactory evidence shall be given to the governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

Ordinance for the government of the Northwest territory to be in force in the Illinois.

Sec. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

Government of Indiana, how affected by this act.

Sec. 6. *And be it further enacted*, That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for

Suits, &c. &c. how disposed of.

An act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, April 19, 1816, chap. 57.

An act supplemental to the act entitled, "An act defining the duties of the judges of the territory of Illinois, and for vesting in the courts of the territory of Indiana a jurisdiction in chancery cases arising in the said territory," April 29, 1816, chap. 154.

trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Arrearages of taxes on land in the Illinois territory still to be paid.

Sec. 7. *And be it further enacted,* That nothing in this act contained shall be so construed as to prevent the collection of taxes, which may on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

Kaskaskia to be the seat of government.

Sec. 8. *And be it further enacted,* That until it shall be otherwise ordered by the legislature of the said Illinois territory, Kaskaskia on the Mississippi river, shall be the seat of government for the said Illinois territory.

Approved, February 3, 1809.

Statute II.

Feb. 4, 1809.

[Obsolete.]

Act of March 23, 1804, ch. 31.
Act of Feb. 24, 1807, ch. 16.
Act of March 22, 1808, ch. 38.

Chap. XIV.—*An Act supplementary to the act, intituled "An act to amend the act, intituled An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee and Ohio."*

Process, how to be issued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all actions or suits that were pending in the circuit courts of the United States for the district of Tennessee, established by an act, intituled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," in which any judgment or decree was rendered, or any sentence passed previous to the passage of the act, intituled "An act to amend the act, intituled An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," the clerk of the circuit court of the United States for the district of East Tennessee be, and he is hereby authorized and directed to issue executions, and all other process necessary for carrying the same into complete effect, in the same manner as if the said last mentioned act had not passed; which executions and other process shall be directed to the marshal of either of the districts of East or West Tennessee, in which the party against whom the same shall issue may reside, or his property may be found, who shall execute and return the same, in like manner he would have done if the act to which this is a supplement had not passed, and shall receive the same fees as are by law allowed for similar services in other cases.

To whom directed.

Sessions of the Kentucky district courts.

Sec. 2. *And be it further enacted,* That the next session of the district court of the United States, for the district of Kentucky, shall be holden on the second Monday in May next, and that the session of the said court heretofore holden on the first Monday in June, annually, shall thereafter be holden annually, on the second Monday in May.

Writs, &c. &c. to be continued over, &c. &c.

Sec. 3. *And be it further enacted,* That all writs and process, which shall have been issued, or may hereafter issue, and all recognizances returnable, and all suits and other proceedings of what nature or kind soever, which have been continued to the said district court on the first Monday in June next, from the last December term, shall be returned and held continued to the said second Monday in May next.

Approved, February 4, 1809.

Statute II.

Feb. 10, 1809.

[Obsolete.]

Chap. XV.—*An Act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi, the canal of Carondelet.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of com-

pleting the fortifications commenced for the security of the seaport towns and harbors of the United States and territories thereof, exclusive of the contemplated line of blocks and chains across the harbor of New York, there be, and hereby is appropriated the sum of four hundred and fifty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated. Appropriation.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to cause the canal of Carondelet, leading from Lake Ponchartrain, by way of the Bayou St. John, to the city of New Orleans, to be extended to the river Mississippi, and made sufficiently deep throughout to admit an easy and safe passage to gun boats, if, upon survey thereof, he shall be convinced that the same is practicable, and will conduce to the more effectual defence of said city; and that for the purpose of defraying the expense thereof, there be, and hereby is appropriated the sum of twenty-five thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated. Canal of Carondelet, to be made under the direction of the President. Appropriation.

Approved, February 10, 1809.

Statute II.

Chap. XVI.—*An Act to revive and continue for a further time, the authority of the Commissioners of Kaskaskia.* Feb. 15, 1809.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers heretofore vested in the register and receiver of public monies for the district of Kaskaskia be, and the same are hereby revived; and the said register and receiver shall be allowed until the first day of January next, to complete the investigation of claims to land in said district; they shall have full power to revise any of their former decisions, and also the same power and authority in relation to claims to land in the village of Pioria; notices of which have heretofore been filed as they have in relation to other claims in the said district; and the said register and receiver, and the clerk of the board, shall each be allowed an additional compensation of five hundred dollars, in full for his services in relation to such claims. Powers vested in the register and receiver of Kaskaskia revived and continued to Jan. 1, 1810. 1806, ch. 40.

Approved, February 15, 1809.

Statute II.

Chap. XVII.—*An Act to incorporate a company for opening the Canal in the City of Washington.* Feb. 16, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Brent, Samuel N. Smallwood, Daniel Carroll of Duddington, John Law, William Brent, Frederick May, Elias B. Caldwell, James D. Barry, Griffith Coombe, and George Blagden, or any five of them be, and they are hereby appointed commissioners to open, or cause to be opened, a book for receiving and entering subscriptions for raising a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, and that one month's notice be given in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time and place of opening the said subscription book, and that the same be kept open until the sum of forty thousand dollars be subscribed: *Provided,* that no subscription shall be received unless the sum of ten dollars be paid into the hands of the persons authorized to receive the same, on each share subscribed for. Commissioners, &c. appointed for receiving subscriptions.

Sec. 2. *And be it further enacted,* That as soon as the aforesaid sum of forty thousand dollars be subscribed, the said commissioners, or any Stockholders to have a meet-

ing and appoint directors, &c.

five of them, shall call a meeting of the stockholders at the city of Washington, by advertisement in one of the newspapers printed in Washington, Georgetown, and Alexandria, appointing a fit and convenient time and place of meeting; and the said stockholders shall proceed in person, or by proxy, to the election, by ballot, of a president and six directors for conducting the said undertaking, and managing the business of the company, for and during the term of one year from the time of their appointment.

Style of the company.

Sec. 3. *And be it further enacted,* That the said stockholders and their successors, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated by the name of the "Washington Canal Company," and by that name may sue and be sued, implead and be impleaded, answer and be answered, and may make all necessary by-laws and regulations for the proper management of the business of the company: *Provided,* that the same be not contrary to the laws of the United States, or the laws in force in the district of Columbia.

Proviso.

Term of service of the directors, &c. &c.

Sec. 4. *And be it further enacted,* That the said president and directors shall continue in office one year from the time of their election, and the directors may fill any vacancy which may happen in their own body during the term for which they were elected, and in case of the death, resignation or disqualification of the president, they may elect a president to serve for the residue of the term; and the said stockholders, in one year after the day on which the election of president and directors shall be first made, and on the same day in every year thereafter, (except the same shall happen on Sunday, in that case on the day succeeding) shall elect by ballot from among the stockholders one person as president, and six persons as directors; and the president and directors, for the time being, shall give public notice in one of the newspapers printed in Washington, Georgetown, and Alexandria, for a new election, at least ten days previous to the expiration of the time for which they were elected; and each stockholder shall be allowed one vote for every share by him or her held at the time in said company; and any stockholder, by a written authority, under his or her hand, and executed in the presence of two witnesses, may depute any other stockholder to vote and act as proxy for him or her at any general meeting.

Powers of the directors of the Washington Canal Company.

Sec. 5. *And be it further enacted,* That the said president and directors so elected, and their successors, shall be, and they are hereby authorized and empowered to agree with any person or persons, on behalf of said company, to cut the canal, as laid down on the plan of the city of Washington, erect such locks, and perform such other works as they shall judge necessary, for opening the canal aforesaid, and the forks thereof; and out of the monies arising from subscriptions, wharfage and tolls, to pay for the same; and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

Treasurer of the company to give bond, &c.

Sec. 6. *And be it further enacted,* That the treasurer of the said company shall, before he acts as such, give bond to the company in such penalty, and with such security as the said president and directors shall direct, conditioned for the faithful performance of the duties of his office.

Stockholders to pay up the remaining nine tenths of their shares, &c. &c.

Sec. 7. *And be it further enacted,* That the said president and directors so elected, and their successors, shall have full power and authority to demand and receive of the stockholders, in equal proportions, the remaining nine tenths of the shares, from time to time, as they shall judge necessary; and if any of the stockholders shall neglect or refuse to pay their proportions, within one month after the same shall have been ordered, the share or shares of such defaulter shall be forfeited: *Pro-*

vided, that notice shall be given, by advertisement, in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time when the same shall be ordered to be paid.

Proviso.

Sec. 8. *And be it further enacted*, That the said company shall not begin to collect wharfage or tolls, until the canal is made navigable for boats and scows drawing three feet water to pass through the same, from the Potomac river to the eastern branch thereof: And if at any time the said canal shall become obstructed, so that boats and scows drawing three feet water cannot pass through the same, from the Potomac river to the Eastern branch thereof, it shall not be lawful for the said company to collect any wharfage or tolls, until such obstruction shall have been removed.

When tolls shall be receivable.

Sec. 9. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation that he will well and faithfully discharge the duties of his office; and any four of the directors, with the president, shall constitute a quorum for transacting any business of the company.

President and directors to be sworn.

Sec. 10. *And be it further enacted*, That the shares in the said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct, and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from any such individual, in like manner as other personal property may be.

Shares to be personal property—made liable to executions, as such.

Sec. 11. *And be it further enacted*, That there shall be a general meeting of the stockholders on the first Monday in June, and the first Monday in December, in every year, in the city of Washington, to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings; and on finding them justly and fairly stated, the stockholders then present, or a majority of them, shall give a certificate thereof; and at such half yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered, and made to and among all the stockholders of the said company, in proportion to their several shares: *Provided*, that if the nett profits shall, in any year, exceed fifteen per centum on the sum actually expended by the said company, in opening the said canal, and completing the same, the fifteen per centum only of the nett profits shall be divided among the stockholders, and the excess shall be paid to the mayor and city council of the city of Washington, for the use of the said city.

Annual meetings to be held of the stockholders.

Dividends to be made.

Proviso.

Sec. 12. *And be it further enacted*, That for and in consideration of the expenses the said stockholders shall incur in cutting the canal, erecting locks, and in maintaining and keeping the same in repair, and in the enlargement and improvement of the same, the said company is hereby authorized to collect on all articles and materials landed on each side of the canal, from on board any boat or scow, or placed on either side of the said canal, for the purpose of being taken therefrom by any boat or scow, according to such rates as the president and directors may, from time to time, by their by-laws, order and direct: *Provided*, that the said rates shall, at no time hereafter, and in no particular, exceed the rates which are, or may be established by the owners of wharves in the city of Washington. And it shall and may be lawful for the said company to demand and receive, at the most convenient place, for all articles carried through the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat or scow twenty-five cents; for each barrel of flour two cents; for each barrel of beef or pork two cents; for each barrel of whiskey or brandy three cents; for each hogshead or pipe six cents; and upon all other articles, packages and com-

Tolls.

Proviso.

modities, one sixth part of the amount of tolls allowed by law to be received by the Potomac Company, at the Great Falls of the river Potomac. And the said company shall also have the exclusive right to establish a packet boat or boats upon the said canal for carrying passengers, and no other packet boat or boats, but such as are established or permitted by them, shall be allowed to carry passengers through the same for hire.

Public property free of toll.

Sec. 13. *Provided always, and be it further enacted,* That all public property shall pass through the said canal free of toll, and also, that in case the said canal and one of the forks thereof, shall not be completed within the term of seven years from the passage of this act, in such manner as to admit boats and scows drawing three feet water to pass through the same, that the said canal shall revert to the United States, and all right and authority hereby granted to the said company shall cease and determine.

Limitation of the time when the canal shall be finished.

Bridges may be erected over the canal.

Sec. 14. *And be it further enacted,* That the said company shall, from time to time, whenever and wherever the mayor and city council shall order and direct, suffer bridges to be erected across the canal, and shall suffer the same when erected to be repaired: *Provided,* that every bridge so erected, shall be at least six feet above high water mark.

Proviso.

Annual statement of the receipts and expenditures to be laid before Congress.

Sec. 15. *And be it further enacted,* That the president and directors of said company, after the said canal shall be opened and made passable for boats and scows drawing three feet water, shall annually, in the month of January, lay before the Congress of the United States, a just and true account of their receipts and expenditures, with a statement of the clear profits thereof.

Approved, February 16, 1809.

Statute II.

Feb. 17, 1809.

[Obsolete.]

Chap. XVIII.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand, four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-eight thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and nine, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

1806, ch. 41.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first day of April, one thousand eight hundred and six, thirteen thousand five hundred and sixty dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

Specific appropriations.

For printing and distributing the laws of the second session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with dispatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand dollars, for clerk hire, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

For expense of stationery, printing and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery, printing and all other incidental and contingent expenses in the register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For defraying the expense of printing and stating the public accounts for the year one thousand eight hundred and nine, one thousand two hundred dollars.

For the purchase of books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and nine, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks,

Specific appropriations.

and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, two thousand eight hundred dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for expense of stationery, store rent and fuel for the said office, including the sum of five hundred dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, five thousand one hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

1806, ch. 41.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of one thousand five hundred and forty-five dollars, for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. pertaining to the Postmaster-General's office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several commissioners of loans, and for allowances to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, and for stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, twelve hundred dollars.

The assayer, fifteen hundred dollars.

The chief coiner, fifteen hundred dollars.

The melter and refiner, fifteen hundred dollars.

The engraver, twelve hundred dollars.

One clerk, at seven hundred dollars.

And two clerks, at five hundred dollars each, one thousand dollars.

For wages to the persons employed in the different branches of melting, coining, carpenter's, millwright's and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron-work, and of six hundred dollars per annum, allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cast-rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, three thousand, two hundred dollars.

Specific appropriations.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said territory, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, seven thousand eight hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

1806, ch. 41.

For additional compensation to the clerks in the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents.

For compensation granted by law to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia, to the attorney-general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensations granted to the marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Orleans, including the compensation allowed to the marshals of New Jersey and North Carolina, for the three last quarters of the year one thousand eight hundred and eight, by the act of the twenty-fifth of February, one thousand eight hundred and eight, two thousand six hundred and fifty dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred

Specific appropriations.

and nine, to the fourth day of March, one thousand eight hundred and ten, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars and shoals, and certain contingent expenses, seventy-nine thousand and thirty-nine dollars and forty cents.

For erecting two lighthouses on Long Island sound, one on Watch-hill point, and the other on Sands or Watch point, the following sums, that is to say: the sum of two thousand six hundred and thirty-seven dollars and fifty cents, balance of a former appropriation for these objects carried to the "surplus fund," and the further sum of five thousand seven hundred dollars, in addition to the appropriations heretofore made for the same objects.

For placing buoys and beacons on or near the shoals and rocks in the channel leading into the harbor of Salem, in the state of Massachusetts, in addition to the sums heretofore appropriated for that purpose, sixty-seven dollars and twenty-nine cents.

For re-building two lighthouses on Plumb island, in the state of Massachusetts, ten thousand dollars.

For defraying the expenses of surveying the public land, within the several territories of the United States, eighteen thousand two hundred and forty dollars.

For expenses of the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, ten thousand dollars.

For the expense of taking the second census of the United States, being the balance of a former appropriation for that object, and carried to the surplus fund, thirteen thousand eight hundred and ninety dollars and ninety-six cents.

For the expense of returning the votes of President and Vice President of the United States, for the term commencing on the fourth day of March, one thousand eight hundred and nine, one thousand five hundred and ninety-three dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For the contingent expenses of intercourse with foreign nations, seventy-five thousand dollars.

For the expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the expenses of prosecuting claims in relation to captures, six thousand dollars.

1806, ch. 19.

For defraying the expenses of regulating, laying out, and making a road from Cumberland, in the state of Maryland, to the state of Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, the balance of a former appropriation made by the aforesaid act, for that object, having been carried to the surplus fund, sixteen thousand and seventy-five dollars and fifteen cents.

1806, ch. 41.

For defraying the expense of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of North latitude, agreeably to an act of Congress, passed on the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, two thousand four hundred

dollars, and a further sum of five thousand dollars, in addition to the sums heretofore appropriated for that object.

Specific appropriations.

For defraying the expense of opening a road or roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line, which was established by the treaty of Greenville, agreeably to the last above recited act; the balance of a former appropriation made for that object having been carried to the surplus fund, one thousand eight hundred dollars and forty-eight cents.

For defraying the expense of opening a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory, agreeably to the aforesaid act of the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, three thousand dollars.

1806, ch. 41.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted, in due course of settlement, at the treasury, four thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

1790, ch. 34.

Approved, February 17, 1809.

Statute II.

Chap. XIX.—*An Act extending the right of suffrage in the Indiana territory, and for other purposes.*(a)

Feb. 27, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the citizens of the Indiana territory, entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States: any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

Delegates to Congress, by whom to be elected, and when.

1809, ch. 13.

Sec. 2. *And be it further enacted*, That the sheriffs of the several counties which now are, or may hereafter be established in the said territory respectively, shall, within forty days next after an election for a delegate to Congress, transmit to the secretary of the territory a certified copy of the returns from the several townships in their counties respectively. And it shall be the duty of the governor, for the time being, to give to the person having the greatest number of votes, a certificate of his election.

Returns of the election, how to be made.

Sec. 3. *And be it further enacted*, That so soon as the governor of the said territory shall divide the same into five districts, the citizens thereof entitled to vote for representatives to the said general assembly, shall, in each of the said districts, elect one member of the legislative council, who shall possess the same powers heretofore granted to the legislative council in the said territory, and shall hold their offices four years, and no longer; any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

Representatives to the legislative council, how to be chosen.

Sec. 4. *And be it further enacted*, That the general assembly of the said territory shall have power to apportion the representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants, above the age of twenty-one years, in such counties: *Provided*, that there be not more

General assembly to apportion the representatives.

Proviso.

(a) See notes to act of February 3, 1809, chap. 13.

than twelve, nor less than nine, of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants, above the age of twenty-one years, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

Approved, February 27, 1809.

Statute II.

Feb. 28, 1809.

Chap. XX.—*An Act freeing from postage all letters and packets to Thomas Jefferson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to Thomas Jefferson, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

Approved, February 28, 1809.

Statute II.

Feb. 28, 1809.

Act of March 3, 1803, ch. 27.
Act of March 27, 1804, ch. 61.
Act of March 2, 1805, ch. 24.
Act of Jan. 19, 1808, ch. 10.
Act of April 27, 1816, ch. 123.

Spanish grants, how to be established.

Chap. XXII.—*An act for the disposal of certain tracts of land in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated, and to confirm the claims of Abraham Ellis and Daniel Harregal.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several tracts of land, in the Mississippi territory, the titles to which have been derived under Spanish claims and which have been disallowed by the boards of commissioners east and west of Pearl river, on suspicion of the grants, warrants or orders of survey, on which the claims are grounded, being antedated or otherwise fraudulent, and which are embraced in the report of the said boards of commissioners, laid before Congress, agreeable to the third section of an act, intituled, "An act supplementary to the act intituled An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions, as have been, or may be by law provided for the sale of the other public lands in the said territory; and any person or persons claiming under a Spanish grant, warrant or order of survey as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: *Provided,* such claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the United States, or in case the same is now inhabited and cultivated, in virtue of a pre-emption right, within one year from and after the passing of this act; and if any person or persons, claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner and within the time prescribed by this section, or shall be non-suit or discontinue the same, his or their right to commence such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

Proviso.

Grants to be valid, must have been surveyed before the 27th October, 1795.

Sec. 2. *And be it further enacted,* That if the person or persons claiming under such grant, warrant or order of survey, shall make it appear to the satisfaction of the court, before whom such suit or action shall be pending, that the tract of land therein specified, was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then, and in that case, the same shall be deemed and held to be good and valid, to all intents and purposes, any thing in this act to the contrary notwithstanding: But in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to

have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

Parole evidence lawful for supporting or invalidating grants.

Sec. 3. *And be it further enacted*, That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or any other court, for the recovery of the same land or any part thereof.

Abraham Ellis confirmed in his title to a tract of land.

Sec. 4. *And be it further enacted*, That Abraham Ellis be, and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor-general of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

Daniel Harregal also confirmed in his title.

Sec. 5. *And be it further enacted*, That Daniel Harregal be and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land-office, west of Pearl river, in the Mississippi territory.

Approved, February 28, 1809.

Statute II.

Feb. 28, 1809.

Chap. XXIII.—*An Act for the relief of certain Alibama and Wyandott Indians.*

President to cause a tract of land in the Orleans territory to be laid off for the Alibama Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be surveyed and designated by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the territory of Orleans, and west of the river Mississippi, and by lease vest the said tract of land in a certain tribe of Alibama Indians and their descendants, for the term of fifty years: *Provided nevertheless*, that it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer, or assignment, shall be null and void: *And provided also*, that if the said tribe of Indians shall remove from the said tract of land, their interest in, and to, the same shall thenceforth cease and determine.

Proviso.

Proviso.

Secretary of the Treasury to cause two tracts of land in Michigan to be laid off for the Wyandotts.

Sec. 2. *And be it further enacted*, That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brown's town, and the other the village called Maguaga in the possession of the Wyandott tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandotts, and their descendants, and be secured to them in the same manner, and on the same terms and conditions as is provided in relation to the Alibama Indians, by the first section of this act.

Approved, February 28, 1809.

Statute II.

March 1, 1809.

[Expired.]

Act of June 28, 1809, ch. 9.

Entrance of the ports and harbors of the U. States forbidden to the public vessels of England and France, after March 1, 1809.

Chap. XXIV.—*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessaries.

Sec. 2. *And be it further enacted,* That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

Penalties, from 100 to 10,000 dollars.

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. United States *v.* John Tyler, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. The Brig Penobscot *v.* The United States, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercouse act; re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. The schooner Hoppet *v.* The United States, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. The schooner Anne *v.* The United States, 7 Cranch, 570.

The non-intercourse act of 28th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. The ship Richmond *v.* The United States, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. The cargo of the ship Fanny, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 3d section of the act of 28th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. The Edward, Scott claimant, 1 Wheat. 261; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. The Sally and cargo, 1 Gallis. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. *Ibid.*

also be imprisoned for a term not less than one month, nor more than one year.

After the 20th May, all vessels under the flag of Great Britain or France interdicted.

Sec. 3. *And be it further enacted*, That from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the territories thereof be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction, and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

Any vessel under the flag of Great Britain or France shall be forfeited, and if with a cargo, the same to be forfeited.

Importation of goods, &c. &c. from England and France and their dependencies forbidden.

Sec. 4. *And be it further enacted*, That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof, any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares or merchandise whatever, being of the growth, produce or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided*, that nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

Vessels excepted which cleared for any port beyond the Cape of Good Hope prior to December 22, 1807.

Forfeiture of prohibited articles, &c. &c.

Sec. 5. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles.

With treble damages.

Articles prohibited to be forfeited if put into vessels, &c. &c. destined for the U. States after 20th May, 1809.

Sec. 6. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat,

Treble the value of articles.

raft or carriage, such ship or vessel, boat, raft or carriage shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

Prohibited articles not contained in manifest, or included in entry to be forfeited arriving after 20th May, 1809.

Sec. 7. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board of any ship or vessel, boat, raft or carriage, arriving after the said twentieth of May next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import in relation to articles liable to duties on their importation into the United States.

Powers of the collector, &c. &c. with respect to seizures.

Sec. 8. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now have by law in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

Persons concealing goods liable to forfeiture.

Additions to the oaths on importation.

Sec. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the twentieth of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, *(insert the denomination and name of the vessel)* any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

Oaths and affirmations to be taken by importers, &c.

Form of oath or affirmation.

Sec. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. "I also swear, (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district."

President may cause by proclamation a renewal of intercourse.

Sec. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended

by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, that all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act.

All penalties and forfeitures incurred to be collected.

Vessels bound to foreign ports not to trade with prohibited ports.

Sec. 12. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been or may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

Embargo raised, except as to England and France, after March 15, 1809.

Act of Dec. 22, 1807, ch. 5.

Act of Jan. 8, 1808, ch. 6.

Proviso, that the repeal of these acts shall not release from penalties and forfeitures incurred.

Sec. 13. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, intituled "An act to enforce and make more effectual an act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above mentioned bond shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss at sea.

Bonds to be given when vessels are bound to permitted ports, that the cargoes shall not be landed in any other places, &c. &c.

Act of Jan. 9, 1809, ch. 5.

Sec. 14. *And be it further enacted*, That so much of the act laying

Certain restrictions with respect to coasting vessels taken off.

No coasting vessel to depart without producing bond.

an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided however*, that all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts, as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

Distribution of penalties.

Regulations respecting coasting vessels bound to foreign ports.

Sec. 15. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall, with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

Proviso, in favour of vessels whose employment has been confined to rivers.

Penalties, &c. &c.

Vessels departing without giving bond.

Sec. 16. *And be it further enacted*, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

Non-importation acts repealed.

Act of April 18, 1806, repealed.

Proviso.

Sec. 17. *And be it further enacted*, That the act to prohibit the importation of certain goods, wares and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of the said acts shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

Penalties and forfeitures.

Sec. 18. *And be it further enacted*, That all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for,

prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated or remitted, in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

Recovery and mitigation of.

Act of March 2, 1799, ch. 22.

Act of March 3 1797, ch. 13.

1800, ch. 6.

Sec. 19. *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; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

Continuance of this act.

Repeal of the embargo acts.

Approved, March 1, 1809.

Statute II.

March 2, 1809.

[Obsolete.]

Chap. XXV.—*An Act making provision for the further accommodation of the household of the President of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he is hereby authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of any money in the treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Fourteen thousand dollars appropriated.

Approved, March 2, 1809.

Statute II.

March 2, 1809.

[Obsolete.]

Act of April 30, 1810, ch. 35.

Further time allowed for completing payments to those who purchased lands.

Chap. XXVI.—*An Act to extend the time for making payment for the public lands of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who hath heretofore purchased any of the public lands of the United States, at any of the land-offices established for the disposal of the said lands, whether such purchase was made at public or private sale (sales by virtue of a pre-emption right only excepted), and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to

Arrears of interest to be paid.

Payment of the residue with interest.

say :—First, That all the arrears of interest, on the land purchased, to the end of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, That the residue of the sum, due on account of the principal of such purchase, shall be paid with interest thereon, in two equal annual payments, viz. one half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due.

Penalty on failure to pay arrears of interest, &c.

And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

Act of April 30, 1810, ch. 36.

Approved, March 2, 1809.

Statute II.

March 2, 1809.

Chap. XXVII.—*An Act further to amend the Judicial System of the United States.*

Circuit court of the U. States to perform the duties of the district courts, in cases of the disability of the district judges.

Justices of the supreme court to direct the clerk of the district court to certify to the next circuit court all actions, &c. depending in the district court.

Notice to be published.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the disability of the district judge of either of the districts of the United States to hold a district court, and to perform the duties of his office, and satisfactory evidence thereof being shown to the justice of the supreme court, allotted to that circuit in which such district court ought by law to be holden; and on application of the district attorney or marshal of such district in writing to the said justice of the supreme court, said justice of the supreme court shall thereupon issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be holden in said district, all actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, that may be depending in said district court and undetermined, with all the proceedings thereon, and all files and papers relating thereto; which said order shall be immediately published in one or more newspapers, printed in said district, and at least thirty days before the session of such circuit court, and shall be deemed a sufficient notification to all concerned. And the said circuit court shall thereupon have the same cognizance of all such actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, and in the like manner as the district court of said district by law might have, or the circuit court, had the same been originally commenced therein; and shall proceed to hear and determine the same accordingly; and the said justice of the supreme court during the continuance of such disability shall moreover be invested with and exercise all, and singular, the powers and authority, vested by law in the judge of the district court in said district. And all bonds and recognizances taken for or returnable to such district court shall be construed and taken to be to the circuit court, to be holden thereafter, in pursuance of this act, and shall have the same force and effect in such circuit court, as they could have had in the district court to which they were taken: *Provided*, that nothing in this act contained shall be so construed as to require of the judge of the supreme court within whose circuit such district may lie, to hold any special court, or court of

Justice of the supreme court to exercise the powers of district judge during disability of the district judge.

Nothing in this act shall require the judge of the supreme court to hold any special court or court of admiralty at any other time than the legal time of

admiralty, at any other time than the legal time for holding the circuit court of the United States in and for such district.

the session of the circuit court.

Sec. 2. *And be it further enacted,* That the clerk of such district court shall, during the continuance of the disability of the district judge, continue to certify as aforesaid, all suits or actions of what nature or kind soever, which may thereafter be brought to such district court, and the same transmit to the circuit court next thereafter to be holden in the same district; and the said circuit court shall have cognizance of the same in like manner as is herein before provided in this act, and shall proceed to hear and determine the same: *Provided nevertheless,* that when the disability of the district judge shall cease or be removed, all suits or actions then pending and undetermined in the circuit court, in which by law the district courts have an exclusive original cognizance, shall be remanded, and the clerk of the said circuit court shall transmit the same, pursuant to the order of said court, with all matters and things relating thereto, to the district court next thereafter to be holden in said district, and the same proceedings shall be had therein in said district court as would have been, had the same originated or been continued in the said district court.

Duties of the district clerks under this act.

Process &c. &c.

On the ceasing of the disability of the district judge, all causes shall be remanded to the district court.

Sec. 3. *And be it further enacted,* That in case of the district judge in any district being unable to discharge his duties, as aforesaid, the district clerk of such district shall be authorized and empowered, by leave or order of the circuit judge of the circuit in which such district is included, to take, during such disability of the district judge, all examinations and depositions of witnesses, and make all necessary rules and orders preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

District clerks during the disability of the judges, to take examinations, make rules, &c. &c.

Approved, March 2, 1809.

Statute II.

March 3, 1809.

Chap. XXVIII.—*An Act further to amend the several acts for the establishment and regulation of the Treasury, War and Navy departments.*

Act of May 8, 1792, ch. 37.
Act of March 3, 1795, ch. 48.
Act of April 21, 1808, ch. 48.
Act of March 3, 1817, ch. 45.
Act of May 1, 1820, ch. 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the monies paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public monies, shall render distinct accounts of the application of such monies according to the appropriation or appropriations under which the same shall have been drawn, and the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided nevertheless,* that during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion

Warrants to be charged to the distinct appropriations on which they are founded.

Payments to be charged to specific appropriations.

Separate accounts to be rendered to Congress by the officers.

The President during the recess of Congress may order a portion of the monies appro-

priated for a particular branch of expenditure to be applied to another branch of expenditure in the same department; this application to be laid before Congress.

of the monies appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department, in which case a special account of the monies thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

Comptroller of the treasury authorized to cause the settlement of certain accounts.

Sec. 2. *And be it further enacted*, That it shall be the duty of the comptroller of the treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized to direct the auditor of the treasury, and the accountants of the war and navy departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the treasury, war or navy departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

Annual statement to be laid before Congress by the comptroller of certain delinquencies.

Agents for the purchase of supplies and making of contracts, and disbursements.

Sec. 3. *And be it further enacted*, That exclusively of the purveyor of public supplies, paymasters of the army, pursers of the navy, military agents, and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner, of monies for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, that the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided*, that the compensation allowed to either shall not exceed one per centum on the public monies disbursed by him, nor in any instance the compensation allowed by law to the purveyor of public supplies.

The President may during the recess of the Senate appoint agents and fix the number and compensation.

Limitation of the compensation.

Agents, &c. to give bonds.

Sec. 4. *And be it further enacted*, That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, shall, whenever practicable, keep the public monies in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and shall make monthly returns in such form as may be prescribed by the treasury department, of the monies received and expended during the preceding month, and of the unexpended balance in their hands.

To keep the public money in banks, &c. &c.

Purchases and contracts, how to be made, &c. &c.

Sec. 5. *And be it further enacted*, That all purchases and contracts for supplies or services which are or may, according to law, be made by or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: And an annual statement of all such contracts and purchases, and also of the expenditure of the monies appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous

An annual statement of contracts and purchases to be laid before Con-

claims not otherwise provided for, and paid at the treasury, shall be laid before Congress at the beginning of each year, by the secretary of the proper department.

gress at the beginning of each year.

Approved, March 3, 1809.

Statute II.

Chap. XXIX.—*An Act making a further appropriation towards completing the two wings of the Capitol at the city of Washington, and for other purposes.*

March 3, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, that is to say:

Specific appropriations.

For improvements and repairs of the House of Representatives, six thousand dollars.

For completing the work in the interior of the north wing, comprising the Senate chamber, court room, &c. &c. twenty thousand dollars.

For completing the staircase, and providing temporary and adequate accommodations for the library, in the room now used for that purpose, and in the one in which the Senate now sit, five thousand dollars.

For improvements and repairs of the President's house and square, including a carriage house, twelve thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums of money hereby appropriated shall be paid out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1809.

Statute II.

Chap. XXX.—*An Act supplementary to the act intituled "An act to amend the charter of Georgetown."*

March 3, 1809.

Boundaries of Georgetown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following shall, and are hereby declared to be the limits of Georgetown, in the district of Columbia, any law or regulation to the contrary notwithstanding, that is to say: beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near to the bank of the river Potomac; thence by a straight line drawn northernly through the middle of said street to the middle of First street; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now enclosed as the property of the college; thence northernly by the eastern line of said enclosure as far as the same extends; thence in the same northernly direction to the middle of Fourth street; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street; thence northernly by a line drawn parallel to Fayette street at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary line of Beatty and Hawkins' addition to Georgetown; thence westwardly by said boundary line as far as it extends; thence by the courses and distances of the several other boundary lines of Beatty and Hawkins' addition aforesaid, that is to say: westwardly, northwardly, eastwardly and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street; thence eastwardly by a line drawn through the middle of Road street, as it now runs, and as far as it extends; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock creek; thence by the middle of the same creek and the middle of the Potomac river to a

point directly opposite to the middle of College street aforesaid; thence to the place of beginning.

Corporation of Georgetown to cause a survey to be made of the town.

Sec. 2. *And be it further enacted*, That the corporation of Georgetown be, and they are hereby authorized and directed to cause a complete and accurate survey to be made of the said town agreeably to the courses and limits prescribed in the preceding section of this act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said town, and after the said survey shall have been so made, and approved by the corporation, the same shall be admitted to record in the clerk's office for the county of Washington in the district of Columbia.

To be recorded in the clerk's office of Washington county.

Rights and powers formerly granted to the corporation, to be exercised by them.

Sec. 3. *And be it further enacted*, That all the rights, powers and privileges heretofore granted to the said corporation by the general assembly of Maryland, and by the act to which this is a supplement, and which are at this time claimed and exercised by them, shall be and remain in full force and effect, and may and shall be exercised and enjoyed by them within the bounds and limits set forth and described in the first section of this act.

Corporation of the town may lay out streets, &c. &c.

Regulations for opening streets, &c.

Sec. 4. *And be it further enacted*, That the said corporation shall have power to lay out, open, extend and regulate streets, lanes and alleys, within the limits of the town, as before described, under the following regulations, that is to say: the mayor of the town shall summon twelve freeholders, inhabitants of the town, not directly interested in the premises, who, being first sworn to assess and value what damages would be sustained by any person or persons by reason of the opening or extending any street, lane or alley, (taking all benefits and inconveniences into consideration) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street, and shall also declare to what amount in money each individual benefited thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension: and the names of the person or persons so benefited, and the sums which they shall respectively be obliged to pay, shall be returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefited by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them, with interest thereon at the rate of six per cent. per annum, from the time limited for the payment thereof until paid; and the sums of money assessed and charged in manner aforesaid to each individual benefited in manner aforesaid, shall be a lien upon and bind all the property so benefited to the full amount thereof: *Provided always*, that no street, lane, or alley, shall be laid out, opened or extended, until the damages assessed to individuals in consequence thereof shall have been paid, or secured to be paid: *And provided also*, that nothing in this act contained shall be so construed or understood as to authorize the corporation of Georgetown to locate, lay out, or open any street, lane, alley or other way, through any of the squares or lots situated in that part of Thomas Beall's second addition to Georgetown, which lies north of Back street, without the consent and permission of the owner or proprietor of such square or lot, first had and obtained in writing, which consent and permission shall be acknowledged in the presence of, and such acknowledgment certified by the mayor of the town aforesaid, or some justice of the peace for the county of Washington.

Proviso.

The recorder to be a member of the corporation.

Sec. 5. *And be it further enacted*, That the recorder of the corporation shall be, and he is hereby declared to be a member of the board of aldermen, to all intents and purposes whatsoever.

Approved, March 3, 1809.

Statute II.
March 3, 1809.

Chap. XXXI.—*An Act to authorize the making of a Turnpike Road from Mason's Causeway, to Alexandria.*

Commissioners to be appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Mason, David Wiley, Henry Foxall, John Cox and John W. Bronaugh, be, and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books as they may deem proper, by themselves, or by their agents, subscriptions for raising a capital stock of twenty thousand dollars in shares of one hundred dollars each, for the purpose of opening, gravelling and improving a road from the west end of Mason's causeway to Alexandria, in the district of Columbia, the times, places, and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons, in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints as they may deem expedient: *Provided,* that the books for receiving and entering subscriptions shall be opened on or before the first day of May next, and that no subscription shall be received unless the sum of ten dollars be first paid into the hands of such agent or other person as said commissioners may authorize to receive it.

Directors to be appointed.

Sec. 2. *And be it further enacted,* That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them may, and when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the district of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their place, and may make such rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company: *Provided always,* that no stockholder shall, in person or by proxy, have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold, and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held under said number; and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the president, directors and company of the Georgetown and Alexandria turnpike road, and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking, and holding to them and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic may lawfully do.

Proviso, as to the powers of voting.

Meetings of the company.

Their powers.

Sec. 3. *And be it further enacted*, That the said company shall meet on the first Monday in February, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company.

Printed certificates of shares, &c. &c.

Sec. 4. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable, at his or her pleasure in person, or by attorney, in the presence of the president or treasurer, subject however to all payments due or to grow due thereupon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' notice in a public paper printed in each of the towns of Alexandria and Georgetown, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place shall be forfeited to the said company, and may be sold by them to any person or persons, willing to purchase, for such price as can be obtained, and in case such share or shares should not, on a sale so to be made, produce a nett sum equal to the portion or dividends then remaining to be paid thereon, such deficiency may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the share or shares held by such defendant.

Penalty on non-payment of instalments on shares.

Meetings of the president and directors.

Sec. 5. *And be it further enacted*, That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer, and agree with and appoint all such surveyors, intendants, artists, or other agents as they shall judge necessary to carry on the intended works, and to fix their salaries, wages or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay monies due on their respective shares; to draw orders on the treasurer for all monies due from the said company, and generally to do and transact all such other matters, acts and things, as by the by-laws, rules, and regulations of said company, shall be required or permitted.

Route or course of the road.

Sec. 6. *And be it further enacted*, That the said president and directors shall cause to be surveyed, laid down, ascertained and fixed, the said turnpike road, from the west end of Mason's causeway, and passing near to the head of the tide water of Four Mile run, at a place called Adam's Mill, and thence to the limits of Alexandria, in such route or track for the same, as in the best of their judgment and skill

will combine shortness of distance with the most convenient ground, and the smallest expenditure of money; and it shall be lawful to and for the said president and directors, their surveyors and agents, to enter upon all and every the lands and enclosures in, through and over which the said turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone, and gravel, and other materials in the vicinity, that will be useful in making the said road: *Provided*, that the said road shall not be so laid out as to intersect the road laid out and established by the Washington and Alexandria turnpike company, without the consent of the said company.

Proviso.

Sec. 7. *And be it further enacted*, That it shall and may be lawful to and for the president and directors, by and with their superintendents, artists and labourers, with their tools and instruments, with carts, wagons and other carriages, and beasts of draft or burthen, to enter upon the lands in, over or near to which the route or tract of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done, by a reasonable agreement, if they can agree; but if they cannot agree, then by appraisement, to be made upon oath or affirmation, by three indifferent freeholders or any [two] of them agreeing, to be mutually chosen, or if they cannot agree in a choice, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by one of the judges of the circuit court of the district of Columbia, and having tendered the appraised value so as aforesaid to be made, it shall be lawful to cut, dig, take, and carry away any logs, stone, gravel, sand, or earth most conveniently situate for making or repairing said road; and it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any ground to be occupied by the road, and the necessary toll houses and gates for the right thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the said circuit court, the said judge shall issue a warrant, directed to the marshal of the district, to summon a jury of twenty-four inhabitants of the district of Columbia, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty thereafter; and the marshal upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every juryman that shall appear, that he shall faithfully, justly and impartially, value the lands and all damages the owner thereof shall sustain, by opening the road through such land, according to the best of his skill and judgment, and that the inquisition thereupon taken, shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive upon all persons, and shall be paid by the president and directors to the owner of the land or his or her legal representative, and on payment thereof, said land shall be taken and occupied for a public road and for the necessary toll houses and gates, for ever. The said president and directors shall cause the said road to be laid out, not exceeding eighty feet in width, twenty-four feet whereof in breadth, at least, shall be made an artificial road of stone, gravel or other hard substance, of sufficient depth or thickness, to secure a solid and firm road, with a surface as even as the materials will admit, and so nearly level

Property thro' which the road is to pass, how to be condemned.

Proceedings.

Dimensions and quality of the road.

as that it shall in no place rise or fall more than an angle of four degrees with an horizontal line; and the said road shall for ever hereafter be maintained and kept in good and perfect repair; and wheresoever any bridge over any part of the said road shall be deemed necessary, the same shall be built of sound and suitable materials.

When the tolls may become receivable.

Sec. 8. *And be it further enacted*, That so soon as the president and directors shall have perfected the said road from the west end of Mason's causeway to Alexandria, and in the route aforesaid, they shall give public notice thereof in some newspaper printed in the district of Columbia, and it shall be lawful for them thereafter to erect and fix such and so many gates or turnpikes not exceeding three, upon and across the said road, as shall be necessary and sufficient to collect the tolls herein after granted to the said company, and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person or persons, riding, leading, or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burthen or pleasure, from passing through the said gates, until the said tolls shall be paid, that is to say; for the whole distance in length of said road, and so in proportion for any lesser distance, viz. For every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, sixteen cents; for every horse or mule with or without a rider, four cents; for every sulkey, chair, chaise, or carriage of pleasure, with two wheels and one horse, eight cents; for every coach, chariot, stage wagon, coachee, phaeton or chaise, with four wheels and two horses, sixteen cents; for any carriage last mentioned with four horses, twenty cents; for every other carriage of pleasure under whatever name it may go, the like sums, according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, six cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed four inches in breadth, five cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, one and a half cents for every horse drawing the same; and that all such carriages as aforesaid, to be drawn by oxen in the whole or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse: *Provided*, that no turnpike gate shall be erected within one mile of the line of the town of Alexandria.

Rates of tolls.

No gate to be erected within one mile of Alexandria.

Regulations to be made by the president and directors.

Mile-stones to be put up.

Sec. 9. *And be it further enacted*, That it shall be lawful for the said president and directors, by their by-laws, to make any rule or regulation respecting the burdens on carriages to be drawn over the said road, which shall be deemed reasonable and proper, and from time to time to alter the same; and the said president and directors shall cause mile-stones to be placed on the side of said road, noting the distance from the north bounds of Alexandria, and at every gate or turnpike, shall cause the distance from the north bounds of Alexandria, and the distance from the west end of Mason's causeway, to be marked in legible characters on some conspicuous part of said gate; and shall cause, also, to be affixed at such places, a printed list of the tolls, which may be demanded of those using the said road; and for every day the same shall

List of tolls to be marked on the gates.

be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: all wagoners and drivers of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by another carriage of slower draft going in the same direction, keep their horses and carriage on the right hand side of the said road, leaving the other side of the road clear and free for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay two dollars to any person obstructed in his passage, who shall sue for the same, to be recovered, with costs, before any justice of the peace, in the same manner as small debts are recoverable; and moreover, shall be liable to the party injured, by suit at common law, for any special damage done.

Penalties for obstructing the road.

President and directors to cause accounts to be kept, &c.

Sec. 10. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all monies to be received by them from the said commissioners, and from the stockholders, or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all monies by them to be expended, in the prosecution of their said work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully liquidated, paid and discharged; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders to be convened according to the provisions of this act, or their own by-laws and rules, to increase the number of shares to such extent as shall be necessary to accomplish the work, and to demand and receive the monies subscribed for such shares, in like manner and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

May increase the stock.

Dividends, how to be made and accounted for.

Sec. 11. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all the monies to be received by their several collectors of tolls at the turnpike gates on the said road, and shall make and declare a half-yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half-yearly dividend aforesaid, in some newspaper printed in the district of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Road to be kept in repair.

Penalty.

When the road shall become a free one.

Sec. 12. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said road in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and be it further enacted*, That whenever the nett proceeds of tolls collected on said road shall amount to a sum sufficient to reimburse the capital, which shall be expended in the purchase of said land and making said road, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, the same shall become a free road, and

toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

Penalty for evading the payment of tolls.

Sec. 13. *And be it further enacted,* That if any person or persons, riding in, or driving any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll-gate under any pretended privilege or exemption, to which he or she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president and directors, not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided,* that it shall not be lawful for the company to ask, demand or receive from or for persons living on or adjacent to the said road, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the limits of the same may extend on the road, who shall not have any other convenient road or way by which they may pass from one part to another part thereof, any toll for passing on or by the said turnpike.

Proviso.

Approved, March 3, 1809.

Statute II.

March 3, 1809.

Act of July 11, 1798, ch. 72.
Act of March 2, 1799, ch. 37.
Augmentation of the marine corps authorized.

Chap. XXXIII.—*An Act authorizing an augmentation of the Marine Corps.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to cause the marine corps in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing and rations, and shall be employed under the same rules and regulations to which the said marine corps are, or shall, be entitled and subject.

Term of establishments.

Sec. 2. *And be it further enacted,* That from and after the passage of this act, all enlistments in the said corps, shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

Approved, March 3, 1809.

Statute II.

March 3, 1809.

[Obsolete.]
Further appropriation.

Act of April 18, 1796, ch. 13.
Act of April 21, 1806, ch. 48.
Act of March 2, 1811, ch. 30.
Appropriation for an additional clerk in the superintendent's office.

Chap. XXXIV.—*An Act supplemental to the act intituled "An act for establishing trading houses with the Indian tribes."*(*b*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding forty thousand dollars, in addition to the sum heretofore appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner prescribed by the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby appropriated, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Sec. 2. *And be it further enacted,* That the sum of eight hundred dollars be, and the same is hereby appropriated out of any monies in the treasury of the United States not otherwise appropriated, for an additional clerk in the office of the superintendent of Indian trade.

(*a*) See notes of the acts passed relating to the Marine Corps, vol. i. 594.
(*b*) See notes to the act of April 18, 1796, chap. 13.

Sec. 3. *And be it further enacted*, That the proviso to the twelfth section of the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby repealed.

A proviso of a former law repealed.

Act of April 21, 1806, ch. 48.

Sec. 4. *And be it further enacted*, That the act to which this is a supplement, and also this act, shall, from and after the twenty-first day of April next, commence and be continued in force, for and during the term of three years, and no longer.

Continuance of this act and of the one to which it is a supplement.

Approved, March 3, 1809.

Statute II.

March 3, 1809.

Chap. XXXVI.—*An Act making appropriations for the support of the Military establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States for the year one thousand eight hundred and nine, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, eight hundred and sixty-eight thousand two hundred and forty dollars.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and forty-one thousand two hundred and twenty-eight dollars and thirty-five cents.

For clothing, two hundred and ninety-three thousand two hundred and sixty-four dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, forty-five thousand dollars.

For camp equipage, fuel, tools and transportation, two hundred and seventy thousand dollars.

For ordnance, seventy-five thousand dollars.

For purchasing horses, saddles and bridles for the light dragoons, and for the light artillery fifty-one thousand seven hundred and twenty dollars.

For forage for the horses for the regiment of light artillery, ten thousand eight hundred dollars.

For fortifications, arsenals, magazines and armories, two hundred and nineteen thousand and thirty-four dollars and seventy-five cents.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agent's offices, and in the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and twenty-five thousand six hundred dollars.

For the purpose of paying James Powell, late collector of Savannah, the amount of monies advanced by him to Solomon Ellis, contractor for supplying rations to the troops of the United States, in the state of Georgia, including a commission of two per centum to the collector, twenty-seven thousand six hundred and twenty-one dollars and eight cents.

For the purpose of paying Ferdinand Phinizy, late contractor for supplying the troops in Georgia, a balance due to him as admitted by the comptroller of the treasury, on the twenty-fourth of July, one thousand seven hundred and ninety-nine, one thousand three hundred and ninety-three dollars and thirty-nine cents.

Sec. 2. *And be it further enacted*, That for defraying the expenses of the navy of the United States, during the year one thousand eight

Specific appropriations.

1809, ch. 11.

hundred and nine, the following sums, including therein the sum of four hundred thousand dollars, already appropriated by an act, intituled "An act authorizing the employment of an additional naval force," the following sums be, and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million three hundred and twenty-three thousand and seventy-seven dollars.

For provisions, five hundred and sixty-seven thousand seven hundred and sixty-five dollars.

For medicines, instruments and hospital stores, thirty-five thousand dollars.

For repairs of vessels, four hundred and forty-five thousand dollars.

For freight, store rent, commissions to agents, and other contingent expenses, one hundred and fifty thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, one hundred and thirty-five thousand six hundred and forty-seven dollars and seventy cents.

For clothing for the same, thirty-two thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, one thousand three hundred and fifty-four dollars.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the marine corps, fourteen thousand one hundred and twenty-five dollars.

For the expense of navy-yards, comprising dock and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance and small arms, one hundred and fifty thousand dollars.

Sec. 3. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 3, 1809.

ACTS OF THE ELEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-second day of May, 1809, *and ended on the twenty-eighth day of June,* 1809.

JAMES MADISON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; ANDREW GREGG, President of the Senate pro tempore, on the 28th of June; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE I.

May 30, 1809.

[Obsolete.]

Act of March 1, 1809, ch. 24.

Ships and vessels of foreign nations with which intercourse is permitted by the act of March 1, 1809, shall be permitted to take cargoes and depart for any port with which intercourse is permitted.

Conditions.

CHAPTER I.—*An Act respecting the ships or vessels owned by citizens or subjects of foreign nations with which commercial intercourse is permitted.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, all ships or vessels owned by citizens or subjects of any foreign nation with which commercial intercourse is permitted by the act, entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," be permitted to take on board cargoes of domestic or foreign produce, and to depart with the same for any foreign port or place with which such intercourse is, or shall, at the time of their departure respectively, be thus permitted, in the same manner, and on the same conditions, as is provided by the act aforesaid, for vessels owned by citizens of the United States; any thing in the said act, or in the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in any of the several acts supplementary thereto, to the contrary notwithstanding.

APPROVED, May 30, 1809.

STATUTE I.

June 14, 1809.

[Obsolete.]

Specific appropriation.

CHAP. II.—*An Act making further appropriations to complete the fortifications commenced for the security of the ports and harbors of the United States, and to erect such fortifications as may be necessary for the protection of the northern and western frontiers of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of completing the fortifications commenced for the security of the seaport towns and harbors of the United States, and territories thereof; and for erecting such fortifications as may, in the opinion of the President of the United States, be deemed necessary for the protection of the northern and western frontiers, there be and hereby is appropriated the sum of seven hundred and fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, June 14, 1809.

Statute I.

June 15, 1809.

[Obsolete.]

An agent to be appointed to appear before the board of commissioners for adjusting land titles at Kaskaskia.

Chap. III.—*An Act authorizing the appointment of an agent for the land-office at Kaskaskia, and allowing compensation to the commissioners and clerk.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to employ an agent, whose compensation shall not exceed five hundred dollars in full for all his services, for the purpose of appearing before the board of commissioners for adjusting the claims to land in the Kaskaskia district, in behalf of the United States, to investigate the claims for land, and to oppose all such as he may deem fraudulent and unfounded.

Sec. 2. *And be it further enacted,* That five hundred dollars shall be allowed to each of the said commissioners and to the clerk of the board, as compensation for their services, rendered in the year one thousand eight hundred and eight.

Approved, June 15, 1809.

Statute I.

June 15, 1809.

Act of March 3, 1807, ch. 35.

Lands ceded by the Cherokees, &c. &c. to be offered for sale.

Reservations, &c. &c.

Chap. IV.—*An Act supplementary to an act, entituled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi Territory."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the lands ceded to the United States by the Cherokee and Chickasaw Indians, as lies within the Mississippi territory, and for which a land-office was directed to be established, by the second section of the act to which this act is a supplement, shall, with the exception of section number sixteen in each township, which shall be reserved for the use of schools within the same, and with the exception of the salt springs and lands contiguous thereto, which, by the direction of the President of the United States, may be reserved for the future disposal of the said United States, be offered for sale to the highest bidder, under the direction of the register of the land-office and of the receiver of public monies, at the place where the land-office is established; and on the day or days which shall have been designated by proclamation of the President of the United States for that purpose, the sales shall remain open for six weeks, and no longer; the lands shall not be sold for less than two dollars an acre, and shall be sold in tracts of the same size, and in all respects on the same terms and conditions as have been or may be by law provided for the sale of the other public lands in the Mississippi territory. All the lands of the United States in the said district, with the exceptions above mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are or may be provided by law, for the sale of the lands of the United States in the Mississippi territory; and patents shall be obtained for lands sold in said district, in the same manner, and on the same terms as are provided by law for other public lands sold in the Mississippi territory.

The sales to remain open for six weeks, after which the lands may be sold at private sale.

Act of March 3, 1803.

Compensation to superintendents of sales.

Sec. 2. *And be it further enacted,* That the superintendents of the public sales, directed by this act, shall each receive six dollars a day, for every day's attendance on the said sales.

Approved, June 15, 1809.

Statute I.
June 15, 1809.

Chap. V.—*An Act to continue in force "An act declaring the assent of Congress to a certain act of the state of South Carolina, passed the twenty-first of December, one thousand eight hundred and four."*

[Expired.]
Act of March 28, 1806, ch. 17, continued in force for five years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the twenty-eighth of March, one thousand eight hundred and six, entituled "An act declaring the consent of Congress to an act of the state of South Carolina, passed on the twenty-first day of December, one thousand eight hundred and four, so far as the same relates to authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports," be and the same is hereby continued in force from the passage of this act for five years, and thence to the end of the next session of Congress thereafter, and no longer.

Approved, June 15, 1809.

Statute I.
June 24, 1809.

Chap. VII.—*An Act to fix the time for the next meeting of Congress.*

Congress to meet on the fourth Monday in Nov. 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of November next.

Approved, June 24, 1809.

Statute I.
June 28, 1809.

Chap. VIII.—*An Act for the remission of certain penalties and forfeitures, and for other purposes.*

[Obsolete.]
President authorized to remit penalties and forfeitures, in the case of certain fugitives from Cuba, incurred under the act to prohibit the importation of slaves.
Act of March 2, 1807, ch. 22.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to remit any penalty or forfeiture which may have been incurred in consequence of the violation of any of the provisions of the act, entituled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, one thousand eight hundred and eight," by any person who may have been concerned in bringing into any port or place within the jurisdiction of the United States, any slave or slaves, owned by any person or persons, who shall have been forcibly expelled from the island of Cuba, by order of the government thereof: and the President of the United States is hereby further authorized to release all vessels and other effects, which may have been or may hereafter be seized therefor: *Provided,* that he shall be first satisfied in every case, that the person thus concerned in bringing in such slave or slaves as aforesaid, was impelled thereto, by circumstances which, in the judgment of the President of the United States, would justify the act; and without any intention on the part of such person voluntarily to evade any of the provisions of the act aforesaid: *And provided also,* that such slave or slaves shall have been brought into the United States in the same vessel and at the same time as their owner or owners respectively.

Proviso, that the President shall be satisfied that the person was impelled to import the slave or slaves; and provided, the slave has been brought in the same vessel with the owner.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to make any arrangement with the minister plenipotentiary of France, which he may deem necessary and proper for transporting such of the unfortunate exiles from the said island of Cuba, with their effects, as shall desire to depart from the United States to any port or place within the territories of France, her colonies or dependencies, any law to the contrary notwithstanding: *Provided,* that the vessels transporting the same shall depart only in ballast, and without taking on board any other cargo than such sea

President authorized to make arrangements with the French minister for transporting the exiles to France, &c. &c.

Appropriation.

stores as may be deemed necessary for the voyage in every case. And to enable the President to carry into effect any such arrangement, as well as for supplying, temporarily, such of the unfortunate exiles with the necessaries of subsistence, as may be in actual want thereof, there be appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary for these objects, to be paid out of any money in the treasury, not otherwise appropriated: *Provided however*, that all monies which may be drawn out of the treasury, in virtue of this act, shall be charged to the French government, under such stipulations for reimbursing the same, on the part of the minister plenipotentiary of France, as, in the judgment of the President, may be deemed proper for that object.

Conditions upon which it is to be applied.

Interest of the U. States in the proceeds of the sale of the Clara given up.

Sec. 3. *And be it further enacted*, That all claim and demand of the United States to any monies arising from the sale of the ship Clara, sold in pursuance of a decree of the district court for Orleans district, holden in March, one thousand eight hundred and nine, be, and the same is hereby relinquished and remitted to Andrew Foster and Jacob P. Giraud, late owners of the said ship Clara, any thing in any former law to the contrary notwithstanding.

Approved, June 28, 1809.

Statute II.

June 28, 1809.

[Expired.]

Act of March 1, 1809, ch. 24.

Certain parts of non-intercourse law continued in force.

Third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth and eighteenth sections.

Not to be construed to affect the commercial intercourse permitted by the eleventh section.

Declaratory clause.

Proviso, that all penalties, &c. shall remain.

Act of Dec. 22, 1807, ch. 5.

Act of March 1, 1809, ch. 24.

Vessels prohibited from going to interdicted ports.

Chap. IX.—*An Act to amend and continue in force certain parts of the act entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth and eighteenth sections of the act, entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall continue in force until the end of the next session of Congress: *Provided*, that nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been or may be permitted in conformity with the provisions of the eleventh section of the said act.

Sec. 2. *And be it further enacted*, That all acts repealed, or mentioned or intended to be repealed by the said act to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies, shall be and remain repealed, notwithstanding any part of the same act which has been or may hereafter be revoked or annulled, or which may expire by its own limitation: *Provided*, that all the penalties and forfeitures which may have been incurred, or shall hereafter be incurred on account of any infraction of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, or of the act to enforce and make more effectual an act, entituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or of any of the provisions of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall after the expiration of any of the said acts or of any provision thereof, be recovered and distributed in like manner as if the said acts and every provision thereof had continued in full force and virtue.

Sec. 3. *And be it further enacted*, That during the continuance of this act, no ship or vessel, except such as may be chartered or employed for the public service by the President of the United States, shall be permitted to depart for any foreign port or place with which commercial intercourse has not been or may not be permitted by virtue of this act,

or of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes. And no ship or vessel bound to a foreign port or place with which commercial intercourse has been or may be thus permitted, except such as may be chartered or employed as aforesaid, shall be allowed to depart, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any port or place with which commercial intercourse is not thus permitted, nor be directly or indirectly engaged, during the voyage, in any trade with such port or place. And if any ship or vessel shall, contrary to the provisions of this section, depart from any port of the United States, without clearance, or without having given bond in the manner above mentioned, such ship or vessel, together with her cargo, shall be wholly forfeited, and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel, shall moreover severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same: *Provided always*, that the provisions of the eleventh section of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall extend to the prohibitions imposed by this section; which prohibitions shall cease to operate in the manner and under the limitations prescribed by the eleventh section aforesaid, in relation to any nation with which commercial intercourse may hereafter be permitted, in conformity with the provisions of the eleventh section aforesaid.

Vessels going to ports other than forbidden ones to give bond, &c. &c.

Proviso, that the provisions of the eleventh section of the act of March 1, 1809, ch. 24, shall extend to prohibitions under this section.

Sec. 4. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, shall, during the continuance and after the expiration thereof, be recovered and distributed, and may be remitted or mitigated in the manner prescribed by the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, and the acts therein referred to.

Penalties and forfeitures, how to be recovered and distributed.

Act of March 1, 1809, ch. 24.

Sec. 5. *And be it further enacted*, That all the vessels which may have arrived at any port or place within the United States from Great Britain, her colonies or dependencies, between the twentieth day of May and the eleventh of June, one thousand eight hundred and nine, shall be exempted from all the forfeitures and penalties incurred in consequence of any violation of any of the provisions of the said act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies.

Vessels which may have arrived in the U. States between the 20th May and 11th June exempt from forfeiture, &c. &c.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

Chap. X.—*An Act supplementary to the act, entituled "An act making further provision for the support of public credit, and for the redemption of the public debt."*

Act of March 3, 1795, ch. 45.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested in the commissioners of the sinking fund, by the tenth section of the act to which this act is a supplement, shall extend to all the cases of reimbursement of any instalments or parts of the capital, or principal, of the public debt now existing, which may become payable according to law. And in every case in which a loan may be made accordingly, it shall be lawful for such loan to be made of the Bank of the United States, any thing in any act of Congress to the contrary notwithstanding.

Powers of the commissioners of the sinking fund extended.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

[Obsolete.]

Specific appropriation.

Chap. XI.—*An Act making an appropriation to finish and furnish the Senate chamber, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to defray the expenses of finishing and furnishing the permanent Senate chamber, its committee rooms, lobbies and other apartments, the sum of fifteen thousand dollars is appropriated, to be paid out of any monies in the treasury not otherwise appropriated.

Appropriation to defray the expense of the temporary Senate room.

Sec. 2. *And be it further enacted,* That to defray the expense incurred in fitting up the temporary Senate chamber, and repairing and providing articles of furniture, the further sum of sixteen hundred dollars be appropriated, the same to be paid out of any monies in the treasury not otherwise appropriated.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

[Obsolete.]

Act of April 12, 1808, ch. 43.

Chap. XII.—*An Act to suspend for a limited time the recruiting service.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entituled "An act to raise for a limited time an additional military force," as authorizes the enlisting of men for the term of five years, unless sooner discharged, be and the same is hereby suspended until twenty days after the next meeting of Congress.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

[Obsolete.]

Letters and packets from Thomas Jefferson be received and conveyed by post free of postage.

Chap. XIV.—*An Act freeing from postage all letters and packets from Thomas Jefferson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets from Thomas Jefferson, late President of the United States, during his life, shall be received and conveyed by post, free of postage.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

Appropriation.

Chap. XV.—*An Act making appropriations for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress, the sum of nine thousand dollars be, and the same hereby is appropriated, payable out of any money in the treasury not otherwise appropriated.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

Chap. XVI.—*An Act authorizing the accounting officers of the Treasury Department to give credit to certain collectors of the customs for allowances paid by them to the owners and crews of fishing vessels.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury department be, and they are hereby authorized, in settling the accounts of the collectors of the customs, to give them credit for the respective sums which have been or may be paid for allowances to the owners and crews of fishing vessels, in lieu of drawback of the

duties paid on the salt used by the same, to the thirty-first of December, one thousand eight hundred and seven.

Approved, June 28, 1809.

Statute I.

June 28, 1809.

[Obsolete.]

President in the event of a favourable change in the foreign relations authorized to discharge and lay up in ordinary such of the frigates as he shall think proper.

Act of Jan. 31, 1809, ch. 11.

Chap. XVII.—*An Act concerning the Naval Establishment.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, in the event of a favourable change in our foreign relations, be and he is hereby authorized to cause to be discharged from actual service and laid up in ordinary, such of the frigates and public armed vessels, as in his judgment a due regard to the public security and interest will permit.

Sec. 2. *And be it further enacted,* That so much of the first section of an act, entituled "An act to authorize the employment of an additional naval force," passed at the last session of Congress, as requires the public armed vessels to be stationed at such ports and places on the sea-coast, or to cruise on the sea-coast of the United States and territories thereof, be, and the same is hereby repealed.

Approved, June 28, 1809.

ACTS OF THE ELEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-seventh day of November, 1809, *and ended on the first day of May,* 1810.

JAMES MADISON, President; GEORGE CLINTON, Vice President of the United States, and President of the Senate; ANDREW GREGG, President of the Senate pro tempore, from the 9th to the 19th of December, 1809; JOHN GAILLARD, President of the Senate pro tempore, on the 2d of March, and from the 20th of April to the 1st of May, 1810; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE II.

Dec. 9, 1809.

[Obsolete.]

Certain documents to be free of postage.

CHAPTER I.—*An Act to authorize the transportation of certain Documents free of postage.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress, the secretary of the Senate, and the clerk of the House of Representatives, be, and they are hereby respectively authorized to transmit free of postage, the message of the President of the United States, of the twenty-ninth of November, one thousand eight hundred and nine, and the documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post-office within the United States, and territories thereof, to which they may direct; any law to the contrary notwithstanding.

APPROVED, December 9, 1809.

STATUTE II.

Dec. 15, 1809.

Act of May 7, 1800, ch. 41.

Act of Feb. 27, 1809, ch. 19.

Governor to apportion the representatives, and to issue his writ for the election.

CHAP. II.—*An Act supplemental to an act entituled "An act extending the right of suffrage in the Indiana territory, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor of the Indiana territory, for the time being, be, and he is hereby authorized and empowered to apportion the representatives among the several counties in said territory, as he shall think proper, having regard to the numbers limited in the fourth section of the act to which this is a supplement, and to issue his writ for the election of such representatives agreeably to the apportionment which he may make, at such time as he shall deem most convenient for the citizens of the several counties in said territory.

Afterwards to be apportioned by the general assembly.

SEC. 2. *And be it further enacted,* That so soon as the legislature of said territory shall be convened, the number of representatives in each county thereof shall be regulated by the general assembly.

Governor to issue a proclamation for supplying vacancy in the delegation to Congress.

SEC. 3. *And be it further enacted,* That when any vacancy shall occur in the legislative council, by death, resignation or removal from office, or when from either of said causes there shall be no delegate from said territory to the Congress of the United States, the governor shall

in either case be authorized to issue his proclamation, directing an election to be held to supply such vacancy according to law.

Approved, December 15, 1809.

Statute II.

Dec. 19, 1809.

Chap. III.—*An Act extending the time for issuing and locating military land warrants.*

[Obsolete.]

Act of June 9, 1794, ch. 62.

Act of March 21, 1808, ch. 37.

Act of July 5, 1813, ch. 7.

Secretary of War may issue certain military land warrants.

Where to be located.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants to such persons as have or shall, before the first day of March, one thousand eight hundred and thirteen, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall, and may be located in the names of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and thirteen, on any unlocated parts of the fifty quarter townships and the fractional quarter townships, reserved by law for original holders of military land warrants.

Approved, December 19, 1809.

Statute II.

Jan. 12, 1810.

Chap. V.—*An Act to revive and continue in force for a further time, the first section of the act entituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers."*

[Obsolete.]

Act of March 26, 1804, ch. 46.

* There is a misrecital of the act of 1804. It was passed on the 26th March, 1804.

Revival and continuance in force of the first section of the act creating the Mediterranean fund.

Act of April 21, 1806, ch. 38.

Act of Jan. 31, 1812, ch. 18.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth day of March,* one thousand eight hundred and four, entituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, entituled "An act to revive and continue in force, for a further time, the first section of the act, entituled An act further to protect the commerce and seamen of the United States, against the Barbary powers," passed the tenth day of January, one thousand eight hundred and nine,) be, and the same hereby is revived and continued in force, until the fourth day of March, one thousand eight hundred and eleven: *Provided however,* that the additional duty laid by the said section, shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

Approved, January 12, 1810.

Statute II.

Feb. 14, 1810.

Chap. VIII.—*An Act in addition to the "Act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio."*(*a*)

[Obsolete.]

Specific additional appropriation.

Act of March 29, 1806, ch. 19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the sum heretofore appropriated for the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio, the sum of sixty thousand dollars be, and the same is hereby appropriated, and to be expended under the direction of the President of the United States, in making said road between Cumberland in the state of Maryland, and Brownsville in the state of Pennsylvania, commencing at Cumberland; which sum of sixty thousand dollars, shall be paid out of the fund reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act, passed on the

(*a*) See notes to act of March 29, 1806, chap. 19.

Act of April 30, 1802, ch. 40.

thirtieth day of April, one thousand eight hundred and two, entituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes."

Approved, February 14, 1810.

Statute II.

Feb. 24, 1810.

[Obsolete.]

Mode prescribed for the purchase at private sale of the public lands after June 1, 1810.

Chap. XI.—*An Act to prescribe the mode in which application shall be made for the purchase of land at the several land-offices; and for the relief of Joab Garret.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of June next, every person making application at any of the land-offices of the United States, for the purchase at private sale of a tract of land, shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half section, or quarter, (as the case may be,) and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

Joab Garret may withdraw his entry.

Sec. 2. *And be it further enacted,* That Joab Garret shall be permitted to withdraw his entry, made on the second day of September, one thousand eight hundred and seven, at the land-office at Vincennes, from the northwest quarter section, number two, township number seven, south range number seven west; and the money paid by him on the said entry, shall be placed to his credit, on any purchase he shall or may have made of public land in the same district.

Approved, February 24, 1810.

Statute II.

Feb. 24, 1810.

Act of April 7, 1798, ch. 26.
Act of Feb. 18, 1801, ch. 5.
Act of March 3, 1803, ch. 35.

Refugees from Canada and Nova Scotia, to transmit their claims to land to the war office.

Who entitled to the benefits of the provisions of this act.

Chap. XII.—*An Act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons having claims under the resolutions of Congress, passed the twenty-third day of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as refugees from the British provinces of Canada and Nova Scotia, shall transmit to the war office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

Sec. 2. *And be it further enacted,* That no other person shall be entitled to the benefits of the provisions of this act, than those of the following descriptions, or their widows and heirs, viz: First, those heads of families and single persons, not members of any such families, who were residents in one of the provinces aforesaid, prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements, in consequence of having given aid to the united colonies or states, in the revolutionary war, against Great Britain, or with intention to give such aid, and continued in the United States, or in their service during the said war, and did not return to reside in the dominions of the king of Great Britain, prior to the twenty-fifth day of November, one thousand seven hundred and eighty-three. Secondly, the widows and heirs of all such persons as were actually residents as aforesaid, who abandoned their settlements as aforesaid, and died within the United States, or in their service during the said war; and thirdly, all persons who were members of families at the time of their coming into the United States, and who during the war entered into their service.

Sec. 3. *And be it further enacted,* That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas, or county court of any state.

Proofs, before whom to be taken.

Sec. 4. *And be it further enacted,* That at the expiration of fifteen months from and after the passing of this act, and from time to time thereafter, it shall be the duty of the secretary for the department of war, to lay such evidence of claims as he may have received, before the secretary and comptroller of the treasury, and with them proceed to examine the testimony, and give their judgment, what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices and sufferings, in consequence of their attachment to the cause of the United States; allowing to those of the first class a quantity not exceeding one thousand acres, and to the last class a quantity not exceeding one hundred, making such intermediate classes, as the resolutions aforesaid and distributive justice may, in their judgment require, and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio: *Provided,* that in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States or individual states, shall be considered at the just value thereof, at the time the same were made respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same: *Provided also,* that no claim under this law shall be assignable, until after report made to Congress as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act.

Secretary of War to lay the evidence of claims before the secretary and comptroller of the treasury, and with them to decide upon the measure of relief.

In what cases separate reports are to be made.

Proviso.

Proviso.

Sec. 5. *And be it further enacted,* That all claims in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall for ever thereafter be barred: *Provided,* that no patent shall be issued to any person who may hereafter establish his claim under the said act, until he produce satisfactory evidence to the Secretary of the Treasury, that he is at the time then being, a resident within the United States.

Claims to be exhibited, otherwise barred.

Proviso.

Approved, February 24, 1810.

Statute II.

Feb. 26, 1810.

[Obsolete.]

Chap. XIII.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and ten.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a

Specific appropriations.

Specific appropriations.

session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, thirty-four thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and ten, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

1806, ch. 41.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand four hundred and seventy-eight dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand and thirty-eight dollars.

For the incidental and contingent expenses of the said department, one thousand three hundred and fifty dollars.

For printing and distributing the laws of the first and second session of the eleventh Congress, and printing the laws in newspapers, six thousand two hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery in the office of the Secretary of the Treasury, one thousand dollars.

1806, ch. 41.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

For expense of stationery, printing and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For compensation to the messenger and doorkeeper of the register's office, for stamping and arranging the ship registers, ninety dollars.

For expense of stationery, printing and all other incidental and contingent expenses in the register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For defraying the expense of printing and stating the public accounts

for the year one thousand eight hundred and ten, one thousand two hundred dollars. Specific appropriations.

For the purchase of books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and ten, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, three thousand four hundred dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation of additional clerks in the office of the superintendent of Indian trade, eight hundred dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for expense of stationery, store rent and fuel for the said office, four thousand six hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, one thousand dollars.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of one thousand five hundred and forty-five dollars, for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars. 1806, ch. 41.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. pertaining to the Postmaster-General's office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, and for allowances to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, and for stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

Specific appropriations.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two clerks, at five hundred dollars each, one thousand dollars.

For wages to the persons employed in the different branches of melting, coining, carpenter's, millwright's and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron-work, and of six hundred dollars per annum allowed to an assistant engraver, eight thousand dollars.

For repairs of furnaces, cast-rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, two thousand, seven hundred and seventy-five dollars.

For compensation to the governor, judges and secretary of the territory of Orleans, thirteen thousand dollars.

For expense of stationery and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Mississippi territory, seven thousand eight hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Louisiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

For additional compensation to the clerks in the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum, in addition to the sums allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-two cents.

1806, ch. 41.

For compensation granted by law, to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia; to the attorney-general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

Specific appropriations.

For compensation granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee and Orleans, two thousand two hundred dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and ten, to the fourth of March, one thousand eight hundred and eleven, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, stakeages of channels, bars and shoals, and certain contingent expenses, sixty-eight thousand one hundred and thirty-one dollars and four cents.

For erecting a lighthouse on St. Simon's island, in Georgia, and placing buoy or buoys on or near the bar of St. Simon's, being the balance of former appropriations carried to the surplus fund, nine thousand and fifty dollars.

For erecting a beacon and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth day of July, seventeen hundred and ninety-eight, (a former appropriation for the same object having been carried to the credit of the surplus fund,) two thousand four hundred and ninety-four dollars and eighty-nine cents.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, being the amount of an additional appropriation carried to the surplus fund, fifty-five thousand dollars.

For building a lighthouse at Naushawn island, near Tarpaulin cove, in Massachusetts, being a balance of former appropriation carried to the surplus fund, two thousand four hundred and seventy-five dollars.

For rebuilding the lighthouse on North island, at the entrance of Winyaw bay, in South Carolina, being the amount of appropriation carried to the surplus fund, twenty thousand dollars.

For fixing buoys and stakes in and along the channel in Winyaw bay, leading to the harbor of Georgetown, South Carolina, being the amount of appropriation carried to the surplus fund, one thousand five hundred dollars.

For erecting a lighthouse on Point Judith, Rhode Island, in addition to the appropriation heretofore made for that purpose, two hundred dollars.

For defraying the expense of surveying the public lands within the several territories of the United States, thirty thousand dollars.

For repaying the Bank of the United States, a sum advanced to the late collector of New Orleans, to enable him to pay drawbacks, one hundred thousand dollars.

For expenses of intercourse with foreign nations, forty-nine thousand four hundred dollars.

For the contingent expenses of intercourse with foreign nations, fifty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

Specific appropriations.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, including the sum of twenty thousand dollars to reimburse the bankers of the United States in London, and others, sums heretofore advanced by them for this object, twenty-five thousand dollars.

For expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, six thousand dollars.

To enable the accounting officers of the treasury formally to pass the accounts of Timothy Pickering, late secretary for the department of state, the sum of seventy-eight thousand five hundred and eighty-three dollars and eleven cents, being the amount of former appropriations of monies received and expended by him in that department, by the application of surpluses in some articles and appropriations to others in which the appropriations were deficient.

For the discharge of such miscellaneous claims against the United States not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, four thousand dollars.

1790, ch. 34.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury not otherwise appropriated.

Approved, February 26, 1810.

Statute II.

March 2, 1810.

[Obsolete.]

Chap. XIV.—*An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and ten.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and ten, the following sums be, and the same are hereby respectively appropriated, that is to say:

Specific appropriations.

For the pay and subsistence of the officers, and pay of the seamen, seven hundred and eighteen thousand one hundred and fifteen dollars.

For provisions, three hundred and fifty-three thousand six hundred and ten dollars and eighty-four cents.

For medicines, instruments and hospital stores, sixteen thousand dollars.

For repairs of vessels, one hundred and fifty thousand dollars.

For freight, store rent, commissions to agents and other contingent expenses, seventy-five thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore and forage for the staff, one hundred and forty thousand one hundred and twenty-one dollars and forty cents.

For clothing for the same, thirty-eight thousand three hundred and ninety-four dollars and seventy cents.

For military stores for the same, one thousand three hundred and ninety-eight dollars and seventy-five cents.

For medicines, medical services, hospital stores and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the marine corps, fifteen thousand dollars.

For the expenses of navy yards, comprising dock and other improvements, pay of superintendents, storekeepers, clerks and labourers, seventy-five thousand dollars.

For ordnance and small arms, seventy-five thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 2, 1810.

Statute II.

Chap. XV.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and ten.*

March 2, 1810.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the military establishment of the United States, for the year one thousand eight hundred and ten, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, eight hundred and sixty-nine thousand nine hundred and sixty-eight dollars.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

For clothing, two hundred and ninety-three thousand eight hundred and four dollars.

For bounties and premiums, thirty thousand dollars.

For the medical and hospital departments, fifty thousand dollars.

For camp equipage, fuel, tools and transportation, two hundred and seventy thousand dollars.

For ordnance, two hundred thousand dollars.

For fortifications, arsenals, magazines and armories, including two thousand dollars for such a number of additional military storekeepers as may be required, two hundred and eighty-three thousand five hundred and seventy-four dollars and seventy-five cents.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agents' offices, and in the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and forty-six thousand six hundred dollars.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 2, 1810.

Statute II.

Chap. XVI.—*An Act for the appointment of an additional judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi territory.*

March 2, 1810.

[Obsolete.]

The citizens of Madison county to elect one representa-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the citizens of Madison county, in the Mississippi territory, qualified according to law, be and

tive and to vote for one delegate from the territory to Congress.

they are hereby authorized to elect one representative to the general assembly of said territory, and also to vote for one delegate from said territory, to the Congress of the United States, which election shall be held at the same time, and in the same manner as is or may be provided by law for the elections in the several counties of said territory.

Additional judge to be appointed to reside in Madison county.

Sec. 2. *And be it further enacted*, That an additional judge shall be appointed for the Mississippi territory, who shall reside in said county of Madison, and have the same compensation, which is by law allowed to the other judges of said territory, and shall possess and exercise the same powers and jurisdiction within said county, which are possessed and exercised in the county of Washington in said territory, by the judge appointed by virtue of an act, entituled "An act for the appointment of an additional judge for the Mississippi territory and for other purposes," passed the twenty-seventh of March, one thousand eight hundred and four.

1804, ch. 59.

Superior court of Adams county may re-examine, and reverse or affirm the judgments of Washington and Madison courts.

Sec. 3. *And be it further enacted*, That all final judgments and decrees, rendered in the superior courts of said counties of Washington and Madison, may be re-examined and reversed or affirmed, by the superior court of Adams county in said territory, upon a writ of error issued from said superior court; which said superior court is hereby empowered, upon the reversal of any judgment or decree of said courts of Washington and Madison counties, to render such judgment as the court from whence the cause may have been removed ought to have rendered; except where a jury may be requisite to try issues or assess damages. In which cases the cause shall be remanded to the court where it originated; there to be proceeded in. And said superior court of Adams county, when sitting on the trial of any cause removed as aforesaid, shall be composed of not less than two judges.

When acting as an appellate court, superior court of Adams to consist of two judges.

Legislature authorized to establish superior courts.

Sec. 4. *And be it further enacted*, That the legislature of said territory shall have power and is hereby authorized, to establish a superior court in each county, which has been or may be formed within the bounds which compose the former district or county of Washington, to be holden by the judge who holds the superior court of Washington county in said territory, which courts and the courts of Madison county to be holden at such times and places as said legislature may direct. And all final judgments and decrees to be rendered by any superior court so established, may be re-examined and reversed or affirmed in the manner prescribed by the third section of this act, and the conditions on which any writ of error shall be obtained, and all other proceedings relative thereto, may be regulated by said legislature.

Part of a former act repealed.

Sec. 5. *And be it further enacted*, That so much of the act, entituled "An act for the appointment of an additional judge for the Mississippi territory, and for other purposes," passed the twenty-seventh day of March, one thousand eight hundred and four, as comes within the purview of this act, be, and the same is hereby repealed.

1804, ch. 59.

Approved, March 2, 1810.

Statute II.

March 26, 1810.

[Obsolete.]

A general enumeration to be made under the superintendence of the marshals.

Chap. XVII.—*An Act providing for the third census or enumeration of the inhabitants of the United States.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States and of the district of Columbia, and the secretaries of the Mississippi territory, of the Indiana territory, of the Michigan territory, of the Illinois territory, of the Louisiana territory, and

(a) See notes to act of March 1, 1790, chap. 2, vol. i. 101.

of the Orleans territory respectively shall be, and they are hereby authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken, omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males under ten years of age; and those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards. And distinguishing free females under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards; for effecting of which, the marshals and secretaries aforesaid shall have power, and hereby are respectively authorized and required, to appoint one or more assistants in each county and city, in their respective districts and territories, residents of the county and city for which they shall be appointed, and shall assign a certain division of his district or territory to each assistant, which division shall not consist of more than one county or city; but may consist of one or more towns, townships, wards, hundreds, or parishes, plainly and distinctly bounded by water courses, mountains, public roads or other monuments: and the said enumeration shall be made by an actual inquiry at every dwelling-house, or of the head of every family within each district, and not otherwise: the marshals or secretaries, as the case may be, and their assistants, shall respectively take an oath or affirmation, before some judge or justice of the peace resident within their respective districts or territories, previous to their entering on the duties by this act required. The oath or affirmation of the marshal or secretary shall be as follows: "I, A. B. marshal of the district of (or secretary of the territory of as the case may be) do solemnly swear, or affirm, that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, (or territory) and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entituled An act providing for the third census or enumeration of the inhabitants of the United States, according to the best of my ability." The oath or affirmation of an assistant shall be; "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the marshal of (or the secretary of the territory of as the case may be) and make due return thereof to the said marshal (or secretary) agreeably to the directions of an act of Congress, entituled An act providing for the third census or enumeration of the inhabitants of the United States, according to the best of my abilities." The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule distinguishing in each county, city, town, township, hundred, ward or parish, the several families, by the names of their master, mistress, steward, overseer, or other principal person therein, in the manner following, that is to say: The number of persons within my division, consisting of appears in a schedule hereto annexed, subscribed by me this day of A. B. assistant to the marshal of or secretary of

Classification.

Assistants to be appointed by marshals and secretaries.

Allotment of districts.

Oaths of marshals, &c. &c.

SCHEDULE of the whole number of persons within the division allotted to A. B.

Name of the county, parish, township, town or city where the family resides.	Names of head of family.	Free white males under ten years of age.	Free white males of ten, and under sixteen.	Free white males of sixteen, and under twenty-six, including heads of families.	Free white males of twenty-six, and under forty-five, including heads of families.	Free white males of forty-five and upwards, including heads of families.	Free white females under ten years of age.	Free white females of ten years, and under sixteen.	Free white females of sixteen, and under twenty-six, including heads of families.	Free white females of twenty-six, and under forty-five, including heads of families.	Free white females of forty-five and upwards, including heads of families.	All other free persons, except Indians, not taxed.	Slaves.

Penalties for neglecting or making a false return.

Sec. 2. *And be it further enacted,* That every assistant failing or neglecting to make a proper return, or making a false return of the enumeration to the marshal, or the secretary (as the case may be) within the time limited by this act, shall forfeit the sum of two hundred dollars.

Marshals and secretaries to file the several returns, &c.

Sec. 3. *And be it further enacted,* That the marshals and secretaries shall file the several returns aforesaid, and also an attested copy of the aggregate amount herein after directed to be transmitted by them respectively to the Secretary of State, with the clerks of their respective districts, or superior courts, (as the case may be) who are hereby directed to receive and carefully preserve the same. And the marshals and secretaries, respectively, shall, on or before the first day of March, one thousand eight hundred and eleven, transmit to the Secretary of State, the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistant or any of them, with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns to the Secretary of State, within the time limited by this act, shall for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of such offences, the judges of the several district courts in the several districts, and of the supreme courts in the territories of the United States, as aforesaid, at their next sessions, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants and the said attested copy of the aggregate amount aforesaid to be laid before them for their inspection.

Penalty.

Judges of the district and territorial courts to give this act in charge to the grand juries, and the returns of the assistants.

Sec. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants, in some divisions, one dollar for every hundred persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation; provided the same does not exceed one dollar and twenty-five cents for every fifty persons by them returned. The several marshals and secretaries shall receive as follows: The marshal of the district of Maine, two hundred and fifty dollars; the marshal of the district of New Hampshire, two hundred and fifty dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred and fifty dollars; the marshal of the district of New York, four hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, four hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, three hundred dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Columbia, fifty dollars; the marshal for the district of Georgia, three hundred dollars; the marshal of the district of East Tennessee, one hundred and fifty dollars; the marshal of the district of West Tennessee, one hundred and fifty dollars; the marshal of the Ohio district, two hundred dollars; the secretary of the Mississippi territory, two hundred dollars; the secretary of the Indiana territory, one hundred dollars; the secretary of the Michigan territory, one hundred dollars; the secretary of the Illinois territory, one hundred dollars; the secretary of the territory of Orleans, one hundred and fifty dollars; the secretary of the territory of Louisiana, one hundred dollars.

Rates of compensation.

Sec. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday of August next, shall be returned, as of such family; and the name of every person who shall be an inhabitant of any district or territory without a settled place of residence, shall be inserted in the column of the schedule, which is allotted for the heads of families, in that division where he or she shall be, on the said first Monday of August next; and every person occasionally absent at the time of enumeration, as belonging to that place in which he or she usually resides in the United States.

Who shall be returned.

Sec. 6. *And be it further enacted*, That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or territory, made or established within the United States, shall be, and hereby is obliged to render to such assistant of the division, if required, a true account, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in an action of debt, by such assistant, the one half for his own use, and the other half to the use of the United States.

Heads of families, &c. to render to the assistants of the marshals an account of the members of their families.

Sec. 7. *And be it further enacted*, That each and every assistant previous to making his return to the marshal or secretary, (as the case

Schedule of the number of

inhabitants to be set up in public places by the assistants in their divisions or districts.

may be) shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary, (as the case may be) with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

Penalty.

Secretary of State to send to the assistants regulations and instructions pursuant to this act.

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 the schedule to be returned, and proper interrogatories to be administered by the several persons to be employed therein.

Where there is no secretary in a territory the governor to perform the duties prescribed by this act.

Sec. 9. *And be it further enacted*, That in case there shall be no secretary in either of the territories of the United States, the duties directed by this act to be performed by the secretary may be performed by the governor of such territory, who shall receive the same compensation to which the secretary would be entitled for the performance of said duties, and be subject to the same penalties.

Approved, March 26, 1810.

Statute II.

March 26, 1810.

Act of Feb. 24, 1807, ch. 16, sec. 4.

Terms of the district court at Chilicothe changed.

Chap. XVIII.—*An Act for altering the time for holding the District Court in Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the district court for the district of Ohio, by law appointed to be holden at Chilicothe, in the said district, on the first Mondays in February, June and October, shall hereafter be holden at Chilicothe, on the second Mondays of September and January annually.

Returns, &c. &c. to correspond with the change.

Sec. 2. *And be it further enacted*, That all writs, process, and recognizances which may have been made returnable, and all suits, causes, process and proceedings, which may have been continued to the first Monday of June next, shall be and hereby are made returnable and continued over to the session of said court, which shall be holden on the second Monday of September next, and shall be as valid and proceeded on in the same manner, at said September session of said court, as if such writs, process, recognizances, suits, causes and proceedings had been originally made returnable to, and continued to said September session of said court.

Approved, March 26, 1810.

Statute II.

March 26, 1810.

Chap. XIX.—*An Act to prevent the issuing of sea letters except to certain vessels.*

To what vessels sea letters, &c. &c. may be granted, after June 30, 1810.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth of June next, no sea letter or other document certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued except to ships or vessels duly registered, or enrolled and licensed as ships or vessels of the United States, or to vessels which at that time shall be wholly owned by citizens of the United States, and furnished with or entitled to sea letters or other custom-house documents, any law or laws heretofore passed to the contrary

notwithstanding: *Provided nevertheless*, that no sea letter shall be issued to any vessel which shall not at this time be furnished or entitled to a sea letter, unless such vessel shall return to some port or place in the United States or territories thereof on or before the said thirtieth day of June next: *Provided nevertheless*, that no sea letter or other document, certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued to any vessel now abroad, which shall not at this time be furnished or entitled to a sea letter, unless such vessel shall arrive at some port or place in the United States or territories thereof, on or before the said thirtieth day of June next; and provided that nothing herein contained shall be construed to operate against any such vessel or vessels that now are, or may be, prior to the said thirtieth of June, detained abroad by the authority of any foreign power.

No sea letter to issue to any vessel unless such vessel return to the U. States before 30th June next.

Proviso in favour of vessels detained abroad by any foreign power.

Approved, March 26, 1810.

Statute II.

March 30, 1810.

[Obsolete.]

Chap. XX.—*An Act making an appropriation for the purpose of trying the practical use of the Torpedo or Submarine Explosion.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding five thousand dollars be, and the same is hereby appropriated, payable out of any money in the treasury not otherwise appropriated, to defray the expense which shall be incurred in any actual experiments, when the President of the United States shall deem it expedient to cause such experiments to be made, which shall be made under the immediate direction of the Secretary of the Navy, for the purpose of ascertaining with precision how far the torpedo or submarine explosions may be usefully employed as engines of war, who is hereby directed to report to Congress the result of the experiment with his opinion thereon.

Appropriation to defray the expenses of experiments with the torpedo as an engine of war.

Approved, March 30, 1810.

Statute II.

March 30, 1810.

Chap. XXI.—*An Act to make public a Road in Washington County, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the road heretofore opened by the consent of the owners of the land over which the same passed, from the line of the district of Columbia, through the land of John Masters and John L. Naylor, to the lower bridge over the eastern branch of Potomac river, shall be, and is hereby declared to be a public highway; and shall be kept in repair, as other public roads in Washington county, in the district of Columbia, are kept in repair.

Road to the lower eastern branch bridge to be opened and kept in repair.

Sec. 2. *And be it further enacted*, That three commissioners to be mutually appointed by the levy court of the county of Washington, in the district of Columbia, and the proprietors of the land over which the said road does or may pass or be laid out, be, and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorized and empowered to review the said road, and to cause the same to be surveyed and laid out, not exceeding thirty feet in width, and to cause a plot to be made thereof, and return the same, under their hands and seals, to the clerk of Washington county, to be by him recorded among the land records of said county.

Commissioners to be appointed by the levy court of Washington to lay out the road, and make return to the clerk of Washington county.

Sec. 3. *And be it further enacted*, That the said commissioners, or a majority of them, shall ascertain and value the damage which any person, through whose land the said road passes, may sustain, by making the said road a public highway, and shall return to the levy court of Washington county a certificate of such valuation, the amount of which shall

Damages to be ascertained by them to be paid by the county.

be levied by said court on the assessable property of said county and the city of Washington, and paid over to the person or persons entitled to receive the same.

Approved, March 30, 1810.

Statute II.

April 12, 1810.

Act of March 26, 1810, ch. 17.

Chap. XXIII.—*An Act to alter and amend an act, entituled "An act providing for the third census or enumeration of the inhabitants of the United States," passed the twenty-sixth day of March, one thousand eight hundred and ten.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the enumeration mentioned in the first section of the act hereby amended, shall close within five months from the first Monday in August next, and the assistants shall make their returns to the marshals and secretaries within the said five months, any thing in the said act to the contrary notwithstanding.

Approved, April 12, 1810.

Statute II.

April 20, 1810.

Chap. XXVI.—*An Act to incorporate a company for making certain turnpike roads in the District of Columbia.*

Commissioners for receiving subscriptions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Daniel Carrol, of Duddington, George W. P. Custis, Thomas Fenwick, John Tayloe, Samuel Harrison Smith, Daniel Brent, Daniel Rapine, Frederick May, Elias B. Caldwell, William Brent, James D. Barry and John Law, be, and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books, as they may deem proper, by themselves or by their agents, subscriptions for raising a capital stock of sixty thousand dollars, in shares of one hundred dollars each, for the purpose of opening, gravelling and improving the following roads in the district of Columbia, to wit: One road from the boundary line of the city of Washington, to the boundary line of the district of Columbia, in the most direct and practicable route from the Capitol to Baltimore. One road from the boundary line of the city of Washington, to the boundary line of the district of Columbia, in the most direct and practicable route from the Capitol to Montgomery Courthouse; and one road from the western extremity of the causeway leading from Alexander's island to the boundary line of the district of Columbia, in the most direct and practicable route towards the Little river turnpike road, in the state of Virginia. The times, places and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints, as they may deem expedient: *Provided,* that no subscription shall be received, unless the sum of ten dollars be first paid into the hands of such agent or other person, as said commissioners may authorize to receive it.

Direction or course of the roads to be opened, gravelled and improved.

The times, places and manner of receiving subscriptions, to be determined by the commissioners.

Proviso.

When 150 shares shall have been subscribed, the commissioners to give notice, that there may be a meeting of the stockholders to choose directors.

Sec. 2. *And be it further enacted,* That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them, may, and when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the district of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other

such officers shall be chosen in their place; and at that or any subsequent legal meeting of stockholders, may make such rules, orders and regulations, not inconsistent with the constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company: *Provided always*, that no stockholder shall, in person or by proxy, have more than twenty-five votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold: and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held, not exceeding said number, and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the "President, Directors and Company of the Columbia Turnpike Roads;" and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic may lawfully do.

Proviso.

Sec. 3. *And be it further enacted*, That the said company shall meet on the first Monday in January, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings, they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company; and the president and directors for the time being, shall hold their offices until others shall be appointed in their places, and the said corporation shall not be deemed to be dissolved, by reason of any defect of officers, but if it should happen that there should be no president or directors competent to call a meeting of stockholders, the same may be called by any stockholder, for the purpose of electing such officers, giving thirty days notice of the time and place of such meeting, by advertisement in a newspaper, printed in the city of Washington.

Annual meetings of the company for choosing directors, &c. &c.

Sec. 4. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable, at his or her pleasure, in person or by attorney, in the presence of the president, clerk, or treasurer, of said company, who shall witness the same, subject however to all payments due or to grow due thereupon: and the assignee holding any such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' public notice in a newspaper printed in the city of Washington, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which

Printed certificates to be delivered to the stockholders and made transferable.

Assignees to become members of the company.

such delinquency has taken place may be sold at public auction, and transferred by them to any person or persons, willing to purchase for such price as can be obtained; or in case any proprietor shall fail to pay any instalment which shall be duly assessed, such instalment or any part thereof that shall remain deficient or unpaid, may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; or by action at law in the usual course of judicial proceedings, at the option of the said president and directors; and in all such warrants, motions or actions, the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the share or shares held by such defendant.

Shares of delinquent stockholders may be sold at public auction.

Deficiencies of instalments may be recovered by warrants.

Sec. 5. *And be it further enacted*, That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer and all other officers necessary or convenient, and agree with and appoint all such surveyors, intendants, artists, or other agents as they shall judge necessary to carry on the intended works, and to fix their salaries, wages or compensation; to direct and order the times, manner and proportions, when and in which the stockholders shall pay monies due on their respective shares; to draw orders on the treasurer for all monies due from the said company, and generally to do and transact all such other matters, acts and things as by the by-laws, rules and regulations of said company, shall be required or permitted.

Times and places of the meetings of the president and directors—their duties, powers, &c. &c.

Sec. 6. *And be it further enacted*, That upon application of the said president and directors of the said company to the circuit court of the district of Columbia, or to the judges thereof out of court, the said court or the judges, or any two of the judges thereof out of court, shall appoint three commissioners not interested in any of the lands through which either of the said roads may be laid out, nor interested in the stock of the company hereby created, nor in the stock of any other turnpike company, who shall each receive from the said president, directors and company, two dollars for every day they shall respectively be actually necessarily employed in or about the affairs of the said company. And each of the said commissioners, before he proceeds to act as such, shall take and subscribe an oath or solemn affirmation, in the presence of a justice of the peace, "that he will well, faithfully and impartially, according to the best [of] his skill and judgment, and without unnecessary delay, execute and perform all the duties required of him as a commissioner, under the sixth section of the act of Congress, entituled "An act to incorporate a company for making certain turnpike roads in the district of Columbia," which oaths or affirmations so subscribed and certified by the justice in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit court, and enrolled among the land records of the county of Washington. And the said commissioners or any two of them, being qualified as aforesaid, shall, upon the request of the said president and directors cause to be surveyed, laid out, ascertained, described and marked, by certain metes and bounds, each of the aforesaid turnpike roads, described in the first section of this act, not less than sixty-six feet in breadth, in such routes, tracts, or courses for the same respectively as in the best of their judg-

Commissioners to be appointed by the court or judges of Washington county to view the ground for the roads, ascertain the damages, and make report, &c. &c.

ment will combine shortness of distance with the most convenient ground, and the smallest expense of money; and for this purpose it shall be lawful for them and such agents, assistants, servants or attendants as they may think proper to employ, to enter upon any of the lands through or near which the said roads or either of them, may be laid out; having first given twenty days' public notice, in some newspaper printed in the city of Washington, of the time and place of their entering on the said business of surveying and laying out each road respectively. And if any proprietor of any part of the lands, through which either of the said roads may be laid out, shall require compensation for so much of his or her said lands as may be occupied by the said roads or either of them, or shall claim damages for or on account of the opening or laying out the said roads, or either of them, through his or her land, and if the said president and directors cannot agree with such proprietor respecting the same, then the said commissioners, at the request of either party, shall appoint a day and place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said president, directors and company, therefor, first giving twenty days' notice to the adverse party, his or her agent or attorney in fact, or other legal representative, if either shall be within the district of Columbia; and if the party so notified shall fail to attend, or if the party shall be an infant under age, *non compos mentis*, *feme covert*, or absent out of the district of Columbia, and have no known agent or other legal representatives therein, then the said commissioners may proceed exparte to hear and decide the same; and the award of them or any two of them made in writing, signed by them or any two of them, shall by them be returned to the office of the clerk of the said court for the county of Washington, within ten days after such hearing, and a copy thereof shall, within ten days after such return, be served upon such of the parties as are resident in the district of Columbia; and if such award be not at the session of the said circuit court, in the county of Washington, next after such return of the said award to the clerk's office, be set aside on account of fraud or partiality in the said commissioners, the same shall be final and conclusive between the parties, and shall be recorded by the said clerk; and the sum so awarded being paid to the said clerk for the use of the person entitled to receive the same, the said land mentioned and described in the said award shall and may be taken and occupied as a turnpike road, and public highway for ever. And the said commissioners, upon completing the said survey of the said roads, or either of them, shall return a plat and certificate of such survey to the said clerk, and the same being accepted by the said court, shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used and occupied as a turnpike road and public highway for ever; and the said president, directors and company may thereupon proceed to enter upon the same, and shall cause at least twenty-four feet in breadth, throughout the whole length thereof, to be made an artificial road, of stone, gravel, or other hard substance of sufficient depth or thickness to secure a solid and firm road, with a surface as smooth as the materials will admit, and so nearly level, that it shall in no case rise or fall more than an angle of four degrees with a horizontal line, and the said road shall thereafter be kept in good and perfect repair; and wheresoever upon the said roads any bridge shall be deemed necessary, the same shall be built of sound and suitable materials. And in case either of the said commissioners should die, or refuse to act, or become incapacitated, or should be removed by the court for misconduct, the said court may appoint another in his place; and when in the opinion of the said president and directors either of the said roads shall be completed to the extent of twenty-four feet in breadth, the same shall be examined by the said commissioners, or any two of them and if in

Commissioners to be appointed by the court, &c. &c.

Dimensions and quality of the roads.

the opinion of them, or any two of them the said road should have been completed to the extent of at least twenty-four feet in breadth, according to the meaning of this act, they shall certify the same to the said circuit court, or the judges thereof out of court, and their certificate being accepted by the said court, or any two judges thereof, and recorded, the said president and directors shall and may thereafter erect and fix such and so many gates and turnpikes, not exceeding two upon and across each of the said roads, as shall be necessary and sufficient to collect the tolls herein after granted to the said company; and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road or roads, the tolls and rates herein after mentioned, and to stop any person or persons, riding, leading or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burden or pleasure from passing through the said gates, until the said tolls shall be paid, that is to say: for the whole distance in length of the whole of the said roads, and so in proportion as near as may be, for any less distance within the district of Columbia, viz: for every score of sheep, twenty cents; for every score of hogs, twenty cents; for every score of cattle, forty cents, and so in proportion for any greater or less number; for every horse or mule with a rider, twelve and an half cents; for every stage and wagon and two horses, thirty cents; for either carriage last mentioned with four horses, forty cents; for every led or driven horse or mule, six cents; for every sulkey, chair, chaise or carriage of pleasure with two wheels and one horse, twenty cents; for every coach, chariot, coachee, phaeton, or chaise with four wheels and two horses, thirty-seven and an half cents; for any of the said carriages last mentioned with four horses, fifty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, twelve and an half cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, eight cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed four inches in breadth, twelve and an half cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches and not exceed seven inches, six cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, five cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, four cents for every horse drawing the same. And that all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. And it shall be also the duty of the said commissioners after hearing all parties to decide and award what proportion of the cost already incurred of making the causeway from Alexander's island to the main land, and of the road from the said causeway to the west end of the Washington bridge, shall be paid by the president, directors and company of the Columbia turnpike roads, to the president and directors of the Washington and Alexandria turnpike company, and also, in what proportion the former company shall contribute and pay towards the future repairs and improvements of the said causeway and road; and the award of the said commissioners, or any two of them so made, shall be returned to the office of the clerk of the said court for the county of Washington, and being accepted by the said court and recorded, shall be final and conclusive.

Rates of tolls.

Commissioners to decide what is to be paid to the Washington and Alexandria turnpike company.

Sec. 7. *And be it further enacted,* That in all cases where stone,

gravel, earth or sand shall be necessary for making or repairing either of the said roads, and the said president, directors and company of the Columbia turnpike roads, cannot agree for the same with the owner thereof, then upon application by the said president and directors, or any person authorized by them, to any one of the judges of the said circuit court, he may if he see cause, by warrant under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court, to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant, and to give the other party five days' notice of the said time and place, if such party be found within the district of Columbia; and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors and talesmen as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president, directors and company of the Columbia turnpike roads; which valuation and assessment of damages made by the said jurors, or a majority of them, shall be signed by the said marshal, and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Washington, to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties, who may be resident in the district, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid. And the said president, directors and company, shall pay the said marshal five dollars for his service in summoning and impannelling the said jury, and taking and returning the said inquest, and two dollars to each of the said jurors so sworn.

In case of disagreement as to the value of materials, the marshal to summon a jury for determining it.

Compensation to the marshal and jurors.

Sec. 8. *And be it further enacted*, That for the purpose of ascertaining the weight, that may be drawn along the said road, in any cart, wagon, or other carriage of burthen, it shall and may be lawful, for the said president, managers and company to erect and establish scales and weights at or near such and so many of the gates erected, or to be erected in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect, that any cart, wagon or other carriage of burthen, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll gatherers or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon or carriage of burthen, shall be drawn into the fixed or erected scales at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving, or having care or charge of any such cart, wagon or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five dollars, nor more than eight dollars, to be recovered in the manner herein after mentioned.

Scales to be erected for ascertaining burdens passing over the roads when there is any doubt in the case.

Restrictions.

Sec. 9. *And be it further enacted*, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall roll at least ten inches, shall be drawn along the said roads with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall

be drawn along the said road, with more than eight tons; that no cart or other carriage with two wheels, the same breadth of wheels, as the wagons aforesaid, shall be drawn along the said road with more than half the burthen or weight aforesaid; and if any cart, wagon or carriage of burthen whatsoever, shall be drawn along the said road, with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burthen shall be three hundred weight or upwards, shall forfeit and pay four times the customary tolls for the use of the company: *Provided always*, that it shall and may be lawful for the said company by their by-laws, to alter any or all the regulations herein contained respecting the burthens or carriages to be drawn over the said road, and to substitute other regulations, if upon experiment such alterations shall be found conducive to the public good: *Provided nevertheless*, that such regulations shall not lessen the burthens of carriages above described.

Proviso.

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Sec. 10. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all monies to be received by them from the said commissioners, first herein named, and from the stockholders or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all monies by them to be expended, in the prosecution of their said work, and shall once, at least, in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully liquidated, paid and discharged; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said roads, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders, being convened according to the provisions of this act, or their by-laws and rules, to increase the amount to be paid on the shares from time to time to such extent as shall be necessary to accomplish the work, and to demand and receive the increased amount so to be required on such shares in like manner, and under the like penalties as are herein before provided for the original payments, or as shall be provided by their by-laws.

Dividends, how to be made and acounted for.

Sec. 11. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all monies to be received by their several collectors of tolls at the turnpike gates on the said roads, and shall make and declare a half yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half yearly dividend aforesaid in some newspaper printed in the district of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Roads to be kept in repair.

Sec. 12. *And be it further enacted*, That it shall be the duty of the said corporation, to keep the said roads, as they are respectively completed, in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said roads to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States, a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and it is further enacted*, that whenever the nett proceeds of tolls collected on said roads shall amount to a sum

Penalty.

Proviso.

sufficient to reimburse the capital which shall be expended in the purchase of such land and making said roads, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the district of Columbia, the same shall become free roads, and tolls shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of the tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said tolls shall cease.

When the roads shall become free.

Sec. 13. *And be it further enacted*, That if any person or persons, riding in or driving any carriage of any kind, or leading, riding, or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll gate under any pretended privilege or exemption, to which he or she, or they may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president and directors, not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, that it shall not be lawful for the company to ask, demand or receive from or for persons living on or adjacent to the said roads, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the limits of the same may extend on the roads respectively, who shall not have any other convenient road or way, by which they may pass, from one part to another part thereof, any toll for passing on, or by either of the said turnpikes.

Penalty for evading payment of tolls.

Proviso.

Approved, April 20, 1810.

Statute II.

April 25, 1810.

Act of March 3, 1809, ch. 31

Chap. XXVII.—*An Act to amend an act, entituled "An act for the establishment of a Turnpike Company in the County of Alexandria, in the District of Columbia."*

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 to and for the president and directors of the Washington and Alexandria turnpike company, in all cases where stone, gravel, earth or sand, may be necessary for making or repairing the Washington and Alexandria turnpike road, and the president and directors of the Washington and Alexandria turnpike company cannot agree for the same with the owners thereof, it shall and may be lawful for any one of the judges of the circuit court of the district of Columbia, upon application by the said president and directors, or any person authorized by them, by warrant under his hand and seal, to command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court, to meet at the place where such materials may be, on some day not more than ten after the date of such warrant, and to give the other party five days' notice of the time and place, if such party be found within the district of Columbia, and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors or talesmen as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president and directors, which valuation and assessment of damages made by the said jurors or a majority of them, shall be signed by the said marshal and the jurors, or so many of them, as shall agree thereto, and be returned to the clerk of the said court for the county of Alexandria, to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the

Mode of obtaining stone or gravel where it is necessary.

parties who may be resident in the said district of Columbia, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid, and the said president and directors shall pay the said marshal five dollars for his service in summoning and impannelling the said jury, and taking and returning said inquest, and two dollars to each of the said jurors so sworn.

Toll gate may be removed.

Sec. 2. *And be it further enacted*, That the president and directors aforesaid, may remove their toll gate from the bridge that is made across Four mile creek, and place the same, and collect the tolls of their said road and bridge, on any part of the said road: *Provided*, that the said toll gate shall not be placed any nearer to the town of Alexandria, than where it now stands, nor more than half a mile from where it now is.

Proviso.

Mode of obtaining the ground for a new toll house, &c. &c.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, or a majority of them, to agree with the owners of any ground, to be occupied by the necessary toll houses and gates, for the right thereof, or in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the district, then the same shall be condemned, and paid for in the same manner, and subject to the same conditions as is provided by the act to which this is a supplement, for condemning the lands through which the road was to be conducted: *Provided*, the quantity of land so condemned, does not exceed half an acre.

Corporation authorized to increase the number of shares.

Sec. 4. *And be it further enacted*, That to enable the said company immediately to complete and render sufficient the said road, according to the true intent and meaning of the said recited act, it shall and may be lawful for the stockholders of the said company, at any general meeting at which a majority of them in person, or by proxy, shall be present, to increase the number of shares, to such extent as shall be necessary to accomplish the work, on the road aforesaid, as now laid out, and to demand and receive the money subscribed for such shares in the like manner, and under the like penalties, as therein provided, for the original subscriptions.

Approved, April 25, 1810.

Statute II.

April 25, 1810.

Chap. XXIX.—*An Act to allow the benefit of drawback on merchandise transported by land conveyance from Newport to Boston, and from Boston to Newport, in like manner as if the same were transported coastwise.*

All goods imported into Boston and Newport which shall be conveyed by Rhode Island bridge and Taunton, or exported by the same routes from Boston, shall be entitled to the benefit of a drawback upon exportation to a foreign port.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares and merchandise, duly imported into either of the ports of Boston and Newport, which shall be transported by land conveyance from the port of Newport, by the way of Rhode Island bridge and Taunton, to Boston; or from Boston, by the same route, to Newport, and which being imported into Newport, shall be exported from Boston: or which being imported into Boston shall be exported from Newport, shall be entitled to the benefit of a drawback of the duties upon exportation, to any foreign port or place, under the same provisions, regulations, restrictions and limitations, as if the said goods, wares and merchandise were transported coastwise from one to another of the said districts; and on the proviso that all the provisions, regulations, limitations and restrictions existing in the case of goods, wares and merchandise, transported by any of the routes mentioned in the seventy-ninth section of the act, entituled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine, shall be duly observed.

Act of March 2, 1799, ch. 22.

Approved, April 25, 1810.

Statute II.
April 28, 1810.
[Repealed.]

Chap. XXX.—*An Act to establish Post Roads.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads:

Post roads.

In the District of Maine.—From Portsmouth, N. H. by Kittery, York, Wells, Arundell, Biddeford, Saco, Scarboro', Cape Elizabeth, Portland, Falmouth, North Yarmouth, Freeport, Brunswick, Bath, Woolwich, Wiscasset, New Castle, Waldoboro', Warren, Camden, Canaan, Lincolnville, Northport, Belfast, Prospect, Buckstown, Orland, Trenton, Sullivan, Steuben, Harrington, Addison, Jones, Machias, Denneysville and Scodic, to Calais. From Dover, N. H. by Berwick and Doutysfalls, to Arundel or Kennebunk. From Portland, by Gorham, Buckstown, Limerick, Limington, Cornish, Parsonfield, Newfield, Shapleigh, Lebanon, Berwick, Sanford, Alfred, Waterboro' and Philipsburg, to Buxton. From Portland, by Saccarappee, Gorham, Standish, Flintstown, Hiram and Brownfield, to Frybush. From Portland, by Windham, Raymond, Bridgetown, Lovell, Waterford, Norway, Paris, Buckfield, Sumner, Hartford, Livermore, Turner, Poland, New Gloucester and Hebron academy, to Paris. From Portland, by Falmouth, Gray, New Gloucester, Lewistown, Green, Monmouth, Winthrop, Augusta, Sydney, Waterville, Fairfield and Canaan, to Norridgewock and Anson. From Brunswick, by Topsham, Bowdoinham, Gardiner and Hallowell, to Augusta. From Gardiner, by Pittstown and Dresden, to Wiscassett. From Augusta, by Redfield, Mount Vernon, Chester and New Sharon, to Farmington. From Augusta, by Vassalboro', Winslow, Clinton, Fairfax, Unity and Collegetown, to Hampden. From Wiscassett, by Edgecomb, to Boothbay. From Wiscassett, by New Milford, Jefferson, Palermo and Montville, to Belfast. From Buckstown, by Frankfort, Hampden and Bangor, to No. 1, 7th Range, and thence by Orrington, to Buckstown. From Buckstown, by Penobscot, Castine, Sedgwick and Blue Hill, to Buckstown, and from Castine to Lincolnville. From Sullivan to Goldsboro'. From Dennysville to Eastport.

1814, ch. 75, sec. 2.
1815, ch. 69.

In New Hampshire.—From Salisbury, Ms. by Seabrook and Hampton, to Portsmouth. From Portsmouth, by Durham and Northwood, to Concord. From Portsmouth, by Exeter and Kingston, to Haverhill, Ms. From Portsmouth, by Exeter, Chester, Londonderry, Merrimack, Amherst, Petersboro', Marlboro' and Keene, to Walpole. From Haverhill, Ms. by Chester, Concord, Hopkinton, Henniker and Lempster, to Charleston. From Haverhill, Ms. by Salem, to Windham. From Tyngboro', Ms. by Dunstable, Amherst, Francistown, Washington and Claremont, to Windsor, Vt. From Portsmouth, by Nottingham, Epsom, Pembroke, Concord, Salisbury, Andover, Wilmot, Enfield, Lebanon, Hanover, Lime, Orford, Piermont, Haverhill, Bath, Littleton, Dalton, Lancaster, Cockburn, Colebrook and Stuart, to Norfolk, Vt. From Hanover, by Canaan and Groton, to Plymouth. From Salisbury, by Andover, New Chester and Bridgewater, to Plymouth, thence by Holderness, New Hampton and Sanbornton, to Salisbury. From Newburyport, Ms. by Exeter, New Market, Durham, Dover and Barrington, to Gilmanton. From Portsmouth, by Dover, Rochester, Middletown, Ossippee, Moultonboro', Centre Harbor, Plymouth and Haverhill, to Newbury; and from Plymouth, by New Hampton, Meredith, Gilmanton, Nottingham and Durham, to Portsmouth. From Friburg, Me. by Conway, Barletts, Rosebrooks and Jefferson, to Lancaster. From Winchendon, Ms. by Fitzwilliam and Keene, to Brattleboro', Vt. From Warwick, Ms. by Winchester and Hinsdale, to Brattleboro', Vt. From Ashby, Ms. by New Ipswich and Jaffray, to Marlboro'.

1812, ch. 80.
1815, ch. 69.

In Vermont.—From Lansingburg, N. Y. by Bennington, Shaftsbury, Arlington, Manchester, Rutland, Pittsford, Branden, Leicester, Salis-

Post roads.

1812, ch. 80, sec. 2.
1815, ch. 69, sec. 2.

bury, Middlebury, New Haven, Vergennes, Ferrisburg, Charlotte, Shelburn, Burlington, Colchester, Milton, Georgia and St. Alban's, to Highgate. From Williamston, Ms. by Pownall, to Bennington. From Brattleboro', by Marlboro', Wilmington and Woodford, to Bennington. From Rutland, by Clarendon, Shrewsbury, Plymouth, Reading and Windsor, to Cavendish. From Rutland, by Castletown, Fairhaven, Benson, Orwell, Shoreham and Addison, to Vergennes. From Middlebury, by New Haven, Monkton, Hynesburg, Williston, Jericho, Essex, Westford, Fairfax, Fairfield and Sheldon, to Huntsburg; thence by Berkshire, Enosburg, Bakersfield, Cambridge, Underhill, Richmond, Huntington, Starksboro' and Bristol, to Middlebury, and from thence to Poultney, and also from Middlebury, by Royalton, to Hanover, N. H. From Barnardstown, Ms. by Hinsdale, Brattleboro', Putney, Westminster, Walpole, Charleston, Wethersfield, Windsor, Hartford, Norwich, Thetford, Fairlee, Bradford, Newbury, Ryegate, Barnet, Littleton, Concord and Lunenburg, to Guildhall. From Walpole, N. H. by Bellowsfalls, Rockingham, Chester, Cavendish, Ludlow and Shrewsbury, to Rutland. From Windsor, by Woodstock, Barnard, Royalton, Randolph, Williamston, Berlin, Montpelier, Middlesex, Waterbury, Bolton, Jericho and Williston, to Burlington, and from thence to Grand Isle. From Royalton, by Tunbridge, Vershire and Corinth, to Newbury. From Newbury, by Corinth, Washington and Barre, to Berlin. From Ryegate, by Peacham, Danville, Wheelock, Sheffield, Glover, Barton, Brownington and Salem, to Derby. From Lancaster, N. H. by Lunenburg, St. Johnsbury, Danville, Walden, Harwich, Woolcott, Hydespark, Johnston and Fletcher, to St. Albans.

In Massachusetts.—From Suffield, Ct. by Springfield, Wilbraham, Palmer, Western, Brookfield, Spencer, Leicester, Worcester, Shrewsbury, Northboro', Marlboro', Sudbury, Watertown, Cambridge, Boston, Charlestown, Malden, Lynn, Salem, Beverly, Wenham, Hamilton, Ipswich, Rowley and Newburyport, to Salisbury. From Suffield, Ct. by Westfield, Southampton, Northampton, Hatfield, Whately, Deerfield and Greenfield, to Bernardstown. From Salisbury, Ct. by Sheffield, Great Barrington, Stockbridge, Lenox, Pittsfield, Lanesboro' and Williamston, to Greenfield. From Canaan, Ct. by Sheffield, to Egremont. From Colebrook, Ct. by Southfield, Sandisfield, Lee, Lenox and Hancock, to New Lebanon, N. Y. From Springfield, by Stockbridge and West Stockbridge, to Albany, N. Y. From Granby, by Granville, Blandford and Chester, to Middefield. From Brookfield, by Ware, Belchertown, Hadley, Northampton, Chesterfield, Worthington, Partridgefield, Dalton, Pittsfield and Hancock, to New Lebanon. From Stafford, Ct. to Brookfield or Worcester, and thence by Framingham, to Boston. From Worcester, by Holden, Rutland, Barre and Petersham, to Athol. From Rutland, by Hubbardstown and Templeton, to Winchenden. From Rutland, by Greenwich, Hardwich, Pelham, Amherst and Hadley, to Northampton, and thence by South Hadley, to Springfield. From Boston, by Dedham, Walpole, Foxborough and Attleborough, to Providence, R. I. From Boston, by the Newburyport turnpike, to Newburyport. From Dedham, by Medfield, Medway, Bellingham, Milford, Mendon, Uxbridge and Douglass, to Thompson, Ct. From Boston, by Milton, Canton, Easton, Taunton, Berkley and Freetown, to New Bedford. From Boston, by Dorchester, Quincy, Braintree, Weymouth, Hanover, Pembroke, Kingston, Plymouth, Sandwich, Barnstable, Yarmouth, Dennis, Brewster, Harwich, Chatham, Orleans, Eastham, Wellfleet and Truro, to Provincetown. From Sandwich, by Falmouth, to Nantucket. From Falmouth to Edgarton. From Sandwich, by Wareham, Rochester, New Bedford and Dartmouth, to Westport. From Weymouth, by Hingham, Cohasset, Scituate, Marshfield and Duxbury, to Kingston. From Weymouth, by Abington, Bridgewater, Raynham,

Taunton, Dighton, Somerset and Swanzey, to Warren, R. I. From Boston, by Concord, Stow, Bolton, Lancaster, Leominster, Westminster, Templeton, Gerry, Athol and Orange, to Warwick. From Concord, by Littleton, Groton and Townsend, to Ashby. From Concord, by Fitzwilliam, N. H. to Brattleborough, Vt. From Boston, by Medford, Wobourn, Billerica and Chelmsford, to Tyngsboro'. From Woburn, by Andover, to Haverhill. From Billerica, by Patucket bridge, Dracut, Pelham, N. H. and Windham, to Londonderry. From Salem to Marblehead. From Salem, by Manchester, to Gloucester. From Salem, by Danvers, Topsfield, Boxford and Bradford, to Haverhill. From Newburyport to Haverhill. From Troy, by Freetown, Berkley, to Taunton. From Plymouth, by Taunton, to Providence, R. I. From Framington, by Southborough, Westborough, Grafton, Sutton, Oxford, Dudley and Woodstock, to Ashford in Connecticut. Post roads.

In Rhode Island.—From Plainfield, Ct. by Scituate and Providence, to Smithfield. From Providence, by Barrington, Warren and Bristol, to Newport. From Providence, by Patucket, East Greenwich, Wickford and Little Rest, to Towerhill or South Kingston. From Newport, by Tiverton, to Westport, Ms. From Newport, by Towerhill and by the Courthouse in South Kingston, Charleston and Westerly, to Stonington, Ct. From Newport, by Tiverton, to Troy, Ms. From South Kingston, by Richmond, Hopkinton, North Stonington and Preston, to Norwich, Ct. 1812, ch. 80.

In Connecticut.—From Rye, N. Y. by Greenwich, Stamford, Norwalk, Fairfield, Bridgeport, Stratford, Milford, New Haven, North-haven, Wallingford, Berlin, Wethersfield, Hartford and Windsor, to Suffield. From Norwalk, by Reading, Danbury, Brookfield, New Milford, Washington, Litchfield, Harwinton, Burlington, Farmington, Hartford, East Hartford, Ashford and Pomfret, to Thompson. From New Milford, by Kent and Sharon, to Salisbury. From Bridgeport, by Trumbull, Ripton, Huntington and Newton, to Brookfield. From New Haven, by Derby, Southbury, Woodbury, Bethlehem, Litchfield and Goshen, to Canaan. From New Haven, by Woodbridge, Waterbury, Watertown, Litchfield, Cornwall and Sharon, to Poughkeepsie, N. Y. From New Haven, by Cheshire and Southington, to Farmington. From New Haven, by Durham and Middletown, to Wethersfield. From New Haven, by Branford, Guilford, Killingworth, Saybrook, Lyme, New London, Chelsea and Jewitt's city, to Plainfield. From Saybrook, by Petty Paug, Haddam, East Haddam and Middle Haddam, to Middletown. From Stonington, by New London, Montville, Colchester, Glastenbury, Hartford, Wintonbury, Canton, New Hartford, Winchester and Norfolk, to Canaan. From Norwich, by Canterbury and Brooklyn, to Pomfret. From Hartford, by Simsbury, to Granby. From New Hartford, by Hartland, to Colebrook. From Hartford, by East Hartford, Oxford, Hebron, Lebanon and Norwich, to Chelsea. From Hartford, by Coventry, Windham and Canterbury, to Plainfield. From Hartford, by Tolland, to Stafford. From East Hartford, by East Windsor, to Springfield, Ms. From Danbury to Ridgefield. 1812, ch. 80. 1814, ch. 75. 1815, ch. 69.

In New York.—From Jersey city, by New York, Harlaem and New Rochelle, to Rye. From New York city, by Brooklyn, Jamaica, Hempstead, Merrick, South Oyster Bay, South Huntington, Islip, Patchogue, Fireplace, Morriches, Westhampton, Southampton and Bridgehampton, to Sag Harbor. From Jamaica, by Queen's c. h. Oyster Bay, Huntington, Dixhills, Smithtown, Setauket, Brookhaven and Riverhead, to Southhold. From New York, by Kingsbridge, Yonkers, Greensburg, Mount Pleasant, Peekskill, Fishkill, Poughkeepsie, Staatsburg, Rhinebeck, Redhook, Clermont, Hudson, Kinderhook, Albany, Schenectady, Amsterdam, Tripshill, Palatine, Little Falls, Herkimer, Utica, New Hartford, Westmoreland, Oneida, Sullivan, Caneseraga, Manlius, Onon- 1812, ch. 80. 1814, ch. 75. 1815, ch. 69.

Post roads.

daga, Marcellus, Skeneatales, Aurelius, Cayuga, Geneva, Canandaigua, Bloomfield, Avon, Southampton, Batavia, New Amsterdam and Lewistown, to Youngstown or Niagara. From New Rochelle, by Whiteplains, Salem, Ridgefield, Ct. South East, Patterson and Pauling, to Dover. From Ramapo-works to Newburg. From New Antrim, by Monroe, Chester, Goshen, Wallkill, Montgomery, Shawangunk, New Paltz, Kingston, Songaerties, Catskill, Lunenburgh, Cocsacksie, Coyemans, Bethlehem, Albany, Troy, Lansinburg, Waterford, Stillwater, Saratoga, Northumberland, Fort Miller, Sandy Hill, Queensbury, Fort George, Thurman, Chester, Scaroon lake, Elizabeth, Willsboro', Peru and Plattsburg, to Champlain town. From Hamburg, N. J. by Warwick, Florida, Goshen, Little Britain, New Windsor, Newburg and Fishkill landing to Fishkill. From Danbury, Ct. by Fishkill landing and Newburg to Chenango Point. From Rhinebeck, by Kingston, Shandecan, Middletown, Delhi, Walton, Sidney, Jericho bridge, Onoquago, Binghamton, Union, Owego, Athens, Pa. Chemung, Elmira, Great-flat, Painted Post, Bath, Canesteo, Ark Port, Danville, Williamsburg and Geneseo to Avon. From Delhi to Meredith. From Wellsboro', Pa. by Lindsleystown, to Painted Post. From Hudson, by Lunenburg, Catskill, Cairo, Durham, Broome, Blenheim, Stamford, Harpersfield, Kortwright, Meredith, Franklin, Unadilla and Clinton, to Jericho bridge. From Erie, Pa. by Caseda, Cataraugus and Fish creek, to New Amsterdam. From Bath, by Roscommon and Jerusalem, to Geneva. From Elmira, by Catherinestown, Hector, Ovid, Lancaster and Romulus, to Geneva. From Owego, by Cantines, Ithica, Salmon creek, Milton, Aurora, Cayuga and Galen, to Great Sodus. From Ithica, by Ulysses, to Ovid. From Binghampton, by Green or Lisle, Oxford, Norwich, Hamilton, Paris and New Hartford, to Utica. From Oxford, by Unadilla, Otego, Milford, Hartwick, Otsego village and Bridewater, to Utica. From Albany, by Duanesburg, Dwilock, Cherry valley, Otsego village, Burlington, Columbus, Sherburne, Deruyter, Truxton and Homer, to Aurora. From Burlington, by New Berlin, Plymouth, Cincinnatus and Homer, to Ithica. From Otsego village, by New Lisbon, Pittsfield and Butternuts, to Oxford. From Cherry valley, by Springfield, Richfield, Plainfield and Bridgewater, to Sangerfield. From Onondaga, by Selina, Liverpool, Three Rivers Point and Oswego Falls, to Oswego. From Vernon, by Smithfield and Cazenovia, to Pompey. From Utica, by Whitestown, Rome, Camden, Adams and Sackett's Harbor, to Brownsville. From Utica, by Trenton, Steuben, Leyden, Turin, Lowville, Harrisburg, Oxbow, Dekalb, Canton, Ogdensburg, Lisbon, Hamilton, Madrid, Pottsdam, Chesterfield, Malone and Chetaugo, to Plattsburg. From Starrisburg, by Champion, Watertown and Brownsville, to Port Putnam. From Little Falls, by Fairfield, Newport and Russia, to Remsen. From Perramus, by Tappan, Clarkstown and Kakiat, to Havrestraw. From Schenectady, by Ballstown, Ballstown Springs, Saratoga Springs, Greenfield and Hadley, to Broadalbin. From Caughnawago, by Johnson and Mayfield, to Northampton. From Lansinburg, by Shaghticoke, Easton, Greenwich, Argyle, Hartford and Whitehall, to Fairhaven, Vt. From Sandy Hill, by Fort Ann, to Whitehall. From Lansinburg, by Cambridge, Salem, Hebron, Granville and Hampton, to Poultney, Vt. From Willsboro' to Charlotte, Vt. From Albany to New Lebanon. From Hudson, by Claverac, to Egremont, Ms.

In New Jersey.—From Morrisville, Pa. by Trenton, Princeton, New Brunswick, Rahway, Elizabethtown and Newark, to Jersey city. From Philadelphia, Pa. by Cooperstown, Gloucester, Woodbury, Swedesboro' and Woodstown, to Salem. From Cooperstown, by Long Coming, Blue Anchor, Riverbridge and Somer's Point, to Absecome. From Cooperstown, by Haddonfield, Taunton and Atsion, to Tuckertown. From Trenton, by Bordentown, Mount Holly, Black Horse, New Egypt, New

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Mills, Mount Holly, Morestown, Haddonfield, Cooperstown, Gloucester, Woodbury, Mullicohill, Poletavern, Deerfield, Bridgetown, Millville, Port Elizabeth, Dennis and Cape May c. h. to Cape Island. From Trenton, by Pennington, Flemington, Alexandria, Belvidere, Hope, Johnsonburg and Newtown, to Hamburg. From Trenton, by Allentown, Cranberry, Monmouth, Shrewsbury, Middletown Point, Spotswood, New Brunswick, Somerville, Pluckemin, New Germanton, New Hampton, Asbury and Pittston, to Alexandria. From New Hope, Pa. by Somerville, Boundbrook, Newmarket, Plainfield, Scotch Plains and Springfield, to Newark. From Easton, Pa. by Belvidere and Knowlton Mills, to Detotsburg, Pa. From Scotch Plains to New Providence. From Rahway, by Woodbridge, to Amboy. From Newark, by Chatham, Morristown, Rockaway and Sparta, to Newtown, thence by Hacketstown, Washington Valley, Chester and Menham, to Morristown. From Morristown, by Baskenridge, to Somerville. From Jersey City, by Bergen, Hackensack and Paramus, to New Antrim. From Bristol, Pa. to Burlington. From Bridgetown to Cedarville. Post roads.

In Pennsylvania.—From Wilmington, D. by Chester, Darby, Philadelphia, Frankfort and Bristol, to Morrisville. From Philadelphia, by Downingtown, Lancaster, Elizabethtown, Middletown, Harrisburg, Carlisle, Shippensburg, Chambersburg, M'Connelstown, Bedford, Somerset, Greensburg, Pittsburg, Cannonsburg and Washington, to West Middletown. From Taneytown, Md. by Petersburg, Hanover, York and Columbia, to Lancaster. From Brick Meeting-house, Md. by the Rising Sun, Unicorn, Black Horse, Sorrel Horse, Lancaster, Leditz, Ephrata, Reemstown, Adamstown, Reading, Cootstown, Allentown, Bethlehem, Easton, Stroudsburg and Middletown, to Milford, and thence to Pittston. From Brick Meeting-house, Md. by New London, Chatham, Kennett's square, Marshalltown and West Chester, to Downingtown. From Wilmington, D. by New Garden, Chatham, Gap and Strasburg, to Lancaster. From Lancaster, by New Holland, Churchtown, Morgantown, Pughtown, Pawlingsford, Norristown, Montgomery, Doylestown, New Hope, Newtown and Attleborough, to Bristol. From Philadelphia, by Jenkintown, Doylestown, Plumstead, Bursontown, Easton, Hellers, Woods, Wilkesbarre, Pittston, Putnam, Braintrem, Wyalusing, Standing Stone, Wysox and Sheshequin, to Athens. From Pittston, by Providence and Willingboro', to Binghamton, New York. From Plumstead, by Eerwinna, to Alexandria, N. J. From Jenkintown to New Hope. From Philadelphia, by Germantown, Chesnut-hill, Whitemarsh, Montgomery Square, Quakertown, Bethlehem, Kreidersville, Lausanne and Nescopeck, to Berwick. From Bethlehem to Nazareth. From Philadelphia, by Germantown, Springtown, Norristown, Trap, Reading, Hamburg, Sunbury, Northumberland, Milton, Muncey and Williamsport, to Wellsborough. From Milton, by Washington and Jerseytown, to Froetston. From Harrisburg, by Halifax, Sunbury, Northumberland, Lewisburg, Mifflinburg and Aaronsburg, to Bellefont, Milesburg, Clearfield and Venango, to Mercer. From Harrisburg, by Palmyra, Lebanon and Womelsdorf, to Reading. From Lebanon to Jonestown. From Harrisburg, by Clarks-ferry, Millerstown, Thompsonton, Mifflintown, Lewistown, M'Vaytown, Huntingdon, Alexandria, Hollidaysburg, Beaula, Armagh, Indiana, through Alexandria, to Greensburg. From Mifflintown, by Waterford, Concord, to Fannetsburg. From Manchester, Md. by Hanover, Abbotstown, Berlin and Sulphur Springs, to Carlisle. From Union, Md. by Petersburg and Gettisburg, to Chambersburg. From Emittsburg, Md. by Gettisburg, Carlisle, Gap, Millerstown, Selin's Grove, Northumberland, Danville, Bloomsburg, Berwick, Salem and Hanover, to Wilkesbarre. From Carlisle, by Waggoners' Gap, Landisburg, Hacketts, Shower's Mill and Zimmermans, to Douglass' Mill. From Hagerstown, Md. by Greencastle, Chambersburg, Strasburg, Fan- 1812, ch. 80, sec. 2. 1814, ch. 75, sec. 2. 1815, ch. 69, sec. 2.

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netsburg, Bedford furnace, Shirleys, Huntingdon, Centre furnace, Belfont, Jersey shore, to Williamsport. From Belfont to Lewistown. From Gettisburg, by Fairfield and Greencastle, to Messersburg. From Cumberland, Md. by Salisbury and Berlin, to Somerset. From Somerset, by Connellsville, Union and New Geneva, to Morgantown, Va. From Somerset, by Staystown, to Ebensburg. From Greensburg, by New Alexandria, to Kittaning. From Greensburg, by Mount Pleasant, Robbstown, Parkinson's ferry and Washington, to Burgettstown. From Union, by Brownsville, Washington, Waynesborough and Jeffersonville, to Union. From Pittsburg, by Butler, Mercer, Franklin, Meadsville, Crawford and Le Beuf, to Erie. From Erie to Litchfield, O. From Pittsburg, by Beavertown, to Greersburg. From Beavertown to Georgetown. From Baltimore, Md. to York.

In Michigan.—From Fort Miami, by Frenchtown, to Detroit.

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In Ohio.—From Point Pleasant, Va. by Gallipolis, Sciota Salt Works, Chilicotha, Franklinton, Worthington, Delaware, Mount Vernon, Mansfield, Ripley and Bronson, to Huron. From Marietta, by Belpre, to Wood c. h. From Marietta, by Athens, Chilicotha, New Market, Williamsburg, Milford, Columbia, Cincinnati, to Northbend. From Wheeling, Va. by St. Clairsville, Morristown, Frankford, Cambridge, Zanesville, Springfield, New Lancaster, Chilicotha and Browns' Cross-roads, to Maysville, K. From Cincinnati, by Crossby, Hamilton, Franklin, Dayton, Staunton, Troy, Pique Town, Springfield, Ludlow, Xenia, Waynesville, Lebanon and Montgomery, to Cincinnati. From Chilicotha, by Pepee, to Alexandria. From Zanesville, by Gnadenhutten and New Philadelphia, to Canton. From Marietta, by Waterford, Zanesville, Newark, Greenville, Worthington, to Urbana. From Troy to Greenville. From Brook c. h. Va. to Steubenville and Faucettstown, to New Lisbon. From Greersburg or Beavertown, Pa. by New Lisbon, Deerfield, Ravenna, Hudson, Cleveland, Huron, Perkins, Patterson and Sandusky, to Fort Miami. From Greersburg, Pa. by Poland, Youngstown and Warren, to Jefferson, and return by Williamsfield, Smithfield and Brookfield, to Warren. From Litchfield, by Ralphville, Jefferson and Austinville, to Cleveland. From Youngstown to Canfield.

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In Indiana.—From Louisville, K. by Jeffersonville, Clarksville, Corydon and Vincennes, to the United States' Saline. From Northbend, O. by Laurenceburg, to Port William, K.

In Illinois.—From Vincennes, In. T. by Kaskaskia, Prairies du Rochers and Cohakia, to St. Louis. From Smithland, K. by Fort Massack and Tywappety, to Cape Girardeau, L. T.

In Louisiana.—From St. Genevieve, by Mine au Burton and St. Louis, to St. Charles. From Kaskaskia, I. T. by Genevieve and Cape Girardeau, to New Madrid.

In Delaware.—From Elkton, Md. by Christiana and Newport, to Wilmington. From Wilmington, by New Castle, St. Georges, Cantwell's Bridge, Smyrna, Dover, Camden, Frederica, Milford, Georgetown and Dagsborough, to Poplartown, Md. From Cantwell's bridge, by Middletown, to Warwick, Md. From Frederica to Whiteleysburg. From Salisbury, Md. by Laurel, Concord and Georgetown, to Lewistown. From New Market, Md. by North West Fork Bridge and Bridge Branch, to Georgetown.

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In Maryland.—From Washington City, by Bladensburg, Baltimore, Harford, Havre de Grace and North East, to Elkton. From Washington City, by Upper Marlboro', Queen Ann, Annapolis, Haddaways, St. Michaels, Easton, Cambridge, Vienna, Salisbury, Snowhill, Princess Ann, White Haven and Quantico, to Vienna. From Poplartown, by Snowhill, to Horntown. From Salisbury to Quantico. From Cambridge to New Market. From Easton, by Centerville, Churchhill, Chestertown, Georgetown Cross-roads and Sassafras, to Warwick. From Georgetown

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Cross-roads, by the head of Chester, Sudler's Cross-roads, Beaver dam and Nine Bridges, to Greensborough. From Easton, by Hillsborough, Denton and Greensborough, to Whiteleysburg, D. From Elkton to Brick Meeting-house. From Harford to Belle Air. From Baltimore to Annapolis. From Baltimore, by Rockall, to Chestertown. From Baltimore, by Reisterstown, to Manchester. From Reisterstown, by Westminster, to Union Mills. From Baltimore, by Ellicott's Lower Mills, Poplartown, New Market, Fredericktown and Newtown, to Harper's Ferry. From Baltimore, by Queenstown, to Centreville. From Washington City, by Georgetown, Montgomery c. h. Clarksburg, Fredericktown, Middletown, Hagerstown, Hancock, Berkeley Springs, Oldtown, to Cumberland, and thence by the national road, to Union, Pa. From Washington City, by Brookville and Triadelphia, to Ellicott's Mills. From Fredericktown to Liberty. From Fredericktown, by Woodsborough, to Taneytown. From Fredericktown, by Creagerstown, to Emmetsburg. From Shepherdstown, Va. by Sharpsburg and Williamsport, to Hagerstown. From Upper Marlborough, by Nottingham, Aquasco, Benedict and Charlotte Hall, to Chaptico. From Queen Ann, by Pig Point, Tracey's landing, Lower Marlborough, Huntington and Calvert c. h. to St. Leonards. From Washington City, by Piscataway, Port Tobacco, Allenfresh, Newport, Chaptico, Leonardtown, Great Mill and St. Inigoes, to Ridge. From Port Tobacco, by Tophill, to Nanjemoy. From Leesburg, Va. by Charlesburg, to Montgomery c. h. From Fredericktown to Leesburg. From Newtown Trap, by Berlin, Thrasher's store and Hamilton's mill, to Waterford in Va.

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In Virginia.—From Washington City, by Alexandria, Dumfries, Stafford c. h. Falmouth, Fredericksburg, Bowling Green, White Chimnies, Hanover c. h. Richmond, Petersburg, Harris's and Brunswick, to Warrenton, N. C. From Washington City, by Prospect, Lanesville, Leesburg, Waterford, Hillsborough, Charlestown, Shepherdstown and Martinsburg, to Berkeley Springs. From Waterford, by Braden's Store, Janneys and Snicker's Gap, to Upperville. From Washington City, by Fairfax c. h. Goshen, Middleburg, Paris, Winchester, Romney, Westernport, Md. Gandysville, Clarksburg and Marshes, to Marietta, O. From Gandysville to Morgantown. From Clarksburg to Beverly. From Pendleton c. h. by Moorfields, Romney, Springfield and Frankfort, to Cresapsburg, Md. From Williamsport, Md. by Martinsburg, Winchester, Stevensburg, Newtown, Strasburg, Woodstock, New Market and Harrisonburg, to Staunton. From Harper's Ferry, by Charlestown and Battletown, to Winchester. From Fairfax c. h. by Centreville, Haymarket, Warrenton, Madison c. h. Stanardsville, Staunton, Middlebrook, Brownsburg, Lexington, Natural Bridge, Pattonsburg, Fincastle, Amsterdam, Salem, Airmont, Christiansburg and Evansham, to Abingdon. From Alexandria to Fairfax c. h. From New York to Lovingston in Nelson county. From Colchester to Occoquan. From Fredericksburg, by Elk Run Church and Warrenton, to Gibsons and Oak Hill. From Fredericksburg, by Germana, Stevensburg, Culpepper c. h. Jeffersonton, Washington and Front Royal, to Winchester. From Culpepper c. h. by Woodville, F. T. Village, Pass Mills, Thornton's Gap, Mundell's Store and Hawksbill Mills, to New Market. From Fredericksburg, by Orange c. h. Gordons, Milton, Charlottsville, New Glasgow, to Lynchburg. From Lovingston, by Warren, to Warminster. From Fredericksburg, by Thornsburg, Chilesburg, Oxford, Crewsville and Price's Mills, to Goochland c. h. From Fredericksburg, by Spottsylvania c. h. Lewis's, Potties, Bibb's Store, Louisa c. h. Yanceyville and Mitchell's Store, to Goochland c. h. From Fredericksburg, by King George c. h. Broadfield, Mattoxbridge, Leedstown, Templeman's Cross Roads, Richmond c. h. Mount Airy, Farnham, Kinsale, Northumberland c. h. and Lancaster c. h. to Kilmarnock. From Fredericksburg, by Port Royal, Laytons, Tappahannock, Urbanna and

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Gloucester c. h. to Yorktown. From Bowling Green, by Broaddus's Mills, Dunkirk, Walkerton, King and Queen c. h. and Gloucester c. h to Matthews c. h. From Dunkirk, by Aylett's Warehouse, King William c. h. to Lilly Point. From Richmond, by Goochland c. h. Columbia, Milton, Charlottsville, New York, Waynesburg, Staunton, Warm Springs, Callaghans or Browns, Sulphur Springs, Lewisburg, Kenhawa c. h. and Hudsons, to Point Pleasant. From Hudsons, by Wards and Jourdans, to Catlettsburg, at the mouth of Big Sandy. From Callaghans, by Sweet Springs and Union, to Giles' c. h. From Evansham, by Jeffersonville and Franklin, to Jonesville. From Evansham, by Austinville, to Greenville. From Richmond, by Powhatan c. h. Cumberland c. h. Floods, Lynchburg, Beufords, Hourytown and Fincastle, to Sweet Springs. From Liberty, by Brown's Store, Rockymount, Henry c. h. to Patrick c. h. From Powhatan c. h. by Cartersville, New Canton, Buckingham c. h. and Bent Creek, to Lynchburg. From Powhatan c. h. by Farmville, Prince Edward c. h. Charlotte c. h. Marysville, Halifax c. h. Paytonsburg and Pittsylvania c. h. to Henry c. h. and from Peytonsburg, to Danville. From Prince Edward c. h. by Kelso's Store, to Hunters. From Pittsylvania c. h. by Danville, to Caswell c. h. in N. C. From Lynchburg, by Bethel, Pedlar Mills and Wincanton, to Lexington. From Lynchburg, by Campbell c. h. Ward's Ferry on Staunton river and Stone's Store, to Pittsylvania c. h. From Richmond, by Chesterfield c. h. Spring Hill, Colesville, Jenitoe Bridge, Cassel's Store, Amelia c. h. Painesville and Jamestown, to Farmville. From Charlotte c. h. by Rough Creek Church and Reeds Store on Falling river, to Campbell c. h. From Richmond, by Hanovertown, Dunkirk and Tappahannock, to Richmond c. h. From Richmond, by Frazers, New Kent c. h. Williamsburg, Yorktown, Hampton, Norfolk and Great Bridge, to Northwest River Bridge. From Richmond, by Granville, to Charles City c. h. From Petersburg, by Dinwiddie c. h. Nottaway c. h. Hendersonville, Hungrytown, Double Bridge, Haleys, Willies, Bibb's Ferry and Scottsburg, to Halifax c. h. From Petersburg, by Prince George, Cabbin Point, Surry c. h. Smithfield, Everitt's Bridge, Suffolk and Portsmouth, to Norfolk. The mail may be sent from Smithfield, by Sleepy Hole Ferry, and thence to Suffolk, when the road and ferry are in convenient repair. From Petersburg to City Point. From Petersburg, by Sussex c. h. Jerusalem and South Quay, to Murfreesboro', N. C. From Hicks's Ford, by Smith's Store, to Murfreesboro'. From Harrisville, by Fields Mill, Quarlesville, M'Farlands, Lunenburg c. h. Christiansville, Marshallsville, Mecklenburg c. h. St. Tammany's and Geese Bridge, to Harrisville. From Percivalls, by Westward Mill, Mason's, Belfield and Hicks's Ford, to Halifax, N. C. From Hicks's Ford, by Cross Keys, Bethlehem and Jerusalem, to Suffolk. From Billips's to Hicks's Ford. From West Middletown, Pa. by Brook c. h. and Short Creek, to Wheeling. From Horntown, by Accomac c. h. and Northampton c. h. to Norfolk. From West Liberty, by Short Creek, to Warrenton, O.

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In Kentucky.—From Maysville, by Washington, Millersburg, Paris, Lexington, Frankfort, Springfield, Greensburg, Glasgow and Bowling Green, to Russelsville. From Catlettsburg, by Greenup c. h. Johnson's Mills, Vanceburg, Salt Works, Lewis c. h. and Flemmingsburg, to Millersburg, thence by Mount Sterling and the Olympian Springs, to Catlettsburg. From Cumberland Gap, by Barboursville, Road Forks, Crab Orchard, Stanford, Danville, Harrodsburg, Frankfort and New Castle, to Port William. From Road Forks to Clay c. h. From Washington, by Augusta and Newport, to Boon c. h. From Lexington, by Nicholasville, Richmond and Lancaster, to Danville. From Frankfort, by Georgetown, Cynthiana, Falmouth and Newport, to Cincinnati, O. From Frankfort, by Shelbyville, Louisville, Shepperdsville, Bairdstown, Springfield and Danville, to Casey c. h. From Frankfort, by Middle-

town, Bairdstown, Bealsburg, Elizabethtown, Grangerville, Hardenburg, Hartford and Muhlenburg c. h. to Russelsville. From Hardenburg, by Yellow Banks, Hendersonton, U. S. Saline, In. T. to Shawnee Town, Il. T. and to Livingston c. h. From Russelsville, by Christian c. h. Eddyville and Livingston c. h. to Smithland. From Stanford, by Pulaski c. h. Wayne c. h. Cumberland and Adair, to Greensburg. From Lexington, by Winchester and Mount Sterling, to Estill c. h. From Muhlenburg c. h. Hopkins c. h. by Harpsburg, to Henderson. Post roads.

In North Carolina.—From Warrenton, by Louisburg, Raleigh, Averysboro', Fayetteville, Lumberton and Nolands, to Barefields, S. C. From Suffolk, Va. by Gates c. h. Edenton, Lees Mills, Plymouth, Washington, Newbern, Swansboro' and Wilmington, to Smithville. From Henry c. h. Va. to Germanton. From Greensville, Va. by Scull Camp, Mount Airy and Bethania, to Salem. From Warrenton, by Williamsboro', Oxford, Person c. h. Leesburg, Caswell c. h. Lenox Castle, Rockingham c. h. and Germanton, to Salem. From Oxford to Hillsboro'. From Raleigh, by Nutthall's Store, to Oxford. From Raleigh, by Chapel Hill, Hillsboro', Allemance, Greensboro', Salem, Huntsville, Houstonville, Statesville, Island Ford, Morgantown and Ashville, to the Warm Springs, and from Ashville to Haywood c. h. From Hillsboro', by Mount Tirzah, Person c. h. Williamsville and the Red House, to Halifax c. h. Va. From Huntsville, by Rockford, Hamptonville and Wilkesboro', to Ash c. h. From Salem, by Lexington, Salisbury and Concord, to Charlotte. From Charlotte to Statesville. From Raleigh, by Pittsboro', Randolph c. h. Salisbury, Beattysford, Grahams, Lincolnton and Rutherfordton, to Spartansburg, S. C. From Fayetteville, by Moor c. h. Waddels Ferry, Tyson's Store, Linly's Store and Hillsboro', by Jones' Ferry, to Pittsboro', and thence by Haywood, to Fayetteville. From Fayetteville, by Rockingham, Wadesboro', Springville and Tindallsville, to Salisbury. From Fayetteville, by Laurel Hill, to Winfieldsville, S. C. From Warrenton, by Jones' Store, Halifax, Northampton c. h. Murfreesborough, Winton, Coleraine, Windsor, Edenton, Hartford, Nixonton, Elizabeth, Camden c. h. Indiantown, Currituck c. h. and Tulls Creek, to Northwest Bridge, Va. From Elizabeth to New Lebanon. From Warrenton, by Ransom's Bridge, Sill's Store, Nash c. h. Tarborough, Greenville, Washington, Bath, Woodstock and Germanton, to Lake Landing, on Mattamuskeet. From Halifax, by Enfield, Mount Prospect, to Tarborough. From Raleigh to Nash c. h. From Halifax, by Scotland Neck, Hamilton, Williamston, Jamestown, Plymouth and Washington c. h. to Scuppernong. From Raleigh, by Smithfield, Waynesboro', Kingston and Newbern, to Beaufort. From Kingston to Snowhill. From Fayetteville, by Sampson c. h. Duplin c. h. and South Washington, to Wilmington. From Fayetteville, by Elizabethtown, to Wilmington. From Elizabethtown to Marsh Castle. 1812, ch. 80. 1814, ch. 75. 1815, ch. 69.

In Tennessee.—From Abingdon, Va. by Blountsville, Rossville, Rogersville, Whitesides, Been's Station, Rutledge, Knoxville, Campbell, Meredith, Kingston, Hartleys, Alexanders, White Plains, Carthage, Dixons Springs, Cairo, Gallatin, Hendersonville, Nashville, Franklin and Columbia, to the Big Spring. From Blountsville, by Jonesborough, Greenville, Cheek's Cross Roads and Dandridge, to Knoxville. From Jonesborough, by Elizabethtown, to Ash c. h. N. C. From the Warm Springs, N. C. by Newport, Sevierville, Knoxville, Clinton and Chitwood, to Pulaski, K. From Newport, by Cheek's Cross Roads, Been's Station, Tazewell and Powell's Valley, to Cumberland Gap. From Knoxville, by Marysville, Telico, Amoy river, Vanstown, Turkeytown, near the junction of Koose and Talipoose rivers, being the head of Alibama river, to Fort Stoddert on the Mobile river, M. T. From Carthage to Lebanon. From Carthage to Fort Blount. From Nashville, by Charlotte, Hickman c. h. and Humphreys c. h. to Charlotte. From Nashville, by Springfield, to 1812, ch. 80. 1814, ch. 75. 1815, ch. 69.

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Russelville, K. From Springfield, by Port Royal, Clarksville and Palmyra, to Steward c. h. and from thence to Eddyville, in the state of Kentucky. From Kingston, by Rhea c. h. Bledsoe c. h. Warren and Jefferson, to Nashville. From Wayne c. h. Kentucky, by Overton c. h. and White Plains, to White c. h. From Columbia, by Shelbyville, Winchester, Fayetteville, Huntsville, M. T. and Pulaski, to Columbia. From Bledsoe c. h. to Franklin c. h.

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In South Carolina.—From Barefields, by Port's ferry, China Grove, Georgetown, Charleston, Jacksenboro', Pocotaligo and Coosawhatcha, to Savannah, Ga. From Greenville, by Pickensville, Pendleton c. h. and Hattensford, to Carnesville, Ga. From Winfieldsville, by Cheraw c. h. Camden, Columbia, Edgefield c. h. and Cambelltown, to Augusta, Ga. From Barefields, by Marion c. h. Ilesboro', Bitheosville and Harleysville, to Barefields. From Port's ferry, to Conwayborough. From Wadesborough, N. C. by Sneedsborough, Chatham, Cheraw c. h. and Darlington c. h. to Port's ferry on Lynch Creek. From Charleston, by Monks Corner, Jamesville, Statesburg, Camden, Chesnut-ferry, Peas' store, Rocky Mount, Lansford, and Alexanders, to Charlotte, to return by Cairo and Lancaster, to Camden. From Columbia, by Miersville, Statesburg, Sumpterville, Salem, Kingstree, Indiantown and Willtown, to China Grove. From Columbia, by Winnsborough, Chester c. h. York c. h. Pinckneyville, Union, Meansville and Spartanburg, to Greenville. From Columbia, by Monticello, Hendersons, O'Neals, the Keys, Cross Anchor and Shackelsfords, to Greenville, return by Stonesville, Young's Store, Scuffletown, Huntington, Poplar Grove and Springhill, to Columbia. From Charleston, by Dorchester, St. Georges, Orangeburgh, Columbia, Newbury c. h. Belfast, Laurens c. h. Fork Shoal, Greenville, Reedsville and Claytonsville, to Ashville, N. C. to return by Murraysville to Greenville. From Greenville, return by Tumbling Shoal and Laurens c. h. to Columbia. From Edgefield, c. h. by Richardsons, Cambridge, Abbeville and Rocky River, to Pendleton c. h. From Edgefield c. h. by Long Miers, Willington, Vienna and Andersonville, to Pendleton c. h. From Jacksonboro', by Barnwell c. h. and Campbelltown, to Augusta, Ga. From Pocotaligo to Beaufort. From Charlotte, N. C. to York c. h. From Petersburg, Ga. to Vienna.

1812, ch. 80.
1814, ch. 75.

In Georgia.—From Savannah, by Bryan c. h. Riceboro', M'Intosh c. h. Darien and Brunswick, to St. Mary's. From Augusta, by Lincolnton, Petersburg and Elberton, to Franklin c. h. From Augusta, by Columbia c. h. Washington, Lexington, Athens, Watkinsville and Clarksboro', to Jefferson. From Augusta, by Columbia c. h. Warrenton, Sparta, Milledgeville, and Jones c. h. to Hawkins, on the Oakmulgee river, and from thence to Coweta. From Milledgeville, by Putnam c. h. Morgan c. h. and Watkinsville, to Athens. From Darien, by Jones' to Milledgeville. From Morgan c. h. to Randolph c. h. From Milledgeville to Saundersville. From Augusta, by Waynesboro', Louisville, Georgetown, Warrenton, Powelton and Greensboro', to Washington. From Augusta, by Jacksonboro,' to Savannah. From Riceboro' to Sunbury.

1815, ch. 69.

In Mississippi.—From the Big Spring, by Bear Creek, M'Intoshville, Walnut Hill, St. Albans, Grindstoneford, Port Gibson, Greenville, Washington, Natchez, Ellis' ferry and Loftus Heights, to Pinckneyville. From M'Intoshville, or White Oak Creek, by Fort St. Stephens, to Fort Stoddert. From Coweta, by Tuckabachy, Tensaw and Fort Stoddert, to Pascagoola river.

1814, ch. 75.

In Orleans Territory.—From Pinckneyville, by Baton Rouge, Abbeville, La Fourche or Houmas, St. Charles and New Orleans, to Balize. From La Fouche, by Point Coupee, Opeloosa and Rapid, to Nachitochez. From Pascagoola river to New Orleans.

Sec. 2. *And be it further enacted,* That from and after the first day

of June next, all post roads heretofore established by any act of Congress of the United States, shall be and the same are hereby discontinued: *Provided*, that nothing herein contained shall be construed so as to affect any existing contracts.

Approved, April 28, 1810.

Statute II.

March 16, 1810.

Act of June 9, 1794, ch. 62.
Act of May 10, 1800, ch. 55.
Act of March 3, 1803, ch. 30.
Act of March 19, 1804, ch. 33.
Act of 1807.
Act of March 21, 1808, ch. 37.
Act of 1810.
Act of July 5, 1813, ch. 7.
Act of 1814.
Act of 1818.
Act of 1821.
Act of 1823.

Five years allowed to obtain warrants and complete locations, and seven years to return the surveys.

Chap. XXXI.—*An Act to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary of the department of War.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Sciota rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further term of five years, from and after the passage of this act, to obtain warrants and complete their locations, and a further term of seven years, from and after the passage of this act as aforesaid, to return their surveys and warrants, or certified copies of warrants to the office of the secretary of the war department, any thing in any former act to the contrary notwithstanding: *Provided*, that no locations as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed; and any patent which may nevertheless be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

Approved, March 16, 1810.

Statute II.

April 27, 1810.

[Obsolete.]

Laws, &c. relative to the public lands to be collected and published.

March 3, 1845.

Chap. XXXIII.—*An Act providing for the printing and distributing of such Laws of the United States, as respect the Public Lands.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be collected into one volume and arranged, the several laws of the United States, resolutions of the Congress under the confederation, treaties and proclamations that have operation and respect to the public lands: and to cause twelve hundred copies to be printed, one of which shall be transmitted to each of the existing land boards of commissioners for settling land claims, and a copy to each of the registers and receivers of public monies of the several land-offices of the United States; and the residue of the said copies shall be preserved for the future disposition of Congress.

Approved, April 27, 1810.

Statute II.

April 28, 1810.

Act of July 4, 1836, ch. 357, sec. 7.
Act of March 3, 1839.

President authorized to buy or to cause to be built a house for the accommodation of the general post-office, &c

Chap. XXXIV.—*An Act providing for the better accommodation of the General Post-office and Patent Office, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is authorized to erect, or procure by purchase, a building suitable for the accommodation of the general post-office, and of the office of the keeper of the patents, in such situation, and finished in such manner, as the interest of the United States and the safety and convenience of those offices respectively, and the arrangement of the models in the patent office shall, in his opinion, require.

Sec. 2. *And be it further enacted*, That the President of the United

City post-office, and those of superintendent and surveyor of the city to be removed.

Fire-proof rooms to be erected in the public offices west of the President's house.

Appropriation.

States be, and hereby is authorized to cause the city post-office, and the offices of the superintendent and surveyor of the city of Washington, to be immediately removed from the public building west of the President's house; and that he cause to be built within the said public building, as many fire-proof rooms as shall be sufficient for the convenient deposit of all the public papers and records of the United States, belonging to, or in the custody of the state, war or navy departments.

Sec. 3. *And be it further enacted,* That the sum of twenty thousand dollars be appropriated for the purposes expressed in this act, out of any monies in the treasury, not otherwise appropriated.

Approved, April 28, 1810.

Statute II.

April 30, 1810.

Act of March 26, 1804, ch. 35.

Certain lands to which Indian title has been extinguished to be added to the districts of Cincinnati and Vincennes.

These lands to be offered for sale to the highest bidder.

Conditions, places, &c. &c.

Lands unsold may be sold at private sale.

Compensation of the superintendents of the public sales.

Boundary between districts of Vincennes and Jeffersonville.

Sales to be regulated accordingly.

Certain claims to land in the district of Vincennes.

Chap. XXXV.—*An Act providing for the sale of certain lands in the Indiana territory, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that tract of land, to which the Indian title was extinguished by the treaty made at Fort Wayne, on the thirtieth day of September, in the year one thousand eight hundred and nine, lying west, and adjoining to the boundary line established by the treaty of Greenville, shall be attached to, and made a part of the district of Cincinnati; and the residue of the lands to which the Indian title was extinguished by the said treaty, and other treaties made at Vincennes in the same year, shall be attached to, and made a part of the district of Vincennes; and the said lands, with the exception of section number sixteen, which shall be reserved in each township for the use of schools within the same, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, and of the receiver of public monies, at the places respectively where the land-offices are kept, and on such day or days as shall by proclamation of the President of the United States, be designated for that purpose; the sales shall remain open at Cincinnati one week, and at Vincennes three weeks and no longer; the lands shall not be sold for less than two dollars an acre, and shall in every other respect be sold in tracts of the same size, and on the same terms and conditions, as have been or may be provided for lands sold in the same districts; all the lands in the said tracts, with the exception above mentioned, remaining unsold at the close of the said sales, may be disposed of at private sale by the register of the respective land-offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are, or may be provided by law for the sale of lands in the same districts, and patents shall be obtained in the same manner, and on the same terms as for other public lands, sold in the same districts.

Sec. 2. *And be it further enacted,* That the several superintendents of public sales directed by this act, shall receive four dollars a day, for each day's attendance on the said sales.

Sec. 3. *And be it further enacted,* That from and after the first day of June next, the second principal meridian established by the surveyor-general in the Indiana territory, shall be the boundary between the districts of Vincennes and Jeffersonville; and the lands included in the said districts respectively, according to the boundaries above mentioned, shall become a part of the district in which they are included, and shall be sold at the same place, in the same manner, and on the same terms and conditions as the other public lands, lying in the same district.

Sec. 4. *And be it further enacted,* That any person or persons entitled to donation lands, in the district of Vincennes by any former resolution or act of Congress, and who were minors, or did not reside within the

(a) See notes to the act of March 26, 1804, chap. 35.

Indiana territory during the time allowed by law for registering claims to land within the said district, and whose claims have not heretofore been presented to either of the boards of commissioners for adjusting claims to land at Vincennes and Kaskaskia, may, until the first day of November next, give notice, in writing, to the register of the land-office of the said district of their claims, and have the evidence of the same recorded in the same manner, and on payment of the fees provided by an act, entituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes;" and the right of any such persons neglecting to give such notice of his claim, and to have the evidence of the same recorded, shall become void, and for ever be barred.

Mode of proceeding for having them recorded.

Act of March 26, 1804, ch. 35.

Persons not giving notice to be barred.

Sec. 5. *And be it further enacted,* That the register of the land-office and the receiver of public monies at Vincennes shall perform the same duties and exercise the same powers in relation to the claims filed with the register under this act, which by the last recited act were enjoined on, or vested in the commissioners designated by the said act; and it shall also be the duty of the said register and receiver, to make to the Secretary of the Treasury a report of all the claims thus filed with the register of the land-office, together with the substance of the evidence adduced in support thereof, with such remarks thereon as they may think proper; which report, together with a list of the claims, which in the opinion of the register and receiver ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress at their next session, for their determination thereon; and the said register and receiver shall each be allowed an additional compensation of one hundred dollars, in full for their services in relation to such claims, and one hundred dollars for clerk hire.

Register of the land office and the receiver of public monies at Vincennes, how affected by this act.

Compensation.

Sec. 6. *And be it further enacted,* That a tract of land in the Illinois territory, at, and including Shawneetown, on the Ohio river, shall, under the direction of the surveyor-general, be laid off into town lots, streets and avenues, and into out lots, in such manner and of such dimensions as he may judge proper: *Provided,* the tract so to be laid off shall not exceed the quantity of land contained in two entire sections, nor the town lots one quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the surveyor-general, on which the town lots and out lots shall respectively be designated by progressive numbers, who shall cause two copies to be made, one to be transmitted to the Secretary of the Treasury, and the other to the register of the land-office; and the lots shall be offered to the highest bidder at public sale, at the same time and place, on the same terms and conditions, (except as to the quantity of land,) as have or may be provided for the sale of the other public lands in the said territory: *Provided,* that no town lot shall be sold for a less price than eight dollars, nor any out lot for less than at the rate of five dollars an acre.

A tract of land in the Illinois territory to be laid off under direction of surveyor-general.

The tract laid off into lots not to exceed the quantity in two sections.

No town lot to be sold for less than eight dollars.

Approved, April 30, 1810.

Statute II.

April 30, 1810.

Chap. XXXVI.—*An Act to extend the time for making payment for the Public Lands of the United States in certain cases.*

Act of March 2, 1809, ch. 26.

Actual settlers, with some exceptions, under purchases from the United States allowed a further time to make their payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who, prior to the first day of January, one thousand eight hundred and six, had purchased any tract or tracts of land of the United States, not exceeding in the whole, six hundred and forty acres, at any of the land-offices established for the disposal of said lands, whether such purchase was made at public or private sale, (sales by virtue of a pre-emption right only excepted,) and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money,

and who shall for the term of at least one year previous to the expiration of five years from the date of the purchase of the land, have actually inhabited and cultivated any one tract of land thus purchased, and the time for making the last payment on account of such purchase according to former laws, may have expired or shall expire on or before the first day of January next, shall be allowed a further term of two years, for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions, that is to say: First, that all the arrears of interest on the land purchased to the end of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year: Second, that the residue of the sum due on account of the principal of such purchase shall be paid with interest thereon, in two equal annual payments, viz: one half of the said residue with the interest, which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest, or each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions now prescribed for the sale of lands, purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

Two years allowed for the payment of the residue.

Mode of payment of the residue.

And in cases where any tract or tracts of land, not in the whole exceeding six hundred and forty acres, which have since the first day of January last, reverted to the United States, for default of payment, the original purchaser may again enter the same tract or tracts. And all monies which such original purchaser may have paid shall be replaced to his credit, by the receiver of public monies of the respective land-offices, and such re-purchasers shall be allowed the same benefits of the extension of the time of payment, created by this act, as though no such reversion had occurred: *Provided*, such original purchaser shall make to the proper land officer such application for such re-entry, as is required by law for the entry of lands, on or before first day of June next, and the land so reverted shall not have then been previously resold.

Provision in cases where the lands have reverted to the U. States.

Proviso, that application be made before June 1, 1810.

Approved, April 30, 1810.

Statute II.

April 30, 1810.

Repealed by act of March 3, 1825.

Chap. XXXVII.—*An Act regulating the Post-office Establishment.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, at

(a) For the decisions of the courts of the United States on the duties and obligations of the "Postmaster General," "Postmasters," and "the Post-office," see act of May 8, 1794, chap. 23, vol. i. 363.

Previous acts for the regulation of the Post-office department:—

An act for the temporary establishment of the post-office. (Obsolete.) September 22, 1789, chap. 16.

An act to continue in force for a limited time, "An act for the temporary establishment of the post-office." (Obsolete.) August 4, 1790, chap. 36.

An act to continue in force for a limited time, "an act for the temporary establishment of the post-office." (Obsolete.) March 3, 1791, chap. 23.

An act to establish the post-office and post roads within the United States. (Expired.) February 20, 1792, chap. 7.

the seat of government of the United States, a general post-office, under the direction of a Postmaster-General. The Postmaster-General shall appoint two assistants, and such clerks as may be necessary, for performing the business of his office. He shall establish post-offices and appoint postmasters, at all such places as shall appear to him expedient, on the post roads that are or may be established by law. He shall give his assistants, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the general post-office, instructions relative to their duty. He shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper. He may direct the route or road, where there are more than one between places designated by law for a post road, which route shall be considered the post road. He shall obtain from the postmasters their accounts and vouchers for their receipts and expenditures once in three months, or oftener, with the balances thereon arising in favour of the general post-office. He shall pay all expenses which may arise in conducting the post-office, and in the conveyance of the mail, and all other necesssary expenses arising on the collection of the revenue and management of the general post-office. He shall prosecute offences against the post-office establishment. He shall once in three months render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts. He shall also superintend the business of the department in all the duties, that are or may be assigned to it: *Provided*, that in case of the death, resignation or removal from office of the Postmaster-General, all his duties shall be performed by his senior assistant, until a successor shall be appointed and arrive at the general post-office to perform the business.(*a*)

General post-office established at the seat of government.

Duties of the Postmaster-General.

Sec. 2. *And be it further enacted*, That the Postmaster-General, and all other persons employed in the general post-office, or in the care, custody or conveyance of the mail, shall, previous to entering upon the

An act to establish the post-office and post roads within the United States. (Obsolete.) May 8, 1794, chap. 23.

An act in addition to the act entitled, "An act to establish the post-office and post roads in the United States." (Obsolete.) March 3, 1797, chap. 19.

An act to continue in force the 5th section of the act entitled, "An act in addition to the act entitled, An act to establish the post-office and post roads in the United States." (Obsolete.) March 28, 1798, chap. 24.

An act to establish the post-office in the United States. (Repealed.) March 2, 1799, chap. 43.

An act further to alter and establish certain post roads, and for other purposes. (Repealed.) March 26, 1804, chap. 34.

An act to establish certain post roads, and for other purposes. (Repealed.) March 3, 1807, chap. 43.

Acts relating to the post-office department, passed subsequent to the act of April 30, 1810, chap. 37.

An act to provide additional revenues for defraying the expenses of government, and maintaining the public credit, by duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage. (Repealed.) December 23, 1814, chap. 16.

An act in addition to the act regulating the post-office establishment. (Repealed.) February 27, 1815, chap. 65.

An act to repeal so much of an act passed on the 23d of December, one thousand eight hundred and fourteen, as imposes additional duties on postage, February 1, 1816, chap. 7.

An act in addition to an act to regulate the post-office establishment. (Repealed.) April 9, 1816, ch. 45.

An act to reduce into one, the several acts establishing and regulating the post-office department, March 3, 1825, chap. 64.

An act amendatory of the act regulating the post-office department, March 2, 1827, chap. 61.

An act to increase the salary of the Postmaster-General, March 2, 1827, chap. 62.

An act to change the organization of the post-office department, and to provide more effectually for the settlement of the accounts thereof, July 2, 1836, chap. 270.

A resolution to change the time of making contracts for the transportation of the mail, May 14, 1836.

A resolution to enable the Postmaster-General more readily to change the commencement of the contract year in the post-office department, March 2, 1837.

An act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and forty-two, May 18, 1842, chap. 29, sec. 1. Act of 1845, chap. 43.

A resolution in relation to the transmission of the British mail between Boston and Canada, and for other purposes, June 15, 1844. Act of March 3, 1845.

(*a*) Act of March 2, 1827. By the act of March 2, 1827, chap. 62, an addition to the salary of the Postmaster-General, of two thousand dollars was made.

duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the general post-office: "I, A. B. do swear, or affirm (as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishment of the post-office and post roads within the United States." Every person who shall be in any manner employed in the care, custody, conveyance or management of the mail, shall be subject to all pains, penalties and forfeitures for violating the injunctions, or neglecting the duties required of him by the laws relating to the establishment of the post-office and post roads, whether such person shall have taken the oath or affirmation above prescribed or not.

Oath of office.

Violations of their trusts to be punished, as if the persons concerned therein had not taken it.

Sec. 3. *And be it further enacted*, That it shall be lawful for the Postmaster-General to provide by contract, for the carriage of the mail on any road on which a stage wagon or other stage carriage shall be established, on condition that the expense thereof shall not exceed the revenue thence arising. It shall also be lawful for the Postmaster-General to enter into contracts for a term not exceeding eight years, for extending the line of posts, and to authorize the persons so contracting, as a compensation for their expenses, to receive during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets and packets, conveyed by any such post; and the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post roads within the provision of this act: and a duplicate of every such contract shall, within sixty days after the execution thereof, be lodged in the office of the comptroller of the treasury of the United States.

Postmaster-General may provide for the carriage of the mail.

Free white persons only to be employed in the carriage of the mail.

Sec. 4. *And be it further enacted*, That no other than a free white person shall be employed in carrying the mail of the United States, on any of the post roads, either as a post-rider or driver of a carriage carrying the mail; and every contractor or person who shall have stipulated or may hereafter stipulate to carry the mail, or whose duty it shall be to cause the same to be conveyed on any of the post roads as aforesaid, and who shall, contrary to this act, employ any other than a free white person as a post-rider or driver, or in any other way to carry the mail on the same, shall for every such offence forfeit and pay the sum of fifty dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the person who shall sue for and prosecute the same, before any court having competent jurisdiction thereof.

Postmaster-General may allow the deputy postmasters such compensation as he may judge reasonable.

Sec. 5. *And be it further enacted*, That the Postmaster-General shall be authorized to allow the postmasters at the several distributing offices such compensation as shall be adequate to their several services in that respect: *Provided*, that the same shall not exceed, in the whole, five per cent. on the whole amount of postages on letters and newspapers received for distribution: *Provided also*, that if the number of mails, received at and despatched from any such office is not actually increased by the distributing system, then no additional allowance shall be made to the postmaster.

Post-roads obstructed by gates, &c. &c. to be reported by the Postmaster-General to Congress, that others may be substituted.

Sec. 6. *And be it further enacted*, That whenever it shall be made to appear to the satisfaction of the Postmaster-General that any road established, or which may hereafter be established as a post road, is obstructed by fences, gates or bars, or other than those lawfully used on turnpike roads to collect their toll, and not kept in good repair, with proper bridges and ferries where the same may be necessary, it shall be the duty of the Postmaster-General to report the same to Congress with

such information as can be obtained, to enable Congress to establish some other road instead of it in the same main direction.

Penalties for obstructing or retarding the mail.

Sec. 7. *And be it further enacted*, That if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars: and if any ferryman shall by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay for each ten minutes that the same shall be so delayed, a sum not exceeding ten dollars.

Proposals for contracts to be published by the Postmaster-General.

Sec. 8. *And be it further enacted*, That it shall be the duty of the Postmaster-General to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states or territory, where the contract is to be performed, for at least six weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to be concluded, describing the places from and to which such mail is to be conveyed, the time at which it is to be made up, and the day and hour at which it is to be delivered. He shall moreover within ninety days after the making of any contract, lodge a duplicate thereof, together with the proposals which he shall have received respecting it, in the office of the comptroller of the treasury of the United States: *Provided*, that no contract shall be entered into for a longer term than four years.

Duplicates of contracts and proposals to be lodged in the comptroller's office.

Postmasters to have regular attendance in their offices.

Prescribed by the Postmaster-General.

Sec. 9. *And be it further enacted*, That every postmaster shall keep an office in which one or more persons shall attend on every day on which a mail, or bag, or other packet or parcel of letters shall arrive by land or water, as well as on other days, at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster at all reasonable hours, on every day of the week, to deliver, on demand, any letter, paper or packet, to the person entitled to or authorized to receive the same; and all letters brought to any post-office half an hour before the time of making up the mail at such office shall be forwarded therein; except at such post-offices, where, in the opinion of the Postmaster-General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall in no case exceed one hour.

Regulations concerning letters.

No fees or perquisites allowable in the general post-office.

Sec. 10. *And be it further enacted*, That no fees or perquisites shall be received by any person employed in the general post-office on account of the duties to be performed by virtue of his appointment.

Rates of postage.

Act of Dec. 23, 1814, ch. 16, sec. 2.

Sec. 11. *And be it further enacted*, That the following rates of postage shall be charged on all letters and packets (excepting such as are herein after exempted) conveyed by the posts of the United States, viz. for every letter composed of a single sheet of paper, conveyed not exceeding forty miles, eight cents; over forty, and not exceeding ninety miles, ten cents; over ninety, and not exceeding one hundred and fifty miles, twelve and a half cents; over one hundred and fifty, and not exceeding three hundred miles, seventeen cents; over three hundred, and not exceeding five hundred miles, twenty cents; over five hundred miles, twenty-five cents. And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, that no packet of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds: and

the postage marked on any letter or package, and charged on the post bill which may accompany the same, shall, in favour of the postmaster who delivers out said letter, be conclusive evidence of the lawful postage thereon, unless said letter shall be opened in the presence of the said postmaster or his clerk.

Postage upon foreign letters and those carried coastwise.

Sec. 12. *And be it further enacted,* That every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with six cents, if delivered at the post-office where the same shall arrive, and if destined to be conveyed by post to any other place, with two cents added to the ordinary rates of postage.

Penalties for charging unauthorized rates of postage.

Sec. 13. *And be it further enacted,* That if any postmaster, or other person authorized by the Postmaster-General, to receive the postage of letters, shall fraudulently demand or receive any rate of postage, or gratuity or reward, other than is provided by this act, for the postage of letters or packets; on conviction thereof he shall forfeit for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the government of the United States.

Letters to be delivered to the postmasters from vessels, previous to their being permitted to report, &c.

Masters of vessels to take an oath as to the delivery of letters, &c.

Penalties.

Sec. 14. *And be it further enacted,* That no ship or vessel arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster all letters directed to any person or persons within the United States, or the territories thereof, which, under his care, or within his power shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port, empowered to receive entries of ships or vessels, to require, from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid. And if any commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this act, every such offender shall, on conviction thereof, forfeit for every such offence a sum not exceeding one hundred dollars.

Masters of vessels, except those of foreign packets, to receive postage for letters brought and delivered by them.

Sec. 15. *And be it further enacted,* That the postmasters to whom such letters may be delivered, shall pay to the master or commander, or other person, delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain, from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster-General, who shall credit him with the amount.

Penalties for setting up posts between post towns.

Sec. 16. *And be it further enacted,* That if any person, other than the Postmaster-General or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage or sleigh on any established post road, or from one post town to another post town, on any road adjacent or parallel to an established post road, or any packet boat or other vessel to ply regularly from one place to another, between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines or pamphlets, and carry the same by such foot or horse post, stage wagon or other stage, carriage, or sleigh, packet boat or vessel, (excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any packet or bundle in such conveyance is intended to be delivered,) every person so offending shall forfeit for every such offence the sum of fifty

dollars: *Provided*, that it shall be lawful for any person to send letters or packets by a special messenger.

Regulations concerning way letters.

Sec. 17. *And be it further enacted*, That the deputy postmasters and other agents of the Postmaster-General shall duly account and answer to him, for all way letters which shall come to their hands; and for this purpose the post riders and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post-office to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number and rate or rates in the post bill, adding to the rate of each way letter, one cent, which shall be paid by the postmaster to the mail carrier from whom such way letters shall be received. And that letters directed to persons living between post-offices may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver all such letters as shall for that purpose be committed to them by any postmaster, and collect the postage thereof, which shall be paid over to such postmaster on demand. And for every letter so delivered, the mail carrier delivering the same shall be allowed to demand and receive two cents to his own use, besides the ordinary postage. And if any postmaster or other agent of the Postmaster-General shall neglect so to account, he or they so offending shall, on conviction thereof, forfeit for every such offence a sum not exceeding fifty dollars: *Provided*, that no mail carrier shall make such deliveries at any place not on the post road: *Provided also*, that the receipt and delivery of letters on the way, between post-offices, shall not be required of the mail carriers in cases where, in the opinion of the Postmaster-General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

Penalties for unlawfully detaining, delaying, or opening letters, packets, &c. &c.

Sec. 18. *And be it further enacted*, That if any person, employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle or destroy any letter, packet, bag or mail of letters, with which he shall be entrusted, or, which shall have come to his possession, and are intended to be conveyed by post, containing any bank note or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for or relating to payment of monies, or any bond or warrant, draft, bill or promissory note, covenant, contract or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance or discharge of or from any debt, covenant or demand, or any part thereof, or any copy of any record of any judgment or decree, in any court of law or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction, for any such offence, be im-

prisoned not exceeding ten years. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before he delivers it into the post-office kept at the termination of his route, or to some known mail carrier, or agent of the general post-office authorized to receive the same, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Robberies of the mails, how punishable.

Sec. 19. *And be it further enacted*, That if any person shall rob any carrier of the mail of the United States or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be imprisoned not exceeding ten years, and if convicted a second time of a like offence, he or they shall suffer death; or if in effecting such robbery of the mail, the first time, the offender shall wound the person having custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death.(*a*) And if any person shall attempt to rob the mail of the United States, by assaulting the person having custody thereof, shooting at him or his horse or mule, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by imprisonment not exceeding three years. And if any person shall steal the mail, or shall steal or take from or out of any mail, or from or out of any post-office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post-office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter, or packet, the same containing any article of value, or evidence of any debt, due, demand, right or claim, or any release, receipt, acquittance or discharge, or any other article, paper or thing mentioned and described in the eighteenth section of this act, or if any person shall, by fraud or deception, obtain, from any person having custody thereof, any mail, letter or packet, containing any article of value, or evidence thereof, or either of the writings referred to, or next above mentioned, such offender or offenders, on conviction thereof, shall be imprisoned not exceeding seven years. And if any person shall take any letter or packet, not containing any article of value or evidence thereof, out of a post-office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail carrier, before it shall have been delivered to the person to whom it is directed, with a design to obstruct the correspondence, to pry into another's business or secrets, or shall secrete, embezzle or destroy any such mail, letter or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding five hundred dollars.

Penalties for injuring the portmanteaus, &c. &c. in which mails may be carried.

Sec. 20. *And be it further enacted*, That if any person shall rip, cut, tear, burn, or otherwise injure any portmanteau, valise, or other bag used, or designed to be used by any person acting under the authority of the Postmaster-General, or any person in whom his powers are vested in the conveyance of any mail, letter, packet, newspaper or pamphlet, or shall draw or break any staple, or loosen any part of any lock, chain or strap attached or belonging to any such valise, portmanteau, or bag, with an intent to rob or steal any mail, letter, packet, newspaper or pamphlet, or to render either of the same insecure, every such offender, upon conviction, shall for every such offence pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

(*a*) See act of March 3, 1825, ch. 65, sec. 22.

Sec. 21. *And be it further enacted*, That every person who from and after the passage of this act shall procure, aid, advise, or assist in the doing or perpetration of any of the acts or crimes, by this act forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to, who shall actually do or perpetrate any of said acts or crimes, according to the provision of this act.

Accessories to be punished as principals.

Sec. 22. *And be it further enacted*, That every person who shall be imprisoned by a judgment of court, under and by virtue of the eighteenth, nineteenth, twentieth or twenty-first sections of this act, shall be kept at hard labour during the period of such imprisonment.

Sec. 23. *And be it further enacted*, That the postmasters shall, respectively, publish, at the expiration of every three months, or oftener, when the Postmaster-General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or, instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence shall be found therein, it shall be the duty of the Postmaster-General to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved to be delivered to the person to whom the same shall be addressed, upon payment of the postage, and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster-General, to the Secretary of the Treasury.

Regulations concerning unclaimed letters, &c. &c.

Sec. 24. *And be it further enacted*, That letters and packets, to and from the following officers of the United States, shall be received and conveyed by post, free of postage.(*a*) Each postmaster, provided each

Persons to and from whom letters go free of postage.

(*a*) Privilege of Franking:—

An act to establish the post-office and post roads within the United States. (Obsolete.) February 20, 1792, chap. 7, sec. 19.

An act to establish the post-office and post roads within the United States. (Expired.) May 8, 1794, chap. 23, sec. 19.

An act to extend the privilege of franking to the secretary of the navy. (Repealed.) June 22, 1798, chap. 56.

An act extending the privilege of franking letters to the delegate from the territory of the United States northwest of the river Ohio. (Obsolete.) December 15, 1800, chap. 1.

By an act of March 3, 1801, chap. 35, the privilege of franking was given to John Adams.

An act extending the privilege of franking, and receiving letters free of postage, to any person admitted, or to be admitted to take a seat as delegate, and providing compensation for such delegate. (Obsolete.) February 18, 1802, chap. 5.

An act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45, sec. 16.

An act regulating the staff of the army, April 14, 1818, chap. 34, sec. 10.

An act in addition to an act entitled, "An act regulating the post-office establishment," March 13, 1820, chap. 21.

An act to reduce into one act the several acts establishing and regulating the post-office department, March 3, 1825, chap. 64, sec. 27, 28, 40.

By the 27th section of the act of March 3, 1825, chap. 64, such individual as may have been, or shall be, President of the United States, has the privilege of franking.

Resolution authorizing the speaker of the House of Representatives to frank letters and packages, April 3, 1828.

Resolution in relation to Charles Carroll of Carrollton, May 23, 1828.

An act to extend the privilege of franking letters and packages to Dolly P. Madison, July 2, 1836, chap. 270.

of his letters or packets shall not exceed half an ounce in weight; each member of the Senate, and each member and delegate of the House of Representatives of the Congress of the United States; the secretary of the Senate and clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight, and during their actual attendance in any session of Congress, and twenty days after such session, and in case of excess of weight, that excess alone shall be paid for; the President of the United States; Vice President, the secretaries of state, of the treasury, of war, of the navy; the attorney-general; the comptroller; treasurer; auditor; register; supervisor of the direct tax for the district of South Carolina; superintendent of Indian trade; purveyor; the inspector and paymaster of the army; accountants of the war and navy departments; postmaster-general; and the assistants postmaster-general; John Adams, a former President of the United States; and Thomas Jefferson, late President of the United States; and they may all receive their newspapers by post, free of postage: *Provided*, that the members of the Senate and House of Representatives, secretary of the Senate and clerk of the House of Representatives, shall receive their newspapers, free of postage, only during any session of Congress, and twenty days after the expiration of the same: *And provided*, that no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same, with a specimen of his signature.

Penalties upon franking other letters than their own.

Proviso.

Sec. 25. *And be it further enacted*, That if any person shall frank letters other than those written by himself, or by his order on the business of his office, he shall, on conviction thereof, pay a fine of ten dollars: *Provided*, that the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster-General, may frank letters or packets on official business, prepared in any other public office, in the absence of the principal thereof. And if any person, having the right to receive his letters free of postage, shall receive enclosed to him any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post-office—marking thereon, the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the handwriting or frank of any person or cause the same to be done, in order to avoid the payment of postage, each person so offending shall pay for every such offence fifty dollars.

Regulation concerning newspapers.

Sec. 26. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster-General shall provide.

Further regulations concerning newspapers, &c.

Sec. 27. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each, for any distance not more than one hundred miles, and one and an half cents for any greater distance: *Provided*, that the postage of a single newspaper from any one place to another in the same state, shall not exceed one cent; and that the Postmaster-General

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An act authorizing the governors of the several states to transmit by mail certain books and documents, June 30, 1834, chap. 168.

An act to provide for the appointment of solicitor of the treasury, May 29, 1830, chap. 153, sec. 11.

An act to carry into effect the convention between the United States and his majesty the king of the French, &c., July 13, 1832, chap. 199, sec. 8.

An act to continue the office of the commissioner of pensions, March 3, 1835, chap. 44, sec. 3.

An act to promote the progress of the useful arts, &c., July 4, 1836, chap. 357, sec. 1.

An act to authorize the chief clerk in the office of the Secretary of State, to frank public and official documents, sent from the office, February 15, 1843, chap. 3.

An act authorizing the transmission of letters and packets to and from Mrs. Harrison, free of postage, September 9, 1841, chap. 19. See act of March 3, 1845, chap. 43.

shall require those who receive newspapers by post, to pay always the amount of one quarter's postage in advance. If any person employed in any department of the post-office shall improperly detain, delay, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open, or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding fifty dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding twenty dollars for every such offence. And if any person shall take or steal any packet, bag or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding three months for every such offence, to be kept at hard labour during the period of such imprisonment. If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence; and the letter, newspaper, package, memorandum or other thing, shall not be delivered to the person to whom it is directed until the amount of single letter postage is paid for each article of which the package shall be composed. No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed, in proper wrappers, on which, beside the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers. The Postmaster-General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is to be made, to carry newspapers, magazines and pamphlets, other than those conveyed in the mail. When the mode of conveyance and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail at one cent a sheet, for any distance not exceeding fifty miles, at one cent and an half for any distance over fifty and not exceeding one hundred miles, and two cents for any greater distance.

Regulations concerning newspapers, &c.

Sec. 28. *And be it further enacted*, That the Postmaster-General be authorized to allow to the postmasters respectively, such commission on the monies arising from the postages of letters and packets as shall be adequate to their respective services and expenses: *Provided*, that the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred and not more than three hundred; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter, and excepting to the postmasters at offices where the mail is regularly to arrive, between the hours of nine o'clock at night and five o'clock in the morning; whose commission on the first hundred dollars collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster-General may allow to the postmasters respectively, a commission of fifty per cent. on the monies arising from the postage of newspapers, magazines and pamphlets; and to the postmasters, whose compensation shall not exceed five hundred dollars in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster who shall be required to keep a

Compensation of the postmasters.

Limitation of compensation.

register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the general post-office.

Postmasters to settle their accounts, and pay over to the Postmaster-General the balances in their hands every three months.

Sec. 29. *And be it further enacted,* That if any postmaster or other person authorized to receive the postage of letters and packets shall neglect or refuse to render his accounts, and pay over to the Postmaster-General the balance by him due at the end of every three months, it shall be the duty of the Postmaster-General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster-General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster-General. That all suits which shall be hereafter commenced for the recovery of debts or balances due to the general post-office, whether they appear by bond or obligations made in the name of the existing or any preceding Postmaster-General, or otherwise, shall be instituted in the name of the "Postmaster-General of the United States." That certified copies under the seal of the general post-office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the Postmaster-General for the recovery of balances or debts due from postmasters, and in like manner copies of such accounts current as are lodged in the office of the register of the treasury, certified by the register under the seal of his office, shall be admitted as evidence.(*a*)

Penalties upon the postmasters for not making duly their returns to the general post-office.

Act of March 3, 1825, ch. 103.

Sec. 30. *And be it further enacted,* That if any postmaster or other person who shall receive and open, or despatch mails, shall neglect to render accounts thereof for one month after the time, and in the form and manner prescribed by law, and by the Postmaster-General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no account shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be recovered by the Postmaster-General in an action on the case.

Persons to whom pecuniary penalties and forfeitures are to enure.

Sec. 31. *And be it further enacted,* That all pecuniary penalties and forfeitures incurred under this act, shall be one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

Sec. 32. *And be it further enacted,* That it shall be lawful for the

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(*a*) The circuit courts of the Union have jurisdiction under the constitution and the acts of April 30, 1810, and of March 3, 1815, sec. 4, of suits brought in the name of "the Postmaster-General of the United States," on a bond given to the Postmaster-General, by a deputy postmaster, conditioned "to pay all monies that shall come to his hands for the postages of whatever is by law chargeable with postage, to the Postmaster-General of the United States," for the time being, deducting only the commission and allowances made by law, for his care, trouble, and charges in managing such office, &c. Postmaster-General *v.* Early, 12 Wheat. 136; 6 Cond. Rep. 480.

The Postmaster-General has a right to take a bond from postmasters, to him, as Postmaster-General, under the different acts regulating the post-office department, and particularly under the act of April 30, 1810, sec. 29, 42. *Ibid.*

The Postmaster-General cannot sue in the federal courts, under that part of the constitution which gives jurisdiction to those courts in consequence of the character of the party, nor is he authorized to sue by the judiciary act. He comes into the courts of the United States, under the authority of an act of Congress, the constitutionality of which rests on the admission that his suit is a case arising under a law of the United States. Osborne et al. *v.* The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741.

The claim of the United States on the official bond of a postmaster, and upon all the parties thereto, is not released by the laches of the Postmaster-General, to whom the assertion of this claim is entrusted by law. Such laches have no effect whatsoever on the claims of the United States, as well on the sureties, as on the principal in the bond. Dox et al. *v.* The Postmaster-General, 1 Peters, 323. Postmaster-General *v.* Reeder, 4 Wash. C. C. R. 678.

The provisions of the act of March 3, 1825, releasing the securities of a deputy postmaster, where suit is not brought within two years after a default, do not apply to a default which occurred before the passing of the act. Postmaster-General *v.* Rice, Gilpin's D. C. R. 462.

Postmaster-General may provide for the transmission of letters beyond sea.

Postmaster-General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port in the United States, to another port therein; and the letters so received shall be formed into a mail, sealed up and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid at the time of its reception, a postage of one cent, which shall be for the use of the postmasters, respectively receiving the same. And the Postmaster-General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets through the post-offices.

Sec. 33. *And be it further enacted*, That the postmasters and the persons employed in the transportation of the mail shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

Letter carriers may be employed at places designated by the Postmaster-General.

Proviso.

Sec. 34. *And be it further enacted*, That letter carriers shall be employed at such post-offices as the Postmaster-General shall direct, for the delivery of letters in the places respectively, where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, that no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is to be so lodged, the postmaster shall receive one cent of the person to whom it shall be delivered.

Before what officers offences under this act may be prosecuted and tried.

Sec. 35. *And be it further enacted*, That all causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates and other judicial courts of the several states, and of the several territories of the United States, they having competent jurisdiction by the laws of such states or territories, to the trial of claims and demands of as great value, and of the prosecutions where the punishments are of as great extent; and such justices, magistrates or judiciary, shall take cognizance thereof and proceed to judgment and execution, as in other cases.

In suits under this act the court to proceed to judgment at once.

When a continuance shall be allowed.

Continuance to next term for want of evidence, on affidavit of the defendant.

Sec. 36. *And be it further enacted*, That in all suits or causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced: *Provided always*, that whenever service of the process shall not have been made twenty days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant, shall judge it expedient: *Provided also*, that if the defendant in such suits shall make affidavit that he has a claim against the general post-office, not allowed by the Postmaster-General, although submitted to him conformably to the regulations of the post-office, and shall specify such claim in the affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

Postmaster-General to report annually to Congress the unproductive roads.

Sec. 37. *And be it further enacted*, That it shall be the duty of the Postmaster-General to report annually to Congress, every post road which shall not after the second year from its establishment, have produced one third of the expense of carrying the mail on the same.

Additional compensation to be paid to deputy postmaster at Washington.

Sec. 38. *And be it further enacted*, That there shall be allowed to the deputy postmaster, at the city of Washington, for his extraordinary expenses, incurred in the discharge of the duties of his office, an additional compensation, at the rate of one thousand dollars per annum, to be paid out of the funds of the post-office establishment.

Sec. 39. *And be it further enacted*, That the adjutant-general of the

Adjutant-general of the militia to transmit and receive certain letters free of postage.

Regulation as to the franking privilege under this act.

militia of each state and territory, shall have right to receive, by mail, free of postage, from any major or brigadier-general thereof, and to transmit to said generals, any letter or packet, relating solely to the militia of such state or territory: *Provided always*, that every such officer, before he delivers any such letter or package for transmission, shall in his own proper handwriting, on the outside thereof, endorse the nature of the papers enclosed, and thereto subscribe his name and office, and shall previously furnish the postmaster of the office, where he shall deposit the same, with a specimen of his signature. And if any such officer shall frank any letter or package in which shall be contained any thing relative to any subject other than of the militia of such state or territory, every offender shall, on conviction of every such offence, forfeit and pay a fine of fifty dollars.

Emoluments of the postmasters limited to two thousand dollars.

Sec. 40. *And be it further enacted*, That from and after the thirtieth day of September next, whenever the annual emoluments of any postmaster, after deducting therefrom the expenditures incident to his office, shall amount to more than two thousand dollars, the surplus shall be accounted for, and paid to the Postmaster-General, and by him to be accounted for in the same manner as other monies accruing from the post-office establishment.

Certain deputy postmasters to report to the Postmaster-General names of their clerks, &c.

Sec. 41. *And be it further enacted*, That every deputy postmaster, the receipt of whose office exceeds one thousand dollars a year, shall, on the last day of September in each year, transmit to the Postmaster-General of the United States a statement of the expenses of the office under his direction, of the number of clerks, with the time they have been severally employed therein, and their respective names and ages.

Repealing clause.

Act of May 8, 1794, ch. 23.

Act of March 2, 1799, ch. 43.

Sec. 42. *And be it further enacted*, That from and after the first day of June next, the second section of an act, entituled "An act to establish the post-office and post roads within the United States," approved on the eighth day of May, one thousand seven hundred and ninety-four, and an act, entituled "An act to establish the post-office of the United States," approved on the second day of March, one thousand seven hundred and ninety-nine, and all other acts, and parts of acts heretofore passed for the regulation and government of the general post-office, and of the Postmaster-General and other officers and agents, employed in said office, shall be, and the same are hereby repealed: *Provided*, that an act, entituled "An act concerning public contracts," approved on the twenty-first day of April, one thousand eight hundred and eight, shall be and remain in full force, and no post road heretofore established, shall be discontinued by this act. *Provided also*, that nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts from suits or prosecutions, but as to all bonds, contracts, debts, demands, rights, penalties, punishments which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of June next the said acts shall have the same force and effect as though this act had not been made: *Provided likewise*, that the Postmaster-General, assistant Postmaster-General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until they are otherwise removed; any thing herein contained that might be construed to the contrary notwithstanding; and also the bonds which they, or either of them, have given or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, as though this act had not been made.

Proviso.

Act of April 21, 1808, ch. 48.

Proviso, that this act shall not exonerate any person who shall have violated the provisions of former acts.

Officers of the post-office department to hold their offices until otherwise removed.

Their bonds to continue in force.

Approved, April 30, 1810.

Statute II.

May 1, 1810.

[Expired.]

Act of March 26, 1810, ch. 17.

Oaths of the marshals, secretaries and assistants, under the census act.

Chap. XXXVIII.—*An Act further to alter and amend "An act providing for the third census or enumeration of the inhabitants of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act, passed during the present session of Congress, entituled "An act providing for the third census or enumeration of the inhabitants of the United States," as relates to the forms of the oaths or affirmations thereby directed to be taken by the marshals, secretaries and assistants therein mentioned respectively, shall be and hereby is repealed, and that the said oaths or affirmations shall be in the following forms, that is to say: The marshals and secretaries' oath in the form following: "I, A. B. marshal of the district of (or secretary of the territory of as the case may be) do solemnly swear or affirm, that I will well and truly cause to be made a just and perfect enumeration and description of all persons resident within my district (or territory) and return the same to the Secretary of State, agreeably to the directions of the several acts of Congress, providing for the third census or enumeration of the inhabitants of the United States, according to the best of my ability;" and the assistants' oath or affirmation, in the form following: "I, A. B. do solemnly swear or affirm, that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the marshal of (or the secretary of the territory of as the case may be,) and make due return thereof to the said marshal (or secretary,) agreeably to the directions of the several acts of Congress providing for the third census or enumeration of the inhabitants of the United States; according to the best of my ability."

1811, ch. 34.

Manufacturing establishments to be reported to the marshals and by them to the Secretary of the Treasury.

Sec. 2. *And be it further enacted,* That it shall be the duty of the several marshals, secretaries, and their assistants aforesaid, at the time for taking the census or enumeration aforesaid, to take, under the direction of the Secretary of the Treasury, and according to such instructions as he shall give, an account of the several manufacturing establishments and manufactures within their several districts, territories and divisions. The said assistants shall make return of the same to the marshals or secretaries of their respective districts or territories, and the said marshals and secretaries shall transmit the said returns, and abstracts thereof, to the Secretary of the Treasury, at the same times at which they are by this act, and the several acts to which this act is an addition, required respectively to make their return of said enumeration to the Secretary of State; for the performance of which additional services they shall respectively receive such compensation as shall hereafter be provided by law.

Approved, May 1, 1810.

Statute II.

May 1, 1810.

[Obsolete.]

Act of March 1, 1809, ch. 24.

Act of May 30, 1809, ch. 1.

Act of June 28, 1809, ch. 9.

Act of March 2, 1811, ch. 29.

Act of Dec. 17, 1813, ch. 1.

Act of April 14, 1814, ch. 56.

Chap. XXXIX.—*An Act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, no British or French armed vessel shall be permitted to enter the harbors or waters under the jurisdiction of the United States; but every British and French armed vessel is hereby interdicted, except when they shall be forced in by distress, by the dangers of the sea, or when charged with despatches or business from their government, or coming as a public packet for the conveyance of letters; in which cases, as well as in all others, when they shall be permitted to enter, the com-

British and French armed vessels not permitted to enter the waters of the U. States, except in certain cases.

manding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbors or waters of the United States; and shall take such position therein as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States, and, not conforming thereto, shall be required to depart from the United States.

Pacific intercourse with interdicted foreign vessels forbidden under penalties.

Sec. 2. *And be it further enacted*, That all pacific intercourse with any interdicted foreign armed vessels, the officers or crew thereof, is hereby forbidden, and if any person shall afford any aid to such armed vessel either in repairing her, or in furnishing her, her officers or crew with supplies of any kind or in any manner whatsoever, or if any pilot shall assist in navigating the said armed vessel, contrary to this prohibition, unless for the purpose of carrying her beyond the limits and jurisdiction of the United States, the person or persons so offending, shall be liable to be bound to their good behaviour, and shall moreover forfeit and pay a sum not exceeding two thousand dollars, to be recovered upon indictment or information, in any court of competent jurisdiction; one moiety thereof to the treasury of the United States, and the other moiety to the person who shall give information and prosecute the same to effect: *Provided*, that if the prosecution shall be by a public officer the whole forfeiture shall accrue to the treasury of the United States.

The whole forfeiture to accrue to the treasury if the prosecution shall be by a public officer.

Penalties and forfeitures under the non-intercourse and embargo, how to be recovered and disposed of. 1809, ch. 24.

Sec. 3. *And be it further enacted*, That all the penalties and forfeitures which may have been incurred under the act, entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," and also all the penalties and forfeitures which may have been incurred under the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or under any of the several acts supplementary thereto, or to enforce the same, or under the acts to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall be recovered and distributed, and may be remitted in the manner provided by the said acts respectively, and in like manner as if the said acts had continued in full force and effect.

Certain sections of the act to interdict the commercial intercourse, &c. to be revived as to the nation refusing to repeal or modify its orders in council, &c. &c. 1809, ch. 24.

Sec. 4. *And be it further enacted*, That in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eighteenth sections of the act, entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies and dependencies, and to the articles the growth, produce or manufacture of the dominions, colonies and dependencies of the nation thus refusing or neglecting to revoke or modify her edicts in the manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid.

Approved, May 1, 1810.

Statute II.
May 1, 1810.

Act of March 3, 1807, ch. 47, sec. 6.
Decisions of the commissioners confirmed.

Chap. XL.—*An Act confirming the decisions of the Commissioners in favour of the claimants of land in the district of Kaskaskia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Kaskaskia, in favour of such claimants, as entered in the transcript of decisions, bearing date the thirty-first day of December, eighteen hundred and nine, which have been transmitted by the said commissioners to the Secretary of the Treasury according to law, be, and the same are hereby confirmed.

Approved, May 1, 1810.

Statute II.
May 1, 1810.
[Obsolete.]

Chap. XLI.—*An Act making further appropriations for completing the Capitol, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the appropriations heretofore made, the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

Specific appropriations.

For sculpture, and warming and ventilating the chamber of the House of Representatives, seven thousand five hundred dollars.

For defraying the expense of completing the court-room, and the offices of the judiciary, on the east side, completing the Senate chamber and stopping the leaks in the roof of the north wing of the Capitol, twenty thousand dollars.

For repairs to the President's house and offices, five thousand dollars.

Sec. 2. *And be it further enacted,* That it be the duty of the superintendent of the city of Washington, prior to any farther advances of money being made, to call for all claims now due on account of materials furnished or work done in the public buildings, in order that the same may be liquidated and paid.

Sec. 3. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated.

Approved, May 1, 1810.

Statute II.
May 1, 1810.
[Obsolete.]

Chap. XLIII.—*An Act making appropriations for carrying into effect certain Indian treaties.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Delaware, Potawatamies, Miamies and Eel river tribes of Indians, concluded at Fort Wayne, on the thirtieth day of September, one thousand eight hundred and nine, the sum of one thousand seven hundred and fifty dollars is hereby appropriated, to be paid to the said tribes annually, as follows:

Specific appropriations.

To the Delawares, five hundred dollars.

To the Miamies, five hundred dollars.

To the Eel river tribe, two hundred and fifty dollars.

To the Potawatamies, five hundred dollars.

Which several annuities shall be permanent.

Sec. 2. *And be it further enacted,* That for carrying into effect a separate article entered into between the United States and the Miamies and Eel river tribes of Indians, at Fort Wayne, on the thirtieth of Sep-

Specific appropriations.

tember, one thousand eight hundred and nine, the sum of five hundred dollars annually is hereby appropriated, for the term of three years, and no longer. And a further annuity of two hundred dollars to the Miamies tribe of Indians; and to the Wea and Eel river tribes a further annuity of one hundred dollars each, which shall be permanent.

Sec. 3. *And be it further enacted,* That for carrying into effect a treaty concluded at Fort Wayne, on the twenty-sixth day of October, one thousand eight hundred and nine, between the United States and the Wea tribe of Indians, the sum of one thousand five hundred dollars is hereby appropriated, and a further sum of three hundred dollars, annually, which annuity shall be permanent.

Sec. 4. *And be it further enacted,* That for carrying into effect a treaty concluded at Vincennes, on the ninth day of December, one thousand eight hundred and nine, between the United States and the Kickapoo tribe of Indians, the sum of five hundred dollars is hereby appropriated, to be paid annually to the said tribe, which annuity shall be permanent.

Sec. 5. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any money in the treasury, not otherwise appropriated.

Approved, May 1, 1810.

Statute II.

May 1, 1810.

Chap. XLIV.—*An Act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary, and for other purposes.*

Limitation of salary to ministers plenipotentiary, &c. &c.

To a charge des affaires.

Secretary of legation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any charge des affaires, a greater sum than at the rate of four thousand five hundred dollars per annum, as a compensation for all his personal services and expenses; nor to the secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any consul who shall be appointed to reside at Algiers, a greater sum than at the rate of four thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any other consul who shall be appointed to reside at any other of the states on the coast of Barbary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor shall there be appointed more than one consul for any one of the said states: *Provided,* it shall be lawful for the President of the United States to allow to a minister plenipotentiary or charge des affaires, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such minister or charge des affaires; but no consul shall be allowed an outfit in any case whatever, any usage or custom to the contrary notwithstanding.

Outfit to minister plenipotentiary or charge des affaires.

Charge des affaires, secretaries of legations, &c. &c. to be appointed by the President, with the concurrence of the Senate.

Sec. 2. *And be it further enacted,* That to entitle any charge des affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation herein before provided, they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate, the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any charge des affaires, or any of the secretaries

herein before described, who shall not be appointed as aforesaid: *Provided*, that nothing herein contained shall be construed to authorize any appointment of a secretary to any charge des affaires, or to any consul residing on the Barbary coast, or to sanction any claim against the United States for expense incident to the same, any usage or custom to the contrary notwithstanding.

No secretary to be appointed to a charge des affaires or consul resident on the coast of Barbary.

Sec. 3. *And be it further enacted*, That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be, and he hereby is authorized to cause the same to be duly settled annually, with the accounting officers of the treasury, in the manner following, that is to say: By causing the same to be accounted for specially, in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

Annual settlements to be made of monies drawn from the treasury for foreign intercourse.

The President to give a certificate of the amount of expenditures from the contingent fund.

Sec. 4. *And be it further enacted*, That it shall not be lawful for the consuls of the United States, residing on the Barbary coast, or either of them, to expend or to disburse or pay, or cause to be paid for any purpose or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, with intent to charge the United States with the same, without first obtaining a special approbation in writing, from the President of the United States, for that purpose. And every such consul who shall, after notice of this act, expend or disburse, or pay, or cause to be paid for any purpose, or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, or shall be aiding or assisting therein, without first obtaining the approbation of the President as aforesaid, shall forfeit and pay to the treasury of the United States a sum equal to one half his yearly compensation: and shall moreover stand charged with, and be accountable for all monies so disbursed or paid, contrary to the provisions of this act.

Limitations of sums to be paid to the states of Barbary.

Forfeitures by consuls for expenditures without authority.

Sec. 5. *And be it further enacted*, That from and after the first day of November next, no consul of the United States, residing on the Barbary coast, shall own in whole or in part any ship or vessel, to be concerned directly or indirectly in the exportation from, or importation to any of the states on the coast of Barbary, of any goods, wares or merchandise, on penalty that every consul so offending, and being thereof convicted, shall for every offence forfeit a sum not exceeding one thousand dollars.

No consul of the U. States residing in the Barbary states, to own, in whole or in part, a vessel, or be concerned in trade.

Sec. 6. *And be it further enacted*, That it shall be the duty of the consuls residing on the Barbary coast to transmit to the Secretary of the Treasury annually, an account of all monies received, and of all disbursements or expenditures made by them respectively, for or on account of the United States, and the particular purpose to which the monies have been applied, and the vouchers to support the same: and the Secretary of the Treasury shall transmit to Congress, within two months after the commencement of the first session thereof in every year, a statement of all the monies disbursed from the treasury of the United States, for expenses of intercourse with the Barbary powers during the preceding year, therein noting, as far as can be ascertained at the treasury, the sums received by the respective agents or consuls, and the purposes to which the same have been applied.

Consuls on the Barbary coast to make annual reports to Congress of disbursements and expenditures made on account of the U. States.

Secretary of the Treasury to transmit them to Congress.

Sec. 7. *And be it further enacted*, That the act, entituled "An act in addition to the law of the United States concerning consuls and vice

Act of July 6, 1797, ch. 12.

Act of May 10, 1800, ch. 56. Repealed.

consuls," approved July sixth, one thousand seven hundred and ninety-seven, and the act, entituled "An act to ascertain the compensation of public ministers," approved May the tenth, one thousand eight hundred, be, and the same are hereby repealed.

Approved, May 1, 1810.

Statute II.

May 1, 1810.

[Obsolete.]

Chap. XLV.—*An Act authorizing a loan of money, for a sum not exceeding the amount of the principal of the public debt, reimbursable during the year one thousand eight hundred and ten.*

Loan authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby empowered to borrow, on the credit of the United States, a sum not exceeding the amount of the principal of the public debt, which will be reimbursed, according to law, during the present year, by the commissioners of the sinking fund, at a rate of interest, payable quarter yearly, not exceeding six per centum per annum, and reimbursable at the pleasure of the United States, or at such period as may be stipulated by contract, not exceeding six years from the first day of January next; to be applied, in addition to the monies now in the treasury, or which may be received therein from other sources during the present year, to defray any of the public expenses which are, or may be authorized by law. The stock thereby created, shall be transferable in the same manner as is provided by law for the transfer of the funded debt. It shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is further hereby declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the register of the treasury, or by a commissioner of loans, for the sum to be borrowed, or for any part thereof, bearing an interest of six per cent. per annum, transferable and reimbursable as aforesaid; and to cause the said certificates of stock to be sold: *Provided,* that no such stock be sold under par.

Stock made transferable.

Bank of the U. States authorized to lend the money.

1790, ch. 34.

Secretary of the Treasury, with the approbation of the President, authorized to give preference in subscriptions to the loan, to the holders of exchanged six per cent. stock.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to give the preference, in the subscriptions which may be made to the loan authorized by this act, to the holders of the exchanged six per cent. stock, created by virtue of the second section of the act passed on the eleventh day of February, one thousand eight hundred and seven, for an amount not exceeding, for each such stockholder, the amount of the said exchanged six per cent. stock held by him at the time of subscribing as aforesaid: *Provided,* that the holders of the said stock, who may be desirous to subscribe to the said loan, shall notify the same in the manner and within the time to be designated by public notice, for that purpose, by the Secretary of the Treasury, with the approbation of the President of the United States: *And provided also,* that the sum which may be thus borrowed from the holders of the said exchanged six per cent. stock shall be reimbursable at the pleasure of the United States.

Proviso.

Funds pledged for the payment of principal and interest.

Sec. 3. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, is hereby pledged and appropriated for the payment of the interest and for the reimbursement of the principal of the stock, which may be created by virtue of this act. It shall accordingly be the duty of the commissioners of the sinking fund, to cause to be applied and paid out of the said fund yearly, and every year, such sum and sums as may be annually wanted to discharge the

interest accruing on the said stock, and to reimburse the principal, as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Approved, May 1, 1810.

Statute II.

May 1, 1810.

Chap. XLVII.—*An Act to erect a Lighthouse at the entrance of Scituate harbor, a stone column on a spit of sand at the entrance into Boston harbor, and a beacon on Beach Point near Plymouth harbor in the state of Massachusetts; a light at the entrance of Bayou St. John into Lake Ponchartrain, and two lights on Lake Erie, and for beacons and buoys near the entrance of Beverly harbor.*

Lighthouse to be built on the point forming the entrance of Scituate harbor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the cession of the jurisdiction of so much land on one of the points forming the entrance of Scituate harbor, in the state of Massachusetts, as the President of the United States shall deem sufficient and most proper for a lighthouse, it shall be the duty of the Secretary of the Treasury to provide by contract for building of a lighthouse of stone thereon, and placing it on the like establishment with other lighthouses. The number and disposition of the lights shall be such as may distinguish it from those of others.

Beacon to be erected on a spit of sand extending from lighthouse.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, to cause to be erected a column of stone, as a beacon on a spit of sand, extending from Lighthouse, or from the Great Brewster Island at the entrance of the harbor of Boston, in the state of Massachusetts, of such form and dimensions as he shall deem necessary. And also to cause good and sufficient buoys and beacons to be placed for the safety of navigation, at or near the entrance of the harbor of Beverly, in Massachusetts.

Beacons near the entrance of the harbor of Beverly.

Sec. 3. *And be it further enacted,* That one of the two beacons directed to be erected on the Stony Muscle Bed, near Plymouth harbor, in the state of Massachusetts, by an act which passed the seventeenth of March, eighteen hundred and eight, be, and the same is hereby directed to be erected on Beach point, near the said harbor of Plymouth.

Light to be placed near the entrance of Bayou St. John and Bird Island.

Sec. 4. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized to cause to be erected and established, under proper regulations, such a light as he shall deem proper and necessary, at or near the entrance of Bayou St. John into Lake Ponchartrain, in the territory of Orleans; and such lights as he shall deem proper on or near Bird Island, and on or near Presq' isle in Lake Erie.

Sec. 5. *And be it further enacted,* That there be appropriated out of any monies in the treasury of the United States, not otherwise appropriated, the following sums of money to accomplish the purposes of this act, to wit:

Specific appropriations.

For the erection of a lighthouse, at the entrance of Scituate harbor, four thousand dollars.

For the erection of a stone column on a spit of sand, extending from Lighthouse island at the entrance of Boston harbor, three thousand five hundred dollars.

And for the erection and establishment of a light at the entrance of Bayou St. John into Lake Ponchartrain, two thousand dollars.

And for the erection and establishment of two lights on Lake Erie, one thousand six hundred dollars.

And for beacons and buoys near the entrance of Beverly harbor, the sum of fifteen hundred dollars.

Approved, May 1, 1810.

Statute II.

May 1, 1810.

Agent of the joint and library committee to have the use of the library.

Chap. L.—*An Act in addition to an act, entituled "An act concerning the Library for the use of both Houses of Congress."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the president of the Senate and speaker of the House of Representatives, for the time being, be, and they are hereby authorized to grant the use of the books in the library of Congress, to the agent of the joint committee of Congress appointed in relation to the library, on the same terms, conditions and restrictions as members of Congress are allowed to use said books, any thing contained in any former law to the contrary notwithstanding.

Approved, May 1, 1810.

RESOLUTIONS.

Jan. 12, 1810.

Resolution in relation to the conduct of F. J. Jackson, minister plenipotentiary from Great Britain.

I. Resolved *by the Senate and House of Representatives of the United States of America in Congress assembled,* That the expressions contained in the official letter of Francis J. Jackson, minister plenipotentiary of his Britannic majesty near the United States, dated the 23d day of October, 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea that the executive government of the United States had a knowledge, that the arrangement lately made by Mr. Erskine, his predecessor, in behalf of his government, with the government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose, were highly indecorous and insolent: That the repetition of the same intimation in his official letter dated the 4th of November, 1809, after he was apprised by the asseveration of the Secretary of State, that the executive government had no such knowledge, and that if it had possessed such knowledge, such arrangement would not have been entered into on the part of the United States; and after also being officially apprised, that such intimation was inadmissible, was still more insolent and affronting; and that in refusing to receive any further communications from him, in consequence of these outrageous and premeditated insults, the executive government has manifested a just regard to its own dignity and honour, as well as to the character and interest of the American people: That the letter, signed Francis J. Jackson, headed "Circular," dated 13th November, 1809, and published and circulated through the country, is a still more direct and aggravated insult and affront to the American people and their government, as it is evidently an insidious attempt to excite their resentments and distrusts against their own government, by appealing to them, through false or fallacious disguises, against some of its acts; and to excite resentments and divisions amongst the people, themselves, which can only be dishonourable to their own characters and ruinous to their own interests: And the Congress of the United States do hereby solemnly pledge themselves to the American people, and to the world, to stand by and support the executive government in its refusal to receive any further communications from the said Francis J. Jackson, and to call into action the whole force of the nation, if it should become necessary, in consequence of the conduct of the executive government in this respect, to repel such insults, and to assert and maintain the rights, the honour and the interests of the United States.

Approved, January 12, 1810.

II. RESOLUTION *proposing an amendment to the Constitution of the United States.*

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled,* two thirds of both houses concurring, That the following section be submitted to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid and binding, as a part of the constitution of the United States.

Proposed amendment to the constitution of the U. States.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Any citizen of the U. S. who shall receive or retain any title or emolument from any foreign prince shall cease to be a citizen of the U. S. and be incapable of holding any office.

ACTS OF THE ELEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the third day of December, 1810, *and ended on the third day of March,* 1811.

JAMES MADISON, President; GEORGE CLINTON, Vice President of the United States, and President of the Senate; JOHN POPE, President of the Senate pro tempore, from the 26th of February, 1811; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE III.

Dec. 17, 1810.

[Obsolete.]

The message of President and the documents accompanying the same to be transmitted free of postage.

CHAPTER I.—*An Act to authorize the transportation of certain documents free of postage.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress, the secretary of the Senate and clerk of the House of Representatives, be, and they are hereby respectively authorized to transmit, free of postage, the message of the President of the United States of the fifth of December, one thousand eight hundred and ten, and the documents accompanying the same, printed by order of the Senate and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may direct, any law to the contrary notwithstanding.

APPROVED, December 17, 1810.

STATUTE III.

Jan. 7, 1811.

[Obsolete.]

Appropriation.

CHAP. II.—*An Act making an additional appropriation to supply a deficiency in the appropriation for the relief and protection of distressed American Seamen, during the year one thousand eight hundred and ten.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for supplying the deficiency in the appropriation for the relief and protection of distressed American seamen in foreign countries, during the year one thousand eight hundred and ten, the further sum of seventy-six thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be and the same hereby is appropriated.

APPROVED, January 7, 1811.

STATUTE III.

Jan. 7, 1811.

[Expired.]

Act of March 26, 1804, ch. 46.

Act of Feb. 27, 1813, ch. 40.

Mediterranean fund continued

CHAP. III.—*An Act to continue in force for a further time the first section of the act, entituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth [twenty-sixth] day of March, one thousand eight hundred and four, entituled "An act further to protect the com-

merce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, and which was revived and continued in force for the time therein mentioned, by an act, entituled "An act to revive and continue in force for a further time the first section of the act, entituled An act further to protect the commerce and seamen of the United States against the Barbary powers," passed on the twelfth day of January, one thousand eight hundred and ten, be, and the same is hereby continued in force until the fourth day of March, one thousand eight hundred and twelve: *Provided however*, That the additional duty laid by the said section, shall be collected on all such goods, wares and merchandise liable to pay the same, as shall have been imported previous to that day.

Approved January 7, 1811.

till 4th March, 1812.

Act of March 26, 1804, ch. 46.

1810, ch. 5.

Act of Jan. 31, 1812, ch. 15.

The additional duty laid by the 3d section shall be collected on all goods imported previous to March 4, 1812.

Statute III.

Jan. 17, 1811.

Chap. IV.—*An Act to fix the compensation of the additional assistant Postmaster-General.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the additional assistant Postmaster-General, authorized by the act "regulating the post-office establishment," shall receive an annual salary of sixteen hundred dollars, payable quarter-yearly at the treasury of the United States, to be computed from the time at which he may have entered upon the execution of the duties of his office.

Approved, January 17, 1811.

An additional assistant Postmaster-General to be appointed with a salary of sixteen hundred dollars.

1810, ch. 37.

Statute III.

Jan. 22, 1811.

Chap. VII.—*An Act to authorize the Secretary at War to ascertain and settle by the appointment of Commissioners, the exterior line of the Public Land at West Point, with the adjoining proprietor.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary at War shall be, and he is hereby authorized to settle the exterior line of the public land at West Point, in the state of New York, now in dispute with Thomas North, the adjoining proprietor; and for that purpose to appoint three commissioners to ascertain the same, whose determination, or a majority of them, the same being first approved by the Congress of the United States, shall be final and conclusive in the premises. And any such commissioner shall be entitled to receive at, and after the rate of four dollars per diem, for the time necessarily employed in executing said commission or appointment.

Secretary of War authorized to settle exterior line of the public land at West Point.

Commissioners may be appointed for that purpose.

Their award to be approved by Congress.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the commissioners who may be appointed under this act, or either of them, to issue process, in nature of a writ of subpœna, for any witness that may be required on a hearing in the premises; and any person duly served with such process shall be bound to appear and testify under the like penalty, and be liable to be proceeded against in the like manner, as is provided by law, in relation to any witness whose attendance is required in any court of the United States, to give testimony in any matter depending therein.

Approved, January 22, 1811.

Commissioners entitled to compulsory process.

Statute III.

Feb. 6, 1811.

Chap. IX.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and eleven.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses

The act of Jan. 15, 1811, will be found in Vol. 3, p. 471.

of the military establishment of the United States for the year one thousand eight hundred and eleven, for the Indian department, and for the expense of fortifications, magazines, arsenals and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For the pay of the army of the United States, eight hundred and sixty-nine thousand nine hundred and sixty-eight dollars.

For forage, thirteen thousand seven hundred and fifty-six dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

For clothing, two hundred and ninety-three thousand eight hundred and four dollars.

For bounties and premiums, thirty thousand dollars.

For the medical and hospital department, fifty thousand dollars.

For camp equipage, fuel, tools and transportation, two hundred and seventy thousand dollars.

For ordnance, one hundred thousand dollars.

For fortifications, arsenals, magazines and armories, including two thousand dollars for such a number of additional military storekeepers as may be required, two hundred and seventy-six thousand forty-nine dollars and seventy-six cents.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agents' offices, and in the office of the inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and forty-six thousand five hundred dollars.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, February 6, 1811.

Statute III.

Feb. 7, 1811.

[Obsolete.]

Chap. XI.—*An Act making appropriations for the support of the Navy of the United States for the year one thousand eight hundred and eleven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy of the United States for the year one thousand eight hundred and eleven, the following sums be, and the same are hereby respectively appropriated, that is to say:

Specific appropriations.

For the pay and subsistence of the officers, and pay of the seamen, seven hundred and seventy-four thousand three hundred and ninety dollars.

For provisions, three hundred and eighty-five thousand, three hundred and thirty dollars.

For medicines, instruments and hospital stores, thirty thousand dollars.

For repairs of vessels, two hundred and fifty thousand dollars.

For freight, store rent, and all other contingencies, one hundred thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore and forage for the staff, one hundred and thirty-eight thousand two hundred and fifty-six dollars and ninety cents.

For clothing for the same, thirty-seven thousand nine hundred dollars and ninety cents.

For military stores for the same, one thousand three hundred and ninety-six dollars and twenty-five cents.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, three thousand dollars.

Specific appropriations.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting men, musical instruments, bounty to music, and other contingent expenses of the marine corps, fifteen thousand dollars.

For the expenses of navy-yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks and labourers, seventy-five thousand dollars.

For ordnance and small arms, sixty thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums, specifically appropriated by this act, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, February 7, 1811.

Statute III.

Chap. XII.—*An Act making compensation to John Eugene Leitensdorfer for services rendered the United States in the war with Tripoli.*

Feb. 13, 1811.

A land warrant to be granted to Leitensdorfer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby directed to issue a land warrant to John Eugene Leitensdorfer for three hundred and twenty acres; which said warrant may, at the option of the holder or possessor, be located with any register or registers of the land-offices on any of the public lands of the United States, lying on the west side of the Mississippi, then and there offered for sale, or may be received at the rate of two dollars per acre in payment of any such public lands.

His account to be settled by the officers of the treasury.

Sec. 2. *And be it further enacted,* That the proper accounting officers of the treasury be, and they are hereby directed to settle the account of John Eugene Leitensdorfer, and to allow him the pay of a captain, from the fifteenth day of December, one thousand eight hundred and four, to the fifteenth day of July, one thousand eight hundred and five, being the time he served as adjutant and inspector of the forces of the United States, in Egypt and on the coast of Africa.

Approved, February 13, 1811.

Statute III.

Chap. XIV.—*An Act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana.*(a)

Feb. 15, 1811.

[Repealed.]

Compensations to officers appointed to ascertain the rights of persons claiming lands in the territories of Orleans and Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following allowances and compensations shall be made to the several officers appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana; which allowances and compensations shall be in full for all their services, including those rendered since their salaries respectively ceased, that is to say: To each of the commissioners, and to each of the clerks of the boards, fifty cents for each claim, duly filed according to law, which remained undecided on the first day of July, one thousand eight hundred and nine, and on which a decision has been made subsequent to that day, or shall hereafter be made, whether such decision be in favour or against the claim: which allowance of fifty cents shall be paid at the treasury of the United States, from time to time, and on receipt of the transcripts of the decisions and of the reports of claims not finally confirmed, as the same may be trans-

1811, ch. 46, sec. 14.

(a) See notes to the act of March 2, 1805, chap. 26, vol. ii. 324, for a reference to the acts which have been passed relative to lands and land titles in Louisiana.

Compensations of commissioners, &c. &c.

mitted by the boards respectively to the Secretary of the Treasury according to law. To each of the said commissioners and clerks a further allowance of five hundred dollars, to be paid after the completion of the business of each of the boards respectively, to the officers then in office. And to each of the translators, at the rate of six hundred dollars a year, and not to exceed in the whole for each the term of eighteen months: *Provided always*, that the above mentioned allowance of fifty cents for each claim decided upon, shall not be made to any of the commissioners who may be absent at the time of such decision; the attendance of each to be certified by the clerk, or by a majority of the board: *And provided also*, that no allowance shall be made to any agent heretofore employed by the Secretary of the Treasury, for any period of time subsequent to the time when such agent ceased to act, or when the board ceased to receive evidence.

No allowance to the person appointed by the Secretary of the Treasury after the time the agent ceased to act.

Two principal deputy surveyors of the Orleans territory may alter the mode of surveying certain lands.

Sec. 2. *And be it further enacted*, That the two principal deputy surveyors of the territory of Orleans shall, and they are hereby authorized, in surveying and dividing such of the public lands in the said territory, which are or may be authorized to be surveyed and divided, as are adjacent to any river, lake, creek, bayou or water course, to vary the mode heretofore prescribed by law, so far as relates to the contents of the tracts, and —— to the angles and boundary lines —— and to lay out the same into tracts as far as practicable, of fifty-eight poles in front and four hundred and sixty-five poles in depth, of such shape, and bounded by such lines as the nature of the country will render practicable, and most convenient: *Provided however*, that such deviations from the ordinary mode of surveying shall be made with the approbation of, and in conformity with the general instructions which may be given to that effect by the surveyor of the public lands south of the state of Tennessee.

Proviso.

Land offices established at New Orleans, and Opelousas, for disposing of the public lands.

Sec. 3. *And be it further enacted*, That for the disposal of the lands of the United States, lying in the eastern land district of the territory of Orleans, a land-office shall be established at New Orleans; and that for the disposal of the lands of the United States, lying south of Red river, in the western land district of the territory of Orleans, a land-office shall be established at Opelousas; and that for the disposal of the lands of the United States, lying north of Red river, in the western land district of the territory of Orleans, a land-office shall be established, which shall be kept at such place as the President of the United States may direct. The register of the western land district of the territory of Orleans shall act as register of the land-office of Opelousas, and as one of the commissioners for ascertaining the rights of persons claiming lands in any part of the said western land district. And for the land-office, north of the Red river, a register, and for each of the said three offices, a receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States, in the territory of Mississippi.

1803, ch. 27.

Powers vested in the President extended to him as to the eastern district.

Act of April 21, 1806, ch. 39.

Sec. 4. *And be it further enacted*, That the powers vested in the President of the United States by the eleventh section of the act, entituled "An act supplementary to an act, entituled An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana," passed on the twenty-first day of April, one thousand eight hundred and six, in relation to the public lands lying in the western district of the territory of Orleans, and all the other provisions made by the same section, for the sale of said lands, and for obtaining patents for the same, shall be, and the same are hereby in

every respect, extended to the public lands, lying in the eastern district of the territory of Orleans.

Terms on which persons owning contiguous lands may obtain those belonging to the public.

Sec. 5. *And be it further enacted*, That every person who, either by virtue of a French or Spanish grant recognized by the laws of the United States, or under a claim confirmed by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans, owns a tract of land bordering on any river, creek, bayou or water course, in the said territory, and not exceeding in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to, and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land, that which is contained in his own tract, at the same price, and on the same terms and conditions, as are, or may be provided by law for the other public lands in the said territory. And the principal deputy surveyor of each district respectively, shall be and he is hereby authorized, under the superintendence of the surveyor of the public lands south of the state of Tennessee, to cause to be surveyed, the tracts claimed by virtue of this section; and in all cases where by reason of bends in the river, lake, creek, bayou or water course bordering on the tract, and of adjacent claims of a similar nature, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him to divide the vacant land applicable to that object between the several claimants, in such manner as to him will appear most equitable: *Provided however*, that the right of pre-emption, granted by this section, shall not extend so far in depth, as to include lands fit for cultivation, bordering on another river, creek, bayou or water course. And every person entitled to the benefit of this section shall, within three years after the date of this act, deliver to the register of the proper land-office, a notice in writing, stating the situation and extent of the tract of land he wishes to purchase, and shall also make the payment and payments for the same, at the time and times, which are, or may be prescribed by law, for the disposal of the other public lands in the said territory: the time of his delivering the notice aforesaid, being considered as the date of the purchase. And if any such person shall fail to deliver such notice within the said period of three years, or to make such payment or payments at the time above mentioned, his right of pre-emption shall cease and become void; and the land may thereafter be purchased by any other person in the same manner, and on the same terms, as are or may be provided by law for the sale of other public lands in the said territory.

Limitation of grants.

Periods of opening the land offices, &c. &c.

Sec. 6. *And be it further enacted*, That the land-offices, established by virtue of the fourth section of this act, shall be opened on the first day of January, one thousand eight hundred and twelve, for the sale of all the public lands, with the exception of section "No. sixteen" of the salt springs, and land contiguous thereto, and of the tracts reserved for the support of seminaries of learning as herein after provided, which shall have been previously surveyed and the surveys thereof returned according to law to the registers of the land-offices respectively; and on the first day of February, one thousand eight hundred and twelve, for the sale of such of the public lands, which, from the nature of the country, cannot be surveyed in the ordinary way, and are embraced by the provisions of the third section of this act, as shall have, at least six weeks previous to the said first day of February, one thousand eight hundred and twelve, been advertised for sale by the surveyor of the public lands south of the state of Tennessee, with the approbation of the President of the United States. The public sales for the lands, subdivided into quarter sections in the ordinary way, shall be held for one calendar month, under the superintendence of the register and receiver of each land-office respectively, and of either of the surveyors of public

lands south of Tennessee, or of his principal deputy surveyor in the district, who shall each receive six dollars for each day's attendance on the same; and no tract of land shall be sold at said public sales, for a less price than that which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. And from and after the first first day of February, one thousand eight hundred and twelve, any tract which has been thus offered for sale at public sale, and remains unsold, as well as any tract of land embraced by the provisions of the third section of this act, the sale of which is authorized by this section, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. All the lands, sold (by) virtue of this section, shall in every other respect be sold on the same terms of payment and conditions, in the same manner, and under the same regulations as are or may be prescribed by law, for the sale of public lands in the Mississippi territory: *Provided however*, that in case of an application being made at the same time, for the purchase at private sale of the same tract of land by two or more persons, one of whom did actually inhabit and cultivate such tract of land at the time of passing this act, and still continues to inhabit and cultivate the same at the time of such application; the preference shall be given to the person thus inhabiting and cultivating such tract of land: *And provided also*, that till after the final decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time, and according to law, presented to the register of the land-office, and filed in his office, for the purpose of being investigated by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans; or which shall have been located by or for Major General La Fayette, according to law.

Preference to inhabitants and cultivators.

Proviso.

1803, ch. 27.

Additional reservation in the western district.

Sec. 7. *And be it further enacted*, That in addition to the township already reserved for that purpose by law, in the western district of the territory of Orleans, and which shall be located south of Red river, another entire township shall be located by the Secretary of the Treasury north of Red river, for the use of a seminary of learning, and also an entire township in the territory of Louisiana, for the support of a seminary of learning within the said territory.

Lands in the territory of Louisiana to be surveyed, &c.

Sec. 8. *And be it further enacted*, That the surveyor-general shall cause such of the public lands in the territory of Louisiana as the President of the United States shall direct, to be surveyed and divided in the same manner and under the same regulations and limitation as to expenses, as is provided by law in relation to the lands of the United States, northwest of the river Ohio, and above the mouth of Kentucky river.

1800, ch. 55.

A land-office to be opened, at such place as the President may designate for disposing of public lands in Louisiana, &c.

Sec. 9. *And be it further enacted*, That for the disposal of the lands of the United States, lying in the territory of Louisiana, a land-office shall be established, which shall be kept at such place as the President of the United States may direct; and a register and receiver of public monies shall be appointed for said office, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their office, as are or may be provided for by law, in relation to the register and receiver of public monies in the several offices established for the disposal of the lands of the United States, northwest of the river Ohio and above the mouth of Kentucky river.

1800, ch. 55.

Lands may be offered for sale, &c. &c.

Sec. 10. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think proper, to direct so much of the public lands lying in the territory of Louisiana, as shall have been surveyed in conformity with the ninth section of this

act, to be offered for sale. All such lands shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same, with exception also of a tract reserved for the support of a seminary of learning, as provided for by the eighth section of this act, and with the exception also of the salt springs, and lead mines, and lands contiguous thereto, which, by the direction of the President of the United States, may be reserved for the future disposal of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, and the receiver of public monies, and of the principal deputy surveyor, and on such day or days as shall, by public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks, and no longer. The lands shall be sold for a price not less than that which has been or may be fixed by law for the public lands, northwest of the river Ohio, and above the mouth of Kentucky river. And shall in every other respect be sold in tracts of the same size, on the same terms and conditions, as have been or may be by law provided for the lands sold in the state of Ohio. The superintendents of the said public sales shall each receive six dollars for each day's attendance on the said sales. All the lands which have been thus offered for sale, at public sale, remaining unsold at the closing of the public sales, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law for the sale of public lands in the state of Ohio: *Provided however*, that till after the decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time and according to law presented to the recorder of land titles in the district of Louisiana, and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the territory of Louisiana. And patents shall be obtained for all lands sold in the territory of Louisiana, in the same manner and on the same terms as is or may be provided, by law, for land sold in the state of Ohio.

Sale of the public lands.

No land to be offered for sale the claim to which has been presented until after the decision of Congress.

Sec. 11. *And be it further enacted*, That the claim of the corporation of the city of New Orleans, to the common adjacent thereto, and within six hundred yards from the fortifications of the same, as confirmed by the act, entituled "An act respecting claims to lands in the territories of Orleans and Louisiana," shall be deemed valid, although the relinquishment of the said corporation to any claim beyond the said distance of six hundred yards, was not made till after the expiration of the period of six months prescribed by the act last mentioned.

Claim of the corporation of New Orleans to adjacent common to be valid.

1807, ch. 36.

Sec. 12. *And be it further enacted*, That all the navigable rivers and waters in the territories of Orleans and Louisiana, shall be, and for ever remain public highways.

Navigable rivers, &c. to remain public highways.

Sec. 13. *And be it further enacted*, That a sum not exceeding forty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying this act into effect, which sum shall be paid out of unappropriated monies in the treasury.

Specific appropriation.

Approved, February 15, 1811.

Statute III.

Feb. 15, 1811.

Chap. XV.—*An Act concerning the Bank of Alexandria.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation heretofore created by the name and style of the President, Directors and

(a) Suits brought by the bank of Alexandria upon promissory notes, made negotiable at that bank, are entitled to trial at the return time of the writ. Young *v.* The Bank of Alexandria, 4 Cranch, 384; 2 Cond. Rep. 150.

The bank of Alexandria may, under the charter of the bank, maintain an action against the indorser

Company of the Bank of Alexandria, by an act of the legislature of the commonwealth of Virginia, passed in the year seventeen hundred and ninety-two, entituled "An act for establishing a bank in the town of Alexandria;" the capital stock of which said bank hath been increased to five hundred thousand dollars; and which said corporation was, by an act of the said commonwealth, passed in the year eighteen hundred and one, continued until the fourth day of March, eighteen hundred and eleven, be, and the said corporation shall, by the name and style aforesaid, be further continued from the fourth day of March next, until the fourth day of March, eighteen hundred and twenty-one, subject to the regulations prescribed by and made in the manner provided by this act.

Corporation of Alexandria bank continued.

Powers of the corporation.

Sec. 2. *And be it further enacted*, That the said corporation shall, by the name and style of the President, Directors and Company of the Bank of Alexandria, be capable in law to hold, have and purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever; and the same to grant, demise, alien or dispose of; and, by the name aforesaid, may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, within the United States; and may do and execute every other matter and thing by the name aforesaid, that they are authorized to do by virtue of this act: *Provided always*, that the lands, tenements and hereditaments, which it shall be lawful for the President, Directors and Company to hold, shall be only such as shall be requisite for their immediate accommodation, in relation to the convenient transacting their business, and such as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction for debts previously contracted in the course of their dealings: *Provided also*, that the president and directors shall not purchase any goods, chattels or effects, unless such as are sold by virtue of an execution, upon judgments obtained by them, except such articles as may be necessary for them in transacting the business of the bank; but it shall be lawful for them to receive and hold such securities, goods, chattels and effects, by way of deposit for advances made by them to any person or persons, and, on failure of payment, the same to sell and dispose of at public sale.

Limitation of the amount of real estate held by the bank.

The bank not to purchase any goods, &c. unless sold on judgments obtained by the bank, &c.

Capital stock.

Sec. 3. *And be it further enacted*, That the capital stock of the said bank shall consist of five hundred thousand dollars, in shares of two hundred dollars each.

Votes, how apportioned.

Sec. 4. *And be it further enacted*, That every stockholder shall be entitled to vote by himself, his agent or proxy, appointed under his hand and seal, at all elections, in virtue of this act; and shall have as many votes as he has shares, as far as ten shares, and not more than one vote for every five shares thereafter; and every stockholder may sell and transfer his stock in the bank, or any part thereof, at his pleasure, not being less than one complete share or shares; the transfer to be made in the bank books, in the presence, and with the approbation of the proprietor or his lawful attorney, and the purchaser then to be entitled to all the rights which the original proprietor enjoyed.

Sec. 5. *And be it further enacted*, That a meeting of the stockholders,

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of a promissory note, made negotiable at that bank, without first suing the maker, or proving him insolvent, according to the law of Virginia; although the endorsement was for the accommodation of the maker: and notwithstanding that in Virginia the implied contract of the endorser of a promissory note, by the general understanding of the country, is that he will pay the debt, if by due diligence it cannot be obtained from the maker. *Ibid.*

If the case shows that the bank received the note under an understanding that it was subject to the rules which govern inland bills of exchange, then it would seem reasonable, in the case of notes actually negotiated with them, to imply, from the act of endorsement, an undertaking conformable to that usage. *Ibid.*

A subsequent board of directors of the bank, is to be considered as knowing all the circumstances communicated or known to the previous board. The Mechanics' Bank of Alexandria *v.* Louisa and Maria Seton, 1 Peters, 309.

at the town of Alexandria, shall be held annually, on the third Monday of January, in every year, during the continuance of this act; previous notice whereof shall be published in some newspaper, printed in Alexandria, Richmond, Winchester, or the city of Washington, for the space of four weeks successively; and the stockholders, assembled in consequence of such notice, shall choose by ballot, from among themselves, by a majority of votes of such as shall be present, or by proxy, nine directors, being citizens of the United States, for the term of one year thereafter; and on the same day annually, for and during the continuance of this act, a like election shall be made; and in case of refusal, death, resignation, disqualification or removal out of the district of Columbia, of any director, the remaining directors, at their next meeting thereafter, shall elect by ballot another person, qualified as aforesaid, in his place, for the residue of the year. The directors or any seven of them, shall, at their first meeting after every general election, elect by a majority of members present, by ballot, from among the stockholders, a president, who shall, whether a director or not, be thereupon entitled to all the powers and privileges of one; and if he was before a director, another director shall be elected as aforesaid, so as to keep up the number of directors, prescribed by this act, exclusive of the president; and in case of refusal, death, resignation or removal out of the district aforesaid, of the president, the directors shall meet as soon as conveniently can be thereafter, and elect another person for president, in manner before directed.

Elections, when to be held.

Proceedings of the directors.

Sec. 6. *And be it further enacted*, That there be a meeting of the directors quarterly, for the purpose of regulating the affairs of the bank, any five of whom shall make a board; and that the board have power to adjourn from time to time; and the president, or any three of the directors, may call a special meeting at any other time they may think necessary.

Quarterly and other meetings of the directors.

Sec. 7. *And be it further enacted*, That the board of directors shall determine the manner of doing business, and the rules and forms to be pursued; appoint and pay the various officers which they may find necessary; and dispose of the money and credit of the bank, at a rate not exceeding six per centum per annum; and make half yearly dividends of the profits, or of such part thereof, as they may think prudent.

Powers of the directors.

Sec. 8. *And be it further enacted*, That in the appointment of cashier of the said bank, a majority of the votes of seven directors shall be necessary to a choice.

Number of votes necessary to the appointment of a cashier.

Sec. 9. *And be it further enacted*, That the board shall, at every quarterly meeting, choose three directors, to inspect the business of the bank, for the ensuing three months; and the inspectors so chosen, or any two of them, shall, on the evening of every Saturday, examine into the state of the cash account, and all the notes received and issued; and see that those accounts are regularly balanced and transferred.

A committee of three directors to be appointed at quarterly meetings to examine the cash accounts.

Sec. 10. *And be it further enacted*, That any director, officer or other person, holding any share or capital of the said stock, who shall commit any fraud or embezzlement, touching the money or property of the said bank, shall be liable to be prosecuted in the name of the United States, by indictment for the same, in any court of law, in the district wherein the offence shall be committed; and, upon conviction thereof, shall, besides the remedy that may be had by action, in the name of the President, Directors and Company of the Bank of Alexandria, for the fraud aforesaid, forfeit all his share and stock in the said bank to the company.

Any director, officer or other person committing frauds in the bank may be prosecuted.

Sec. 11. *And be it further enacted*, That it shall not be lawful for the bank hereby incorporated to loan by discount or otherwise more than twice the amount of its capital stock actually paid in.

Amount authorized to be loaned

Sec. 12. *And be it further enacted*, That no stockholder or member

Stockholders only to be answerable for the amount of their stock.

of the said company shall be answerable for any loss, deficiencies or failure of the capital stock of said bank, for any more or larger sum or sums of money whatsoever, than the amount of the stock, stocks or shares, which shall appear by the books of the said company to belong to him at the time or times when such loss or losses shall be sustained,

Exception.

except as is hereafter excepted, that is to say: if the total amount of debts, which the said company shall at any time owe, whether by bond, bill, note or other contract, shall exceed double the amount of capital stock of the said bank actually paid in, over and above the monies actually deposited in the bank for safe keeping, then in case of such excess, the directors under whose administration it shall happen, shall be liable for such excess, in their natural and private capacities; and an action or actions of debt may be brought against them, or any of them, their heirs, executors or administrators, in any court of record within the United States by any creditor or creditors of the said company, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said body politic or the lands, tenements, goods and chattels of the same, from being liable for, and chargeable with the said excess. Such of the directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of his absence or dissent, to the mayor of the town of Alexandria, for the time being, and to the stockholders, at a general meeting which he or they shall have power to call for that purpose. And in case the directors, by whose act such excess shall be occasioned, shall not have property sufficient to pay the amount of such excess, then each and every stockholder shall be liable in their private capacities for the deficiency, in proportion to their respective shares in the said bank.

Directors absent when the resolution or act by which the debts of the bank was created, how to exonerate themselves.

No note for a smaller sum than five dollars to be issued.

Reports to be made to Secretary of the Treasury.

Sec. 13. *And be it further enacted*, That the president and directors shall not issue any note for a smaller sum than five dollars; and the president and directors shall, once in every year, lay before the Secretary of the Treasury an account, truly stating the situation of the bank, and its funds, if required.

Directors, &c. &c. entitled to no emolument but by a vote of the stockholders.

Sec. 14. *And be it further enacted*, That no director shall be entitled to any emolument, unless the same shall have been allowed by a majority of the stockholders at a general meeting. The directors shall make such compensation to the president, for his extraordinary services and attendance at the bank as shall appear to them reasonable.

Residents of the district of Columbia only eligible as president or director.

Sec. 15. *And be it further enacted*, That none but a stockholder, being a resident of the district of Columbia, shall be eligible as a president or director.

Treasurer or cashier to give bond, &c. &c.

Sec. 16. *And be it further enacted*, That every cashier or treasurer, before he enters upon the duties of his office, shall give bond with two or more securities to the satisfaction of the directors, for his good behaviour in office.

Accidental omission to make an election, provided for.

Sec. 17. *And be it further enacted*, That in case it shall at any time happen, that an election of directors shall not be made on any day when, pursuant to this act, it ought to be made, it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said president and directors.

Process served upon the President sufficient.

Sec. 18. *And be it further enacted*, That process of law, served on the president for the time being, shall be deemed sufficient service, and shall avail in like manner, as if it had been served on all the directors, to the intent and purpose of making the said corporate company responsible.

Sec. 19. *And be it further enacted*, That whenever any note shall be given, containing express consent in writing, that it may be negotiable at the said bank, and the same shall be endorsed, if payment be refused or neglected to be made, at the time it shall have become due, the like proceedings are to be had out of court, and suit may be prosecuted against the drawer and endorser, jointly or separately, in like manner as if the same was a bill of exchange.

Notes made negotiable at bank to be considered as bills of exchange.

Sec. 20. *And be it further enacted*, That the said bank shall continue to transact its business of discount and deposit in the county of Alexandria, in the district of Columbia.

Bank to be continued in Alexandria.

Approved, February 15, 1811.

Statute III.

Chap. XVI.—*An Act to incorporate the Bank of Washington.*(a)

Feb. 15, 1811.

Bank of Washington incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of March, which will be in the year of our Lord one thousand eight hundred and eleven, all those persons, their legal representatives or assigns, who, on the first Monday of September, in the year of our Lord one thousand eight hundred and nine, at the city of Washington, subscribed certain articles of association, and formed a company or limited partnership, under the name and style of "The President and Directors of the Bank of Washington," and who, on the said fourth day of March, in the year eighteen hundred and eleven, shall hold any share of the joint stock or funds, created in pursuance of the said articles of association, and their successors, being stockholders as aforesaid, shall be and they are hereby incorporated, and made a body corporate and politic, by the name and style of "The President and Directors of the Bank of Washington;" and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record and any other place whatsoever; and by that name may have and hold, purchase, receive, possess, enjoy and retain lands, rents, tenements, hereditaments, goods, chattels and effects, of what nature, kind, or quality soever; and the same sell, grant, demise, alien and dispose of; and, by that name shall have succession, during the continuance of this act, and may make, have and use a common seal, and the same may break, alter and renew at pleasure; and shall have power to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, nor to the constitution thereof; and generally to do and execute all acts necessary or proper for the objects of the said incorporation, subject to the rules, regulations, restrictions, limitations and provisions herein described and declared.

Sec. 2. *And be it further enacted*, That the capital stock of the said bank shall consist of five hundred thousand dollars, money of the United States, to be divided into shares of twenty dollars each; of which, ten dollars on each share will, according to the articles of association aforesaid, have been paid before the said fourth day of March, eighteen hundred and eleven; and it shall be optional with any stockholder thereafter to fill up his or her share or shares, by the payment, at any one time, of the residue of the money due thereon, who shall thereupon be entitled to receive dividends in future, in proportion to the whole amount paid upon such share or shares: *Provided*, that the dividend or dividends, on

Capital.

Shares, &c. &c.

(a) The deposit of a bill in one bank, to be transmitted to another for collection, is a common usage of great public convenience; and the duty of a bank receiving such bill, is precisely the same, whoever may be the owner thereof: and if it was unwilling to undertake the collection without precise information on the subject, the duty ought to have been declined. The Bank of Washington *v.* Triplet and Neale, 1 Peters, 30.

such sums of money so paid, shall not commence until the first day of the month next ensuing such payment.

Bank to be continued in Washington.

Sec. 3. *And be it further enacted*, That the said bank shall transact its business in the city of Washington.

Directors, &c. &c. to be appointed.

Sec. 4. *And be it further enacted*, That the affairs of the said bank shall be conducted by twelve directors and a president, whose place, if chosen from among their number, shall be supplied by that body. Six of the directors, with the president, shall form a board or quorum for transacting all the business of the company. In case of his sickness or necessary absence, his place may be supplied by any director, whom he, by writing under his hand, may nominate for that purpose; or, in case of his not making such nomination, the board may appoint a president to act during his absence. The president and directors who may be in office, under the said articles of association, on the said fourth day of March, eighteen hundred and eleven, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director or president who is not a citizen of the United States and a stockholder; and a director ceasing to be a stockholder shall cease to be a director. And no person, a director of another bank, shall be a director of this bank.

Votes.

Every stockholder, being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders, in pursuance of this act, and shall have as many votes, in proportion to the stock he may hold, as follows: for one share and not exceeding two shares, one vote each; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; and for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above that number, one vote. But no person or persons, bodies corporate, or otherwise, shall be entitled to more than fifty votes. But no stockholder shall be permitted to vote, who has not held his stock two calendar months prior to the day of election. All stockholders, living in the city of Washington, shall vote in the choice of directors by ballot in person; but every stockholder, living out of said city, may vote in person or by a written ballot by him or her subscribed with his or her name, and duly acknowledged before a judge of a court, a justice of the peace, or a notary public; a certificate whereof shall be made on said ballot by the judge, justice of the peace, or notary public, before whom such acknowledgment shall be made, and said ballot shall by him be sealed up, and addressed to the cashier of the bank; and being transmitted before the time of the election, shall be received and counted in the election. No person who is not a citizen of the United States shall be entitled to vote in any election of this corporation: *Provided nevertheless*, that this section may at any time hereafter be altered or amended by Congress, in such manner as they may see fit, so as to provide for an annual rotation of the directors.

No one to vote who is not a citizen of the United States.

This section may be altered by Congress.

Times of meeting, for choice of directors, &c. &c.

Sec. 5. *And be it further enacted*, That a general meeting of the stockholders of the said bank shall be holden on the first Monday of January, in the year eighteen hundred and twelve, and on the first Monday of January in every year thereafter, at such place as the president and directors shall appoint, by giving four weeks' notice in one or more of the newspapers of the city of Washington, for the purpose of electing directors for the ensuing year, who shall meet on the day succeeding their election, and shall immediately proceed to choose a president; and the president and directors for the time being shall continue in office until others shall be duly elected in their places, and be organized by the assembling of a quorum, and the choice of a president. At all elections the persons having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superintendence of

Regulations of elections.

the president of the bank for the time being and four stockholders, not being at the time directors, appointed by the board of directors, any three of whom shall be judges thereof. They shall immediately thereafter notify the persons elected to meet the ensuing day at the bank, and shall make a return of the persons elected at their first meeting. Should two or more persons have an equal number of votes, the other individuals elected directors shall determine by ballot from among said persons, who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon, and closed at three o'clock in the afternoon.

Powers of the president and directors to make by-laws.

Sec. 6. *And be it further enacted*, That the president and directors shall have full power to make, revise, alter and annul all such rules, orders, by-laws and regulations, for the government of the said corporation, and that of its officers, servants and affairs, as they shall, from time to time, think expedient; and to use, employ and dispose of the capital stock, funds and property of the said bank, for the interest and benefit of the stockholders, subject only to the restrictions herein contained; but the said bank shall not take, for discounting any bill or note, more than at the rate of six per cent. per annum, upon the amount due by such bill or note.

Promissory notes, &c. &c. signed by the president obligatory upon stockholders, &c. &c.

Sec. 7. *And be it further enacted*, That all promissory notes, bills of exchange, drafts, checks and receipts, for the payment of money, made on behalf of the said bank, signed by the president, and countersigned or attested by the cashier, shall be obligatory upon the said body corporate, and shall possess the like qualities as to negotiability, and the holders thereof shall have the like actions thereupon, as if such promissory notes, bills of exchange, drafts, checks or receipts, had been made by or on behalf of a natural person.

Books, &c. &c. subject to inspection of directors.

Reports to be made to the Secretary of the Treasury.

Sec. 8. *And be it further enacted*, That the books, papers, correspondence and funds of the bank, shall at all times be subject to the inspection of the directors. And the said president and directors shall once in every year cause to be laid before the Secretary of the Treasury of the United States an account truly stating the situation of the bank and its funds.

President and directors to appoint the officers, &c. &c.

Sec. 9. *And be it further enacted*, That the said president and directors shall have power to appoint a cashier, and all other officers and servants, for executing the business of the said bank, and to establish the compensation to be made to the president and all other officers and servants of the said bank respectively. But no compensation shall be given to a director for his services, except by a vote of the stockholders in general meeting.

General meetings of the stockholders.

Sec. 10. *And be it further enacted*, That the president and directors shall have power to call a general meeting of the stockholders, for purposes concerning the interests of the bank, giving at least six weeks' notice in one or more of the newspapers of the city of Washington, specifying in such notice the object or objects of such meeting.

Shares how transferable, &c. &c.

Sec. 11. *And be it further enacted*, That the shares of capital stock, at any time owned by any individual stockholder, shall be transferable only on the books of the bank, according to such rules as may, conformably to law, be established in that behalf by the president and directors; but all debts actually due and payable to the bank (days of grace for payment being past) by a stockholder requesting a transfer, must be satisfied before such transfer shall be made, unless the president and directors shall direct to the contrary.

Dividends, &c. &c. when to be declared, &c.

Sec. 12. *And be it further enacted*, That the dividends of the profits of the company, or so much of said profits as shall be deemed expedient and proper, shall be declared half-yearly, in the first week in May and November, in each year; the amount of said dividend shall, from time to time, be determined by the president and directors, and shall in no case exceed the amount of the net profits actually acquired by the com-

pany, so that the capital stock of the said company shall never be impaired by dividends.

Limitation of Discounts.

Sec. 13. *And be it further enacted,* That the said bank shall not at any time discount or loan a greater sum than double the amount of the capital stock thereof, which shall be actually paid in.

Sec. 14. *And be it further enacted,* That if the said directors shall at any time wilfully and knowingly make or declare any dividend, which shall impair the said capital stock, all the directors present at the making or declaring of said dividend, and consenting thereto, shall be liable in their individual capacities to the company for the amount or proportion of said capital stock so divided by the said directors; and each director, who shall be present at the making or declaring such dividend, shall be deemed to have consented thereto, unless he shall immediately enter, in writing, his dissent on the minutes of the proceedings of the board, and give notice thereof to the Secretary of the Treasury of the United States.

Bank not to own vessels or to be concerned in trade.

Sec. 15. *And be it further enacted,* That the bank shall in no case be owners of any ships or vessels, or directly or indirectly be concerned in trade, or the importation or exportation, purchase or sale, of any goods, wares or merchandise whatever, except bills of exchange, bullion, stock of the United States, or of incorporated institutions, and such ships, vessels, goods, wares or merchandise, as shall be truly pledged to them by way of security for debts due, owing or growing due to the said bank, or purchased by it to secure such debts.

Bank not to hold real property but in certain cases.

Sec. 16. *And be it further enacted,* That the bank shall not purchase or hold any lands, tenements or other real estates, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements and real estates shall have been bona fide mortgaged to the bank by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of dealings, or purchased to secure debts contracted with or due to the bank; and in every instance in which the bank may become the owners or claimants of lands, tenements or real estates, the president and directors are empowered to sell or dispose of the same, in such manner as they may deem beneficial for the said bank.

Vacancies in the board of directors how to be filled.

Sec. 17. *And be it further enacted,* That if any vacancy shall at any time happen among the directors by death, resignation or otherwise, the rest of the directors, for the time being, shall elect a director to fill the vacancy.

Meetings of stockholders.

Sec. 18. *And be it further enacted,* That any number of stockholders, who shall be proprietors of not less than two thousand shares, may, for any purpose relative to the institution, at any time apply to the president and directors to call a general meeting of the stockholders, and if by them refused, the said number of stockholders, proprietors of not less than the number of shares aforesaid, shall have power to call a general meeting of the stockholders, giving at least sixty days' notice in one or more of the public newspapers of the city of Washington, specifying in such notice the object or objects of such call.

Bank restricted as to its debts.

Sec. 19. *And be it further enacted,* That the total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid over and above the monies then actually deposited in the bank for safe keeping. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors, or administrators in any court proper to try the same by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt said

corporation, or the lands, tenements, goods or chattels of the same from being also liable for and chargeable with said excess. Such of said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the fact, and of their absence or dissent, to the Secretary of the Treasury of the United States, and to the stockholders at a general meeting which they shall have power to call for that purpose; and the body corporate, hereby created, and the capital stock thereof, shall be liable for all the debts and engagements contracted, or which, before or on the said fourth day of March, in the year eighteen hundred and eleven, shall be contracted by the company or co-partnership heretofore created by the articles of association herein before mentioned, and which carried on the banking business under the name and style of "The President and Directors of the Bank of Washington;" and the creditors of the said co-partnership shall have the like remedy by action, against the said body corporate, as they had or have, or may or can have, against the said co-partnership.

Liability of directors.

Sec. 20. *And be it further enacted,* That in case it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, at a meeting to be called, in such manner as shall be prescribed by the laws and ordinances of the said corporation.

Elections.

Sec. 21. *And be it further enacted,* That this act shall, to all intents and purposes, be deemed and held a public act, and be and continue in force for the term of ten years, from and after the fourth day of March, which will be in the year of our Lord one thousand eight hundred and eleven, and no longer.

This to be deemed a public act.

Approved, February 15, 1811.

Statute III.

Chap. XVII.—*An Act to incorporate the subscribers to the Farmers' Bank of Alexandria.*

Feb. 16, 1811.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the present subscribers to the Farmers' Bank of Alexandria, as well as those who shall hereafter become subscribers to the same, their successors and assigns, shall be, and they are hereby created a corporation and body politic by the name and style of the Farmers' Bank of Alexandria; and by that name and style shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, hereditaments, goods, chattels and effects, of what kind, nature or quality soever: and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever, subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein after prescribed and declared.

Bank incorporated.

Sec. 2. *And be it further enacted,* That the capital stock of said corporation may consist of five hundred thousand dollars, divided into shares of fifty dollars each; and subscriptions, towards filling up the remaining part of said stock not already subscribed, may be opened by the president and directors of the bank, at such times and places, and under such regulations, as they shall direct; and it shall be lawful for any person, a citizen of the United States, to subscribe; and it shall be the duty of the president and directors to give notice in two newspapers, or more, published in the district of Columbia, of the times and places of opening

Capital to consist of 500,000 dollars.

such subscriptions, at least thirty days previous thereto; and each of said subscriptions shall be kept open one day at least, and such further time as said directors may order.

Not to hold real property, but for certain purposes.

Sec. 3. *And be it further enacted*, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such, as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall have been conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales on judgments, which shall have been obtained for such debts; nor shall this corporation directly or indirectly deal in or trade in any thing, except bills of exchange, gold or silver bullion; or in the sale of goods, really and truly pledged for money lent, and not redeemed in due time; or of goods which shall be the produce of its land; or of goods sold by virtue of an execution, on a judgment obtained by them.

Directors, &c. &c.

Sec. 4. *And be it further enacted*, That for the well ordering the affairs of the said corporation, there shall be thirteen directors, of whom there shall be an election on the first Monday in January, in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the Monday of January next ensuing the time of such election, and until others shall be chosen. But the first election of directors under this act shall not take place, until the first Monday in January, in the year one thousand eight hundred and twelve; and the said directors, at their first meeting after each election, shall choose one of their number as President. No person, a director of another bank, shall be a director of this bank:

Proviso.

Provided, that in case it should at any time happen, that an election of directors should not be made upon any day, when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, within fifteen days thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of said corporation.

Directors to have no emolument.

Compensation of the president.

Sec. 5. *And be it further enacted*, That no director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The directors shall make such compensation to the president, for his extraordinary attendance at the bank, as to them shall appear reasonable.

Officers of the bank.

Sec. 6. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers and servants under them, as may be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively, as shall seem reasonable: and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Rules, &c. &c.

Sec. 7. *And be it further enacted*, That the president and directors shall determine the manner of doing business, and the rules and forms to be pursued, and dispose of the money and credit of the bank in such manner as shall seem to them best calculated to promote the interest of the proprietors.

Votes.

Sec. 8. *And be it further enacted*, That stockholders shall vote, at all elections for directors, by ballot, in person, except those who shall reside out of the town of Alexandria, who may vote either in person, or by a written ballot, by him or her subscribed with his or her name, and duly acknowledged before a judge of a court, a justice of the peace or notary public; a certificate whereof shall be made on said ballot, by the

said judge, justice of the peace or notary public, before whom such acknowledgment shall be made, and said ballot shall be sealed up and directed to the cashier of the bank; and being transmitted to said cashier, before the time of the election, shall be received and counted in the choice of directors. No share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election; and the number of votes to which each stockholder shall be entitled shall be in proportion to the number of shares he shall hold, as follows: For one share, and not exceeding two shares, one vote each; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above that number, one vote; but no person or persons, bodies corporate or otherwise, shall be entitled to more than fifty votes: *Provided*, that this section may at any time hereafter be altered or amended by Congress, in such manner as they may see fit, so as to provide for an annual rotation of directors.

Sec. 9. *And be it further enacted*, That one month previous to each election of directors, the cashier shall cause to be made out a correct list of all the stockholders, which shall be subject to the inspection of any stockholder.

Stockholders only to be president or director.

Sec. 10. *And be it further enacted*, That no person shall be eligible to hold the office of president or director, who is not a citizen of the United States and a bona fide stockholder.

A majority of the whole number of directors necessary to the choice of a cashier.

Sec. 11. *And be it further enacted*, That a majority of the whole number of directors, shall be necessary in the choice of a president and cashier; but three members, with the president, may constitute a board for transacting the ordinary business of the bank.

Dividends how and when to be declared.

Sec. 12. *And be it further enacted*, That the president and directors shall, as soon as they may deem it expedient, declare a dividend of profits; and every half year thereafter, shall make and declare such dividends of profit, as they may deem proper; but no dividend shall be declared, except by a majority of all the directors.

A book to be kept in which the proceedings of the board are to be entered.

Sec. 13. *And be it further enacted*, That the president and directors shall keep a book in which their proceedings at their meetings, as a board, shall be regularly recorded, and upon every question which may occur, the ayes and noes thereupon shall be noted, which record book shall at all times be open to the inspection of any stockholder, not being a director, officer or servant of any other bank, who shall, six months previous to his application, be the proprietor of stock, to the amount of three thousand dollars.

Meetings of stockholders, &c. &c.

Sec. 14. *And be it further enacted*, That any number of stockholders, not less than twenty, owning together fifty thousand dollars of stock, shall be at liberty to call a meeting of the stockholders at any time, and may appoint three of their number as a committee to examine into the state and condition of the bank and the manner in which its affairs have been conducted: *Provided*, that no member of such committee shall be a director, president or other officer or servant of any other bank.

President and cashier to give bond, &c. &c.

Sec. 15. *And be it further enacted*, That the president and cashier shall respectively give bond and security, and also take an oath, for the faithful discharge of their duties; the president in the sum of twenty thousand dollars, and the cashier in the sum of thirty thousand dollars; the other officers and servants shall also take an oath, and enter into bond and security in such sums as the president and directors may prescribe.

Limitation of loans or discounts.

Sec. 16. *And be it further enacted*, That the said bank shall not at any time discount or loan a greater sum than double the amount of the capital stock thereof, which shall be actually paid in.

Notes, &c. &c. to be signed by the president and cashier.

Sec. 17. *And be it further enacted,* That all bills, bonds, notes and every contract or engagement, on behalf of the corporation for the payment of money, shall be signed by the president, and countersigned by the cashier; and the funds of the corporation shall in no case be liable for any contract or engagement, unless the same shall be signed and countersigned as aforesaid; and the president and directors shall not issue any note for a smaller sum than five dollars.

Rate of discount or interest.

Sec. 18. *And be it further enacted,* That it shall not be lawful for the president and directors, to demand or receive a greater discount or interest than at the rate of one per cent. for sixty days, upon any loans or advances of money which they may make.

Transfer of shares.

Sec. 19. *And be it further enacted,* That the shares of the capital stock shall be transferable at any time, according to such rules as may be established by the president and directors; but no stock shall be transferred, the holder thereof being indebted to the bank, until such debt be satisfied, except the president and directors shall otherwise order it.

Stockholders members.

Sec. 20. *And be it further enacted,* That every stockholder, whether he be so by original subscription or by transfer, shall be considered as a member of this corporation, and, when he ceases to be a stockholder, he shall cease to be a member.

In the absence of the president, his place to be supplied by the board.

Sec. 21. *And be it further enacted,* That it shall be the duty of the president, or in his absence, such one of the directors as they shall appoint to supply his place for the time, to preside at the board of directors, to vote on all questions, to minute the proceedings of the board, to cause all the orders and resolutions of the board to be carried into effect, to sign all bonds, bills, notes or other engagements, which the board of directors may from time to time direct to be issued for the payment of money, and generally to superintend the affairs, and to watch over the interest of this corporation.

Vacancies, how to be filled.

Sec. 22. *And be it further enacted,* That if a vacancy shall at any time happen in the office of president, director, cashier, or any other officer or servant of the bank, by death, resignation, disqualification or otherwise, the same may be filled by a majority of the directors for the time being.

Accommodations limited.

Sec. 23. *And be it further enacted,* That no standing or unlimited accommodation shall be granted.

Stockholders to forfeit their dividends upon unpaid shares.

Sec. 24. *And be it further enacted,* That if any stockholder shall fail to pay up the several instalments upon his subscription, as the same may become due, his dividends upon such instalments as he may have paid shall cease as to him, and remain to the use and benefit of the other members of the corporation.

Capital stock not to be impaired in dividends.

Sec. 25. *And be it further enacted,* That if the president and directors shall at any time wilfully and knowingly make and declare any dividend which shall impair the capital stock, or shall wilfully and knowingly violate or infringe any of the foregoing articles of this corporation, all the directors present at the making or declaring such dividends, or violating or infracting such article or articles, and consenting thereto, shall be liable in their individual capacities to the corporation, for the amount or proportion of said capital stock so divided, and also for any injury or damage that may accrue to creditors, in consequence of any such violation or infraction as aforesaid; and each director who shall be present shall be deemed to have assented thereto, unless he shall cause his dissent to be entered upon record: *Provided,* that nothing herein contained shall be construed to exempt the corporation from any liability, to any person or persons, which otherwise the said corporation might incur.

Proviso.

Rules, &c. &c. may be altered.

Sec. 26. *And be it further enacted,* That the president and directors shall have power, a majority of their whole number concurring, to make, revise, alter or annul all such rules, orders or by-laws, for the govern-

ment of the corporation, and that of their officers, servants and affairs, as they may from time to time think expedient, not inconsistent with law.

Meetings of the stockholders.

Sec. 27. *And be it further enacted*, That any number of stockholders not less than twenty, who together shall be proprietors of two thousand shares, may for any purpose relative to this corporation, at any time apply to the president and directors to call a general meeting of the stockholders, and if by them refused, the said number of stockholders, proprietors of not less than that number of shares shall have power to call a general meeting of the stockholders, giving at least thirty days' notice in one newspaper printed within the town of Alexandria, and one printed within the city of Washington, specifying in such notice the object or objects of such call.

Secretary of the Treasury to be furnished with a statement of the bank affairs.

Sec. 28. *And be it further enacted*, That the Secretary of the Treasury of the United States shall be, (at least once in every year) furnished, from time to time, as he may require it, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, that this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Proviso.

Sec. 29. *And be it further enacted*, That this corporation shall continue until the first day of January, in the year one thousand eight hundred and twenty-one: But nevertheless, the proprietors of two thirds of the capital stock of the company may, by their concurrent votes at a general meeting, to be called for that purpose, dissolve the same at an earlier period: *Provided*, that notice of such meeting and its object shall be published in two or more newspapers, printed within the district of Columbia, for at least three months successively, previous to the time appointed for such meeting.

On the dissolution of the corporation, the capital, &c. &c. to be divided.

Sec. 30. *And be it further enacted*, That on the dissolution of this corporation, whenever the same shall be determined on as aforesaid, effectual measures shall be immediately taken by the president and directors, then in office, for closing all the concerns of the corporation and for dividing the capital and profits which may remain, among the stockholders in proportion to their respective interests.

Commencement of this act.

Sec. 31. *And be it further enacted*, That this act shall not take effect until the fourth day of March, which will be in the year of our Lord one thousand eight hundred and eleven, and shall to all intents and purposes be deemed and held a public act.

Approved, February 16, 1811.

Statute III.

Feb. 16, 1811.

Chap. XVIII.—*An Act to incorporate the Bank of Potomac.*

Bank incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of March, which will be in the year of our Lord one thousand eight hundred and eleven, all those who have or hereafter may become stockholders in the Bank of Potomac, their successors and assigns, shall be and they are hereby created and made a body politic, by the name and style of "The President, Directors and Company of the Bank of Potomac," and so shall continue until the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-one, and no longer; and by that name shall have succession; and shall be and are hereby made able and capable in law to have, purchase and receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever,

and the same to sell, grant, demise, alien or dispose of; and by the name aforesaid may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity. And by the name aforesaid may do and execute every other matter and thing, that they are authorized to do by virtue of this act: *Provided always*, that the lands, tenements and hereditaments, which it shall be lawful for the said president and directors to hold, shall be only such as shall be requisite for their immediate accommodation, in relation to the convenient transacting their business, and such as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of their dealings: *Provided also*, that the said president and directors shall not purchase any goods, chattels or effects, unless such as are sold by virtue of an execution upon a judgment obtained by them, except such articles as may be necessary for them in transacting the business of the bank; but it shall be lawful for them to receive and hold such securities, goods, chattels and effects, by way of deposit for advances made by them to any person or persons, and, on failure of payment, the same to sell and dispose of at public sale.

The lands, &c. to be held by the bank, shall be such only, as their business may require.

Proviso.

Capital.

Sec. 2. *And be it further enacted*, That the capital of the said bank shall consist, as it now does, of the sum of five hundred thousand dollars, divided into shares of one hundred dollars each.

Elections. Votes, &c.

Sec. 3. *And be it further enacted*, That every stockholder, being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders in pursuance of this act, and shall have as many votes in proportion to the stock he may hold, as follows: For one share and not exceeding two shares, one vote each; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above that number, one vote. But no person or persons, bodies corporate or otherwise, shall be entitled to more than fifty votes. No share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election. And in the choice of directors, every stockholder shall vote in person, (except those who shall reside out of the town of Alexandria,) who may vote either in person or by a written ballot by him or her subscribed, with his or her name, and duly acknowledged before a judge of a court, a justice of the peace, or a notary public; a certificate whereof shall be made on said ballot by the said judge, justice of the peace or notary public, before whom such acknowledgment shall be made; and said ballot shall be by him sealed up, and addressed to the cashier of the bank, and being transmitted to said cashier before the time of the election of directors, said ballot shall be received and counted in the choice of directors. And every stockholder may sell and transfer his stock in the said bank, or any part thereof, at his pleasure, not being less than one complete share or shares, the transfer being made in the bank books, in the presence and with the approbation of the proprietor or his lawful attorney.

Regulations in relation to elections, &c. &c.

Sec. 4. *And be it further enacted*, That an election shall be held in the town of Alexandria on the first Monday of November in each year, of which notice shall be given in one or more newspapers, printed in the town of Alexandria, four weeks at least, before said day of election. And the stockholders shall choose, by ballot, from among the stockholders, by a majority of votes, twelve directors, for the term of one year thereafter; and on resignation, disqualification or removal of any director, out of the county of Alexandria, in the district of Columbia, or out of the county of Fairfax, in the state of Virginia, the other directors, at their next meeting thereafter, shall elect by ballot another person, qualified

as aforesaid, in his place, for the residue of the year. The directors shall, at the first meeting after every general election, elect by a majority of their whole number, by ballot from among their own number, a president, who shall be thereupon entitled to all the powers and privileges of one; and if he was before a director, another director shall be elected as aforesaid, so as to keep the number of directors, prescribed by this act, exclusive of the president, entire; and in case of the death, resignation or removal of the president, out of the county of Alexandria, or county of Fairfax aforesaid, or his refusal to accept his office, the directors shall meet as soon as conveniently can be thereafter, and elect another person for president, in the manner before directed; but the president and directors at present elected by the stockholders, shall continue to act, until their successors are chosen: *Provided*, that in case it should at any time happen, that an election of directors should not be made upon any day, when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, within fifteen days thereafter, to hold and make an election of directors, in such manner, as shall have been regulated by the laws and ordinances of said corporation. *And provided nevertheless*, that this section may at any time hereafter be altered or amended by Congress, in such manner as they may see fit, so as to provide for an annual rotation of the directors.

Proviso.

This section may be amended by Congress.

Sec. 5. *And be it further enacted*, That there shall be a meeting of the directors quarterly, for the purpose of examining the affairs of the bank, any four of whom shall make a board; and the board shall have power to adjourn, from time to time; and the president, or any three of the directors may call a special meeting at any other time that they may think proper.

Meetings of the directors.

Sec. 6. *And be it further enacted*, That the board of directors, by a majority of votes, shall make by-laws, determine the manner of doing business, and the rules and forms to be pursued; and dispose of the money and credit of the bank, for the interest and benefit of the stockholders; and are hereby authorized to receive for discounts, made at the said bank, at the rate, and not exceeding six per cent. per annum, and make, at the expiration of each half year, a dividend of the profit, or such part thereof, as they may think prudent.

Powers of the board of directors.

Sec. 7. *And be it further enacted*, That in appointing a cashier of the said bank, and all other officers, a majority of the whole directors shall be necessary to a choice.

A majority of the directors required, for choosing officers.

Sec. 8. *And be it further enacted*, That any director, officer, or other person, holding any share or capital of the said bank stock, who shall commit any fraud or embezzlement, touching the money or property of said bank, shall be liable to be prosecuted, in the name of the United States, by indictment for the same; and upon conviction thereof, shall, besides the remedy that may be had by action, in the name of the President and Directors of the Bank of Potomac, for the fraud aforesaid, forfeit to the company all his share and stock in the said bank.

Frauds, &c. &c. how to be punished.

Sec. 9. *And be it further enacted*, That the said bank shall not at any time discount or loan a greater sum than double the amount of the capital stock, which shall be actually paid in.

Limitation of discounts.

Sec. 10. *And be it further enacted*, That no stockholder or member of said company, shall be answerable for any losses, deficiencies or failure of the capital stock of the said bank, for any more or larger sum or sums of money whatsoever, than the amount of the stock, stocks or shares, which shall appear by the books of said company to belong to him at the time or times when such loss or losses shall be sustained, except as is hereafter excepted, that is to say: If the total amount of the debts which said company shall at any time owe, whether by bond, note, bill or other contract, shall exceed twice the amount of the capital stock of

Extent of the liability of stockholders.

the said bank, over and above the monies actually deposited in the bank for safe keeping, then, in case of such excess, the directors, under whose administration it shall happen, shall be liable for such excess in their natural and private capacities: and an action or actions of debt may be brought against them or any of their heirs, executors or administrators, in any court of record within the district of Columbia, by any creditor or creditors, of said company, and may be prosecuted to judgment and execution, any condition or covenant, or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said body politic, or lands, tenements, goods or chattels of the same, from being also liable for, and chargeable with said excess: *Provided*, that such of the said directors, who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the mayor of the town of Alexandria, for the time being, and to the stockholders, at a general meeting which he or they shall have power to call for that purpose. And in case the directors, by whose act such excess shall be occasioned, shall not have property to pay the amount of such excess, then each and every stockholder, shall be liable in their private capacities for the deficiencies, in proportion to their respective shares in the said bank.

Directors who are absent, not to be liable, if they give notice to the stockholders.

Sec. 11. *And be it further enacted*, That the said president and directors shall not issue any note for a smaller sum than five dollars; and the said president and directors shall, once in every year, cause to be laid before the Secretary of the Treasury of the United States an account, truly stating the situation of the bank and its funds.

Notes for a smaller sum than five dollars not to be issued.

Affairs of the bank to be annually laid before Secretary of Treasury.

Sec. 12. *And be it further enacted*, That no director shall be entitled to any emolument, unless the same shall have been allowed by a majority of the stockholders, at a general meeting, but the directors shall make such compensation to the president for his extraordinary services and attendance at the bank, as shall appear to them reasonable.

Directors not entitled to any emolument, but by a decision of the board.

Sec. 13. *And be it further enacted*, That none but a stockholder, being a citizen of the United States, and a resident of the county of Alexandria, or county of Fairfax aforesaid, shall be eligible as a president or director.

None but citizens of the U. States and inhabitants of Alexandria or Fairfax counties eligible.

Sec. 14. *And be it further enacted*, That a number of stockholders, not less than twenty, who together shall be proprietors of one thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least six weeks' notice in one or more newspapers, printed in the town of Alexandria, and specifying in such notice the object or objects of such meeting.

General meetings may be called by the stockholders.

Sec. 15. *And be it further enacted*, That this act shall, to all intents and purposes, be deemed and held a public act.

Approved, February 16, 1811.

Statute III.

Feb. 18, 1811.

Bank incorporated.

Chap. XIX.—*An Act to incorporate the Union Bank of Georgetown.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of March, which will be in the year of our Lord, one thousand eight hundred and eleven, all those persons, their legal representatives or assigns, who, on the first Monday of November, in the year of our Lord one thousand eight hundred and nine, in Georgetown, district of Columbia, subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the "President and Directors of the Union Bank of Georgetown," and who, on the said fourth day of March, in the year eighteen hundred and eleven, shall hold

any share of the joint stock or funds created in pursuance of the said articles of association, and their successors, being stockholders as aforesaid, shall be and they are hereby incorporated, and made a body corporate and politic, by the name and style of the "President and Directors of the Union Bank of Georgetown," and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record and any other place whatsoever; and by that name may have and hold, purchase, receive, possess, enjoy and retain lands, rents, tenements, hereditaments, goods, chattels and effects, of what nature, kind or quality soever, and the same sell, grant, demise, alien and dispose of. And by that name, shall have during the continuance of this act succession; and may make, have and use a common seal, and the same may break, alter and renew at pleasure; and shall have power to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to law nor to the constitution thereof: and generally to do and execute all acts necessary or proper for the objects of said incorporation, subject to the rules, regulations, restrictions, limitations and provisions herein described and declared.

Capital of the bank.

Sec. 2. *And be it further enacted*, That the capital stock of the said bank shall consist of five hundred thousand dollars, money of the United States, to be divided into shares of fifty dollars each; of which fifteen dollars on each share has been paid, according to the articles of association aforesaid; and it shall be optional with any stockholder hereafter to pay up the further sum of thirty-five dollars: *Provided*, that not more than fifty thousand dollars be paid in any one year, unless the president and directors, by a rule or order, should authorize or permit a greater sum to be paid; the dividend or dividends on such sums of money so paid, shall not commence until the first day of the month next ensuing such payment.

Bank to be kept in Georgetown.

Sec. 3. *And be it further enacted*, That the said bank shall transact its business in Georgetown.

Affairs of the bank to be conducted by twelve directors and a president, &c.

Sec. 4. *And be it further enacted*, That the affairs of the said bank shall be conducted by twelve directors and a president, whose place, if chosen from among their number, shall be supplied by that body. Six of the directors, with the president, shall form a board or quorum for transacting all the business of the company, but the ordinary discounts may be done by the president and three directors. In case of his sickness or necessary absence, his place may be supplied by any director, whom he, by writing under his hand, may nominate for that purpose, or in case of his not making such nomination, the board may appoint a president to act during his absence. The president and directors who may be in office under the said articles of association on the said fourth day of March, eighteen hundred and eleven, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director or president, who is not a citizen of the United States, and a stockholder; and a director ceasing to be a stockholder, shall cease to be a director; and no person, a director of another bank, shall be a director of this bank. Every stockholder being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders in pursuance of this act, and shall have as many votes, in proportion to the stock he may hold, as follows: for every share as far as twenty, one vote for each share, and one vote for every two shares thereafter as far as forty; and for every five shares above forty, one vote; but no person or persons, bodies corporate or otherwise, shall be entitled to more than one hundred and fifty votes; no stockholder shall be permitted to vote, who has not held his stock two calendar months, prior to the day of election. All stockholders living in Georgetown, shall vote in the choice of directors by ballot in

person: but every stockholder living out of said town may vote in person or by a written ballot by him or her subscribed with his or her name, and duly acknowledged before a judge of a court, a justice of the peace, or a notary public; a certificate whereof shall be made on said ballot by the judge, justice of the peace, or notary public, before whom such acknowledgment shall be made; and said ballot shall by him be sealed up, and addressed to the cashier of the bank, and being transmitted before the time of the election, shall be received and counted in the election. No person who is not a citizen of the United States shall be entitled to vote in any election of this corporation: *Provided nevertheless*, that this section may at any time hereafter be altered or amended by Congress, in such a manner as they may see fit, so as to provide for an annual rotation of the directors.

No person not a citizen of the the U. States to vote.

Proviso.

General meetings for choosing directors, &c. &c.

Sec. 5. *And be it further enacted*, That a general meeting of the stockholders of the said bank shall be holden on the first Monday of April, in the year eighteen hundred and eleven, and on the first Monday of April, in every year thereafter, at such place as the president and directors shall appoint, by giving four weeks' notice in two or more of the newspapers of the district, for the purpose of electing directors for the ensuing year, who shall meet on the day succeeding their election, and shall immediately proceed to choose a president; and the president and directors for the time being, shall continue in office until others shall be duly elected in their places, and be organized by the assembling of a quorum, and the choice of a president. At all elections the persons having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superintendence of the president of the bank, for the time being, and four stockholders not being at the time directors, appointed by the board of directors, any three of whom shall be judges thereof. They shall immediately thereafter notify the persons elected to meet the ensuing day at the bank, and shall make a return of the persons elected, at their first meeting. Should two or more persons have an equal number of votes, the other individuals elected directors, shall determine by ballot from among said persons, who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon, and closed at three in the afternoon.

Powers of the directors.

Sec. 6. *And be it further enacted*, That the president and directors shall have full power to make, revise, alter and annul all such rules, orders, by-laws and regulations, for the government of said corporation, and that of its officers, servants and affairs, as they shall from time to time think expedient; and to use, employ and dispose of the capital stock, funds and property of said bank, for the interest and benefit of the stockholders, subject only to the restrictions herein contained; but the said bank shall not take for discounting any bill or note, more than at the rate of six per cent. per annum, upon the amount due by such bill or note.

Promissory notes, &c. &c. to be signed by the president, &c. &c.

Sec. 7. *And be it further enacted*, That all promissory notes, bills of exchange, drafts, checks and receipts, for the payment of money made on behalf of the said bank, signed by the president and countersigned and attested by the cashier, shall be obligatory upon the said body corporate, and shall possess the like qualities as to negotiability, and the holders thereof shall have the like actions thereupon, as if such promissory notes, bills of exchange, drafts, checks or receipts had been made by or on behalf of a natural person.

Books, &c. &c. subject to inspection of directors.

Annual statement to be made to Secretary of Treasury.

Sec. 8. *And be it further enacted*, That the books, papers, correspondence and funds of the bank shall at all times be subject to the inspection of the directors. And the said president and directors shall once in every year cause to be laid before the Secretary of the Treasury of the United States an account, truly stating the situation of the bank and its funds.

Sec. 9. *And be it further enacted*, That the said president and directors shall have power to appoint a cashier, and all other officers and servants, for executing the business of said bank, and to establish the compensation to be made to the president and all other officers and servants of the said bank, respectively; but no compensation shall be given to a director for his services, except by a vote of the stockholders in general meeting.

Officers, &c. &c. how appointed.

Sec. 10. *And be it further enacted*, That the president and directors shall have power to call a general meeting of the stockholders, for purposes concerning the interests of the bank, giving at least six weeks' notice, in one or more of the newspapers of the district, specifying in such notice the object or objects of such meeting.

General meetings of the stockholders.

Sec. 11. *And be it further enacted*, That the shares of the capital stock, at any time owned by any individual stockholder, shall be transferable only on the books of the bank according to such rules, as may, conformably to law, be established in that behalf, by the president and directors; but all debts actually due and payable to the bank (days of grace for payment being passed) by a stockholder, requesting a transfer, must be satisfied, before such transfer shall be made, unless the president and directors shall direct to the contrary.

Transfer of shares.

Sec. 12. *And be it further enacted*, That the dividends of the profits of the company, or so much of said profits as shall be deemed expedient and proper, shall be declared half yearly, in the first week in April and October, in each year; the amount of said dividend shall from time to time be determined by the president and directors, and shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock of the said company shall never be impaired by dividends.

Dividends to be declared semi-annually.

Sec. 13. *And be it further enacted*, That if the said directors shall at any time, wilfully and knowingly make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring of said dividend, and consenting thereto, shall be liable in their individual capacities to the company, for the amount or proportion of said capital stock so divided by the said directors; and each director who shall be present at the making or declaring of such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing, his dissent on the minutes of the proceedings of the board, and give notice thereof to the Secretary of the Treasury of the United States.

Capital not to be impaired thereby.

Directors who are present at the making of dividends liable.

Sec. 14. *And be it further enacted*, That the bank shall, in no case, be owners of any ships or vessels, or directly or indirectly, be concerned in trade, or the importation or exportation, purchase or sale of any goods, wares or merchandise whatever, except bills of exchange, bullion, stock of the United States, or of incorporated institutions, and such ships, vessels, goods, wares or merchandise, as shall be truly pledged to them by way of security for debts due, owing or growing due to the said bank, or purchased by it to secure such debts.

Bank not to be engaged in ships, &c.

Sec. 15. *And be it further enacted*, That the bank shall not purchase or hold any lands, tenements or other real estates, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements and real estates, shall have been bona fide mortgaged to the bank by way of security or conveyed to it in satisfaction of debts previously contracted in the course of dealings, or purchased to secure debts contracted with or due to the bank; and in every instance in which the bank may become the owners or claimants of lands, tenements or real estates, the president and directors are empowered to sell or dispose of the same, in such a manner as they may deem beneficial for the said bank.

Nor in the purchase of lands, &c. &c.

Sec. 16. *And be it further enacted*, That if any vacancy shall at any

Vacancies, how to be filled.

time happen among the directors by death, resignation or otherwise, the rest of the directors for the time being, shall elect a director to fill the vacancy.

Extra general meetings may be called.

Sec. 17. *And be it further enacted*, That if any number of stockholders not less than twenty, who shall be proprietors of not less than four thousand shares, may for any purpose relative to the institution, at any time apply to the president and directors, to call a general meeting of the stockholders, and if by them refused, the said number of stockholders, proprietors of not less than the number of shares aforesaid, shall have power to call a general meeting of the stockholders, giving at least sixty days' notice in two or more of the public newspapers in the district, specifying in such notice the object or objects of such call.

Limitation of discounts.

Sec. 18. *And be it further enacted*, That the said bank shall not at any time discount or loan a greater sum than double the amount of the capital stock, which shall be actually paid in.

Not to discount beyond twice the amount of its capital.

Sec. 19. *And be it further enacted*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid, over and above the monies then actually deposited in the bank for safe keeping. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt, may in such case be brought against them or any of them, their or any of their heirs, executors or administrators, in any court proper to try the same, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods or chattels of the same from being also liable for, and chargeable with said excess. Such of said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the Secretary of the Treasury of the United States, and to the stockholders at a general meeting, which they shall have power to call for that purpose; and the body corporate hereby created, and the capital stock thereof, shall be liable for all the debts and engagements contracted, or which before or on the said fourth day of March, in the year eighteen hundred and eleven, shall be contracted by the company, or co-partnership heretofore created by the articles of association herein before mentioned, and which carried on the banking business under the name and style of "The President and Directors of the Union Bank of Georgetown;" and the creditors of the said co-partnership, shall have the like remedy by action, against the said body corporate, as they had or have, or may or can have against the said co-partnership.

Omissions to make elections provided for.

Sec. 20. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made, on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, at a meeting to be called in such manner as shall be prescribed by the laws and ordinances of the said corporation.

This to be considered as a public act.

Sec. 21. *And be it further enacted*, That this act shall to all intents and purposes, be deemed and held a public act, and be and continue in force for the term of ten years, from and after the fourth day of March, which will be in the year of our Lord, one thousand eight hundred and eleven, and no longer.

Approved, February 18, 1811.

Statute III.

Feb. 18, 1811.

Act of April 27, 1810, ch. 33. Distribution of the land laws.

Chap. XX.—*An Act making a further distribution of such laws of the United States, as respect the Public Lands.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the copies of the laws prepared and printed under the authority of "An act providing for printing and distributing of such laws of the United States as respect the public lands," passed the twenty-seventh day of April, one thousand eight hundred and ten, not otherwise disposed of, shall be distributed in the manner following, that is to say: The President and Vice President of the United States, the members of the Senate and House of Representatives, the secretaries of the state, treasury, war and navy departments, the attorney-general, the comptroller and register of the treasury, the judges of the supreme and district courts of the United States, the governors and judges of the territories, the surveyor-general of the United States, and the surveyor of the lands of the United States south of Tennessee, shall each receive one copy; the clerks in each of the departments of state, treasury and war, employed on land business, five copies; the secretary of the Senate, to be placed on his table for the use of the Senate, five copies; the clerk of the House of Representatives, to be placed on his table, for the use of the House of Representatives, ten copies; two hundred and fifty copies shall be placed in the library, and remain there under the same regulations as the other laws of the United States; one hundred copies shall be deposited in the treasury department for the use of the land boards, and offices which may hereafter be established; and the remainder shall be placed in the library, and each member of Congress hereafter elected, shall, so long as any remain, exclusive of the two hundred and fifty copies before mentioned, be entitled to one copy at the commencement of that session of Congress next succeeding his election.

How to be distributed.

Approved, February 18, 1811.

Statute III.

Feb. 20, 1811.

Chap. XXI.—*An Act to enable the people of the Territory of Orleans to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes.*(a)

The inhabitants of Louisiana within directed limits to be authorized to form a constitution and state.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of the said river, including all islands to the thirty-second degree of latitude; thence due north, to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the river Mississippi; thence down the said river to the river Iberville; and from thence along the middle of the said river and lakes Maurepas and Ponchartrain, to the gulf of Mexico; thence bounded by the said gulf to the place of beginning: including all islands within three leagues of the coast, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they may deem proper, under the provisions and upon the conditions herein after mentioned.

Act of April 14, 1812, ch. 57.

Elective franchise, how regulated.

Sec. 2. *And be it further enacted,* That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said territory, at least one year previous to the day of election, and shall have paid a territorial, county, district or

(a) An act to enlarge the limits of the state of Louisiana, April 14, 1812, chap. 57.

parish tax: and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the said territory, be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties, districts and parishes, within the said territory of Orleans, in such manner as the legislature of the said territory shall by law direct. The number of representatives shall not exceed sixty; and the elections for the representatives aforesaid shall take place on the third Monday in September next, and shall be conducted in the same manner as is now provided by the laws of the said territory for electing members for the House of Representatives.

Convention to meet at New Orleans.

Sec. 3. *And be it further enacted*, That the members of the convention, when duly elected, be, and they are hereby authorized to meet at the city of New Orleans, on the first Monday of November next, which convention, when met, shall first determine, by a majority of the whole number elected, whether it be expedient or not, at that time, to form a constitution and state government, for the people within the said territory, and if it be determined to be expedient, then the convention shall in like manner declare, in behalf of the people of the said territory, that it adopts the constitution of the United States; whereupon the said convention shall be, and hereby is authorized to form a constitution and state government, for the people of the said territory: *Provided*, the constitution to be formed, in virtue of the authority herein given, shall be republican, and consistent with the constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizen the trial by jury in all criminal cases, and the privilege of the writ of *habeas corpus*, conformably to the provisions of the constitution of the United States; and that after the admission of the said territory of Orleans as a state into the Union, the laws which such state may pass shall be promulgated, and its records of every description shall be preserved, and its judicial and legislative written proceedings conducted, in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted: *And provided also*, that the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare, that they for ever disclaim all right or title to the waste or unappropriated lands, lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land, sold by Congress, shall be and remain exempt from any tax, laid by the order or under the authority of the state, whether for state, county, township, parish or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands, belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States; and that the river Mississippi and the navigable rivers and waters leading into the same or into the gulf of Mexico, shall be common highways and for ever free, as well to the inhabitants of the said state as to other citizens of the United States, without any tax, duty, impost or toll therefor, imposed by the said state.

The constitution to be republican and consistent with the constitution of the United States.

All right to waste and unappropriated lands to be disclaimed by an irrevocable ordinance.

Lands sold by Congress to be exempt from state taxes for five years.

Convention to send to Congress the act assenting to the adoption of the constitution of United States.

Sec. 4. *And be it further enacted*, That in case the convention shall declare its assent, in behalf of the people of the said territory, to the adoption of the constitution of the United States, and shall form a constitution and state government for the people of the said territory of Orleans, the said convention, as soon thereafter as may be, is hereby required to cause to be transmitted to Congress the instrument, by which its assent to the constitution of the United States is thus given and

declared, and also a true and attested copy of such constitution or frame of state government, as shall be formed and provided by said convention, and if the same shall not be disapproved by Congress, at their next session after the receipt thereof, the said state shall be admitted into the Union, upon the same footing with the original states.

1812, ch. 50.

State to be admitted into the Union.

Sec. 5. *And be it further enacted*, That five per centum of the net proceeds of the sales of the lands of the United States, after the first day of January, shall be applied to laying out and constructing public roads and levees in the said state, as the legislature thereof may direct.

Reservation for roads, &c.

Approved, February 20, 1811.

Statute III.

Feb. 20, 1811.

Chap. XXII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and eleven.*

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys and public piers; for defraying the expenses of surveying the public lands; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing and all other contingent expenses of the two houses of Congress, thirty-four thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and eleven, eight hundred dollars.

For repairing the roof and fitting up a room in the west side of the north wing of the capitol for the library of Congress, six hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand four hundred and seventy-eight dollars in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand and thirty-eight dollars.

1806, ch. 41.

For the incidental and contingent expenses of the said department, one thousand three hundred and fifty dollars.

For printing and distributing the laws of the third session of the eleventh Congress, and printing the laws in newspapers, five thousand five hundred dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand seven hundred and fifty dollars, for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

1806, ch. 41.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

Specific appropriations.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

1806, ch. 41.

For expense of stationery, printing and incidental and contingent expenses of the comptroller's office, five hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand fifty-two dollars and two cents.

For compensation to the messenger of the register's office, for stamping and arranging ship's registers, ninety dollars.

For expense of stationery, printing and all other incidental and contingent expenses in the register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For the purchase of books, maps and charts for the use of the treasury department, four hundred dollars.

For compensation to a superintendent, employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and eleven, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns and other incidental and contingent expenses, one thousand one hundred dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and eleven, one thousand two hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, three thousand four hundred dollars.

For contingent expenses in the said office, two hundred dollars.

1806, ch. 41.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent and fuel for said office, including the sum of five hundred dollars for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, five thousand one hundred dollars.

For compensation of additional clerks in the office of the superintendent of Indian trade, eight hundred dollars. Specific appropriations.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of stationery, fuel, printing and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, one thousand dollars.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of two thousand seven hundred and forty-five dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, and the sum of eight hundred and fifty-seven dollars for deficiencies in the appropriation of the year one thousand eight hundred and ten, nineteen thousand seven hundred and fifty-seven dollars and seventy-eight cents. 1806, ch. 41.

For the expense of fuel, house rent for the messenger, candles, stationery, chests, &c. incident to the Postmaster-General's office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, and for allowances to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general, and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of Tennessee, clerks employed in his office, and for stationery and other contingencies, three thousand seven hundred dollars.

For compensation to the officers of the mint, viz:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars; and

Two clerks at five hundred dollars each.

For wages to the persons employed in melting, coining, carpenters, millwrights, and smiths' work, including the sum of one thousand dollars allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, and of six hundred dollars allowed to an assistant engraver, eight thousand dollars.

For repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, two thousand seven hundred and seventy-five dollars.

For an allowance for wastage in the gold and silver coinage, including a deficiency in the appropriation for the year one thousand eight hundred and ten, arising from the increase of the coinage for that and several antecedent years, six thousand eight hundred dollars.

For compensation to the governor, judges and secretary of the territory of Orleans, thirteen thousand dollars.

For expense of stationery, and other contingent expenses of said territory, including the sum of one thousand dollars for a deficiency in the appropriation for the year one thousand eight hundred and ten, two thousand eight hundred and fifty dollars.

Specific appropriations.

For compensation to the governor, judges and secretary of the Mississippi territory, including the sum of one thousand one hundred and thirteen dollars and thirty-three cents, for a deficiency in the appropriation for the year one thousand eight hundred and ten, ten thousand one hundred and thirteen dollars and thirty-three cents.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Louisiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, two thousand dollars.

1806, ch. 41.

For additional compensation to the clerks in the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum in addition to the sums allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-two cents.

For compensation granted by law to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia; to the attorney-general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensation granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee and Orleans, two thousand two hundred dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late and present government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and eleven, to the fourth of March one thousand eight hundred and twelve, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, stakeages of channels bars and shoals, and certain contin-

gent expenses, sixty-eight thousand nine hundred and sixty-five dollars and thirty-nine cents.

Specific appropriations.

For erecting lighthouses at the mouth of the Mississippi, and at or near the Pitch of Cape Lookout, in North Carolina, being the amount of an additional appropriation carried to the surplus fund, twenty thousand dollars.

For building a lighthouse on the south point of Cumberland Island, in Georgia, being the amount of a former appropriation carried to the surplus fund, four thousand dollars.

For erecting a lighthouse on the south point of Sapelo Island in Georgia, and for placing certain buoys and beacons on Dobay bar and Beach point, being the balance of former appropriations carried to the surplus fund, six thousand seven hundred and eighty-nine dollars and six cents.

For erecting a lighthouse on Point Judith, being the balance of a former appropriation carried to the surplus fund, one hundred and sixty-eight dollars and sixty-seven cents.

For erecting two lights on Lake Erie, viz: on or near Bird Island, and on or near Presque Isle, in addition to the appropriation heretofore made for that purpose, four thousand dollars.

For defraying the expense of surveying the public lands within the several territories of the United States, one hundred thousand dollars.

For paying for the printing of new ship's registers, including the cost of paper, the balance of a former appropriation of one thousand one hundred and forty dollars for this object having been heretofore carried to the surplus fund, one thousand five hundred dollars.

For discharging the expense of the third enumeration of the inhabitants of the United States, and that of taking an account of their manufactures, one hundred and fifty thousand dollars.

For expenses of intercourse with foreign nations, forty-seven thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the contingent expenses of government, the balance of former appropriations for that object having been carried to the surplus fund, twenty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For expenses of prosecuting claims and appeals in the courts of Great Britain in relation to captures of American vessels, and defending causes elsewhere, four thousand dollars.

For compensation allowed George W. Erving as agent in receiving and paying awards of the board of commissioners, under the seventh article of the British treaty, estimated at two and a half per cent. on the amount of such awards as were actually received by him, twenty-two thousand three hundred and ninety-two dollars and sixty-seven cents.

For payment of the claim of Patrick Donnon, late surveyor of the county of Hardy, in Virginia, being his compensation under the act of Congress, passed May thirteenth, one thousand eight hundred, "to enlarge the powers of the surveyors of the revenue," for valuing, recording and adding to the tax lists sundry tracts of land and dwelling houses omitted by the assessors, there not being a sufficient balance due for direct tax from Virginia for satisfying this claim, seven hundred and twenty-eight dollars and eighty-five cents.

1800, ch. 60.

For payment of expenditures made by James Simmons, late collector of Charleston, from January first, one thousand seven hundred and ninety-nine, to December thirty-first, one thousand eight hundred and five, for the navy department, as admitted on settlement of his account

Specific appropriations.

at the treasury, nine thousand three hundred and seventy-nine dollars and three cents.

For the discharge of such miscellaneous claims against the United States not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, four thousand dollars.

For the payment of a balance due the estate of the late Major-general Anthony Wayne, in conformity with the act passed at the present session, entituled "An act for the relief of the heirs of the late Major-general Wayne," five thousand eight hundred and seventy dollars and thirty-four cents.

1811, ch. 6.

1790, ch. 34.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury not otherwise appropriated.

Approved, February 20, 1811.

Statute III.

Feb. 22, 1811.

Chap. XXIII.—*An Act to enable the Georgetown Potomac Bridge Company to levy money for the object of its incorporation.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the directors of the Georgetown Potomac Bridge Company be, and they are hereby empowered to call a general meeting of the stockholders of said company, to be held at Georgetown, in the district of Columbia, by causing public notice to be given of the time and place of such meeting, in the National Intelligencer, and in one of the newspapers printed in each of the cities of New York, Philadelphia and Baltimore, in four successive weeks, the last time at least thirty days before the day of holding the said general meeting. And if at such general meeting, the stockholders present, by themselves or legal representatives, shall determine to rebuild the bridge at or near the little falls of the river Potomac, (for the purpose of erecting which originally was the object of their incorporation,) the holders of two thirds of the stock represented at that meeting concurring, then it shall and may be lawful for the directors of said company, or any two of them, and they are hereby empowered to assess upon and collect from the stockholders of the said company, such sum and sums of money, as shall be necessary to pay its debts already incurred, and to rebuild, make and keep in repair the said bridge, together with the road leading thereto from Georgetown: *Provided*, That the whole amount of such assessments shall not exceed twenty-five dollars on each share in the stock of said company. And of any such assessment and assessments, the said directors shall give public notice to the said stockholders, by advertising the same in the newspapers aforesaid; and the sum and sums which shall be so assessed, the said stockholders are hereby required to pay to the said directors, within sixty days after such notice; and on failure thereof, for the space of thirty days after the expiration of the said sixty days, the said directors, or any two of them, are hereby authorized to sell the share or shares of any and every delinquent stockholder; every such sale to be made at public auction in Georgetown aforesaid, on the day specified in said advertisement: *Provided*, That no more shares shall be sold than shall be deemed necessary to levy the sum and sums of money which shall be assessed as aforesaid; and that the surplus, if any arising on any such sales, shall by the directors aforesaid, be deposited in the Bank of Columbia, for the use of the owner or owners of the share or shares so sold. And the said directors, or any two of them, shall transfer on the books of the said company, to the purchaser or purchasers, the share or shares so sold,

Bridge to be rebuilt if agreed to by the stockholders.

Assessments on the stockholders.

and if demanded give a certificate or certificates thereof, under their hands and seals, which shall secure to such purchaser or purchasers, a valid title to the same.

Approved, February 22, 1811.

Statute III.

Feb. 25, 1811.

[Obsolete.]

Site of the town of Pulaski to be entered with register of land-office and sold.

Chap. XXIV.—*An Act providing for the sale of a tract of land lying in the state of Tennessee, and a tract in the Indiana territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners appointed by an act of the legislature of the state of Tennessee, passed on the fourteenth day of November, one thousand eight hundred and nine, to fix on a site for the town of Pulaski, in the county of Giles, and state aforesaid, and their successors in office, be, and they are hereby authorized, on producing a receipt from the receiver of public monies, for at least one twentieth part of the purchase money, to enter with the register of the land-office, established for the lands ceded to the United States by the Cherokee and Chickasaw Indians, in the Mississippi territory, a tract of land lying in a regular square, and containing six hundred and forty acres, which has or may be fixed on as a site for the town of Pulaski, as aforesaid, at the same price and on the same terms and conditions of payment as are provided with respect to the other public lands sold at private sale at the said office; and on completing the payment of the purchase money, a patent shall be granted therefor to the said commissioners and their successors in office, in trust, for the use of the said county of Giles, for the purpose aforesaid.

Conditions, &c. &c.

Sec. 2. *And be it further enacted,* That the commissioners appointed by an act of the legislature of the Indiana territory, to fix on a proper site for the permanent seat of government for the said territory, be, and they are hereby authorized, and their successors in office, so soon as the surveys under the authority of the United States shall have been made of the lands which they shall select, and on producing a receipt from the receiver of public monies, for at least one twentieth part of the purchase money, to enter with the register of the land-office for the district in which the land lies, any four quarter sections of land adjoining to each other, which have not been reserved by any former act of Congress, and which the said commissioners may select and fix on as a site for the permanent seat of government for the said territory, and payment shall be made therefor at the same price, and on the same terms and conditions, as are provided in respect to the other public lands sold at private sale in the same district; and on completing the payment of the purchase money, a patent shall be granted therefor, to the said commissioners and their successors in office, in trust for the use of said territory, for the purpose aforesaid.

Conditions upon which the land for the permanent seat of Indiana government may be obtained.

Approved, February 25, 1811.

Statute III.

Feb. 25, 1811.

Act of Feb. 4, 1815, ch. 33.

President authorized to remove certain land-offices from Nashville and from Canton.

Chap. XXV.—*An Act providing for the removal of the land-office established at Nashville, in the state of Tennessee, and Canton in the state of Ohio; and to authorize the register and receiver of public monies to superintend the public sales of land in the district east of Pearl river.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized to remove the land-office established for the sale of the public lands ceded to the United States by the Cherokee and Chickasaw Indians in the Mississippi territory, from Nashville, to such place within the district for which it was established as he may judge most proper; and to remove the land-office

from Canton in the state of Ohio, to some suitable place within the district for which it was established.

By whom public sales of public lands in the district east of Pearl river are to be conducted.

Sec. 2. *And be it further enacted*, That the public sales of the public lands, in the district east of Pearl river, in the Mississippi territory, and also in the district of Kaskaskia, in the Illinois territory, be conducted under the superintendence alone of the register and receiver of public monies for the said districts, who are hereby authorized and empowered to superintend the same, in their respective districts, any law to the contrary notwithstanding; and they shall receive the compensation provided by law for the superintendence of public sales in the districts aforesaid.

Tracts of land not paid for to be again offered for sale at the courts of the county.

Sec. 3. *And be it further enacted*, That if any tract of the public lands, which has been sold or may hereafter be sold, in any state or territory, wherein a land-office is or may be established, and on which complete payment has not or may not have been made, within the time prescribed by law for completing the same, and the tract having been advertised for sale agreeably to law, it shall be lawful to offer the same for sale at public vendue, at the time and place of the sitting of the court, for the county in which the land-office is kept for the district to which the tract belongs, whether the court shall be denominated a court of quarter sessions, or by whatever other designation it may be known.

Approved, February 25, 1811.

Statute III.

Feb. 26, 1811.

Chap. XXVI.—*An Act establishing Navy Hospitals.*

Secretaries of Navy, Treasury and War made a board of commissioners.

Act of 1799, ch. 36.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the money hereafter collected by virtue of the act, entituled "An act in addition to An act for the relief of sick and disabled seamen," shall be paid to the Secretary of the Navy, the Secretary of the Treasury and the Secretary of War, for the time being, who are hereby appointed a board of commissioners, by the name and style of Commissioners of Navy Hospitals, which, together with the sum of fifty thousand dollars hereby appropriated out of the unexpended balance of the marine hospital fund, to be paid to the commissioners aforesaid, shall constitute a fund for navy hospitals.

Fines to be paid to them.

Sec. 2. *And be it further enacted*, That all fines imposed on navy officers, seamen and marines, shall be paid to the commissioners of navy hospitals.

Commissioners to procure sites, at suitable places, for navy hospitals.

Sec. 3. *And be it further enacted*, That the commissioners of navy hospitals be and they are hereby authorized and required to procure at a suitable place or places proper sites for navy hospitals, and if the necessary buildings are not procured with the site, to cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, as the funds will permit and circumstances require; and the commissioners are required at one of the establishments, to provide a permanent asylum for disabled and decrepid navy officers, seamen and marines.

Secretary of Navy to prepare necessary rules for the government of the hospitals.

Sec. 4. *And be it further enacted*, That the Secretary of the Navy be authorized and required to prepare the necessary rules and regulations for the government of the institution, and report the same to the next session of Congress.

Allowance from the wages and pensions of invalids to be paid to commissioners.

Sec. 5. *And be it further enacted*, That when any navy officer, seaman or marine, shall be admitted into a navy hospital, that the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman or marine; and in like manner, when any officer, seaman or

marine, entitled to a pension, shall be admitted into a navy hospital, such pension during his continuance therein shall be paid to the commissioners of the navy hospitals, and deducted from the account of such pensioner.

Approved, February 26, 1811.

Statute III.

Feb. 28, 1811.

Act of April 14, 1792, ch. 24.
Act of Feb. 28, 1803, ch. 9.
Act of March 3, 1817, ch. 40.

Chap. XXVIII.—*An Act in addition to the act entituled "An act supplementary to the act concerning Consuls and Vice Consuls," and for the further protection of American seamen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where distressed mariners and seamen of the United States have been transported from foreign ports where there was no consul, vice consul, commercial agent, or vice commercial agent of the United States, to ports of the United States; and in all cases where they shall hereafter be so transported, there shall be allowed to the master or owner of each vessel, in which they shall or may have been transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the comptroller of the treasury.

Approved, February 28, 1811.

Statute III.

March 2, 1811.

[Repealed.]

Act of April 14, 1814, ch. 56.

Vessels leaving England before 2d February, not liable to seizure owned wholly by citizens of the U. States.

1810, ch. 39.

Great Britain revoking its decrees, &c. &c. the fact to be declared by proclamation, &c.

Chap. XXIX.—*An Act supplementary to the act, entituled "An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes."* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no vessel owned wholly by a citizen or citizens of the United States, which shall have departed from a British port prior to the second day of February, one thousand eight hundred and eleven, and no merchandise, owned wholly by a citizen or citizens of the United States, imported in such vessel, shall be liable to seizure or forfeiture, on account of any infraction or presumed infraction of the provisions of the act to which this act is a supplement.

Sec. 2. *And be it further enacted*, That in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification in any suit or prosecution which may be instituted under the fourth section of the act to which this act is a supplement. And the restrictions imposed or which may be imposed by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued.

Certain sections of a former law to be in force.

Act of March 1, 1809, ch. 24.

Sec. 3. *And be it further enacted*, That until the proclamation aforesaid shall have been issued, the several provisions of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eighteenth sections of the act, entituled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall have full force and be immediately carried into effect against Great Britain, her colonies and dependencies: *Provided however*, that any vessel or merchandise which may in pursuance thereof be seized, prior to the fact being ascertained, whether Great Britain shall, on or before the second day of February, one thousand eight hundred and eleven, have revoked or modified her edicts in the manner above mentioned, shall nevertheless be restored on application of the parties, on

(a) Act of March 1, 1809, chap. 24; act of May 30, 1809, chap. 1; act of June 28, 1809, chap. 9; act of May 1, 1810, chap. 39.

their giving bond with approved sureties to the United States, in a sum equal to the value thereof, to abide the decision of the proper court of the United States thereon; and any such bond shall be considered as satisfied if Great Britain shall, on or before the second day of February, one thousand eight hundred and eleven, have revoked or modified her edicts in the manner above mentioned: *Provided also*, that nothing herein contained shall be construed to affect any ships or vessels or the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared out for the Cape of Good Hope, or for any port beyond the same, prior to the tenth day of November, one thousand eight hundred and ten.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

Chap. XXX.—*An Act for establishing trading houses with the Indian tribes.*(a)

Trading-houses to be established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States to establish trading houses at such posts and places on the frontiers, or in the Indian country, on either or both sides of the Mississippi river, as he shall judge most convenient, for the purpose of carrying on a liberal trade with the several Indian nations, within the United States, or their territories.

Superintendent of Indian trade to be appointed—his duties, &c. &c.

Sec. 2. *And be it further enacted*, That the President of the United States shall be authorized to appoint a superintendent of Indian trade, whose duty it shall be to purchase and take charge of all goods intended for trade with the Indian nations aforesaid, and to transmit the same to such places as he shall be directed by the President; and he shall take an oath or affirmation faithfully to execute the trust committed to him, and that he will not directly or indirectly be concerned or interested in any trade, commerce or barter restricted by this law, and except on the public account; and he shall also give bond, in the penal sum of twenty thousand dollars, with sufficient security, to be approved of by the Secretary of the Treasury of the United States, truly and honestly to account for all money, goods and other property whatever, which shall come into his hands, or for which in good faith he ought so to account, and to perform all the duties required of him by this act; and he shall render to the Secretary of the Treasury a quarter yearly account of all his receipts and expenditures of cash, purchases and transmittals of goods for

(a) Obsolete acts relating to trading houses with the Indians:—

An act for establishing trading houses with the Indian tribes, April 18, 1796, chap. 13.

An act to revive and continue in force "An act for establishing trading houses with the Indian tribes," April 30, 1802, chap. 39.

An act for continuing in force a law entitled, "An act for establishing trading houses with the Indian tribes," February 28, 1803, chap. 14.

An act for establishing trading houses with the Indian tribes, April 21, 1806, chap. 48.

An act supplemental to an act entitled, "An act for establishing trading houses with the Indian tribes," March 3, 1809, chap. 34.

An act establishing trading houses with the Indian tribes, March 2, 1811, chap. 30.

An act to continue in force for a limited time, the act entitled, "An act for establishing trading houses with the Indian tribes," March 3, 1815, chap. 98.

An act to continue in force an act entitled, "An act for establishing trading houses with the Indian tribes," March 3, 1817, chap. 43.

An act directing the manner of appointing Indian agents, and continuing the "act for establishing trading houses with the Indian tribes," April 16, 1818, chap. 61.

An act to continue in force for a further time the act entitled, "An act for establishing trading houses with the Indian tribes," March 3, 1819, chap. 78.

An act to continue in force for a further time the act entitled, "An act for establishing trading houses with the Indian tribes," March 4, 1820, chap. 18.

An act to continue in force for a further time the act entitled, "An act to establish trading houses with the Indian tribes," March 3, 1821, chap. 44.

The trading houses with the Indian tribes, were abolished by an act to abolish the United States trading establishments with the Indian tribes, May 6, 1822, chap. 54.

the Indian trade, to be settled and adjusted by the accounting officer of the treasury, as other public accounts.

Salary of the superintendent.

Sec. 3. *And be it further enacted*, That the superintendent of Indian trade shall receive an annual salary of two thousand dollars, payable quarter yearly, at the treasury of the United States.

Agents, &c. &c. to be appointed.

Sec. 4. *And be it further enacted*, That the President of the United States shall be authorized to appoint an agent, (and when he shall deem it proper an assistant agent,) for each trading-house establishment, established under the provisions of this act; and every such agent and assistant agent shall give bond, with sufficient security, in such sum as the President shall direct, truly and honestly to account for all the money, goods and other property whatever, which shall come into his hands, and for which he ought so to account; and to perform all the duties required of him by this act; and shall take an oath or affirmation faithfully to execute the trust committed to him; and that he will not directly or indirectly be concerned or interested in any trade, commerce or barter but on the public account.

Duties of the agents, &c. &c.

Sec. 5. *And be it further enacted*, That it shall be the duty of each of the said agents to receive, from the superintendent of Indian trade, and dispose of in trade with the Indian nations aforesaid, such goods as may be transmitted to him by the superintendent, to be received and disposed of as aforesaid, according to the rules and orders which the President of the United States shall prescribe; and he shall render an account, quarter yearly, to the superintendent of Indian trade, of all money, goods and other property whatsoever, which shall be transmitted to him, or which shall come into his hands, or for which in good faith he ought to account; and he shall transmit duplicates of his accounts to the Secretary of the Treasury of the United States.

Superintendents of Indian trade not allowed to carry on trade, &c. &c.

Sec. 6. *And be it further enacted*, That the superintendent of Indian trade, the agents, or their clerks, or other persons employed by them shall not be directly or indirectly concerned or interested in carrying on trade or commerce in any of the goods or articles bought for, or supplied to, or received from the Indians, or shall be owner in whole or in part of any sea vessel, or shall take or apply to his or their use any gain or emolument for negotiating or transacting any business in the Indian department, other than what shall be allowed by law; and that the said agents, assistant agents, or any persons employed by them, shall not be directly or indirectly concerned or interested in carrying on the business of trade or commerce, on their own or any other than the public account, or take or apply to his or their use any emolument or gain for negotiating any such business, during their appointment, agency or employment respectively, other than provided by this act, or excepting for and on account of the United States; and if any such persons shall offend against any of the prohibitions aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such office agency or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, that if any person, other than a public prosecutor, shall give information of any such offence upon which a prosecution and conviction shall be had, one half of the aforesaid penalty, when recovered, shall be for the use of the person giving such information: *And provided also*, that if such misdemeanor be committed by the superintendent of Indian trade, or by any agent or assistant agent, it shall be deemed a breach of the condition of his bond, and the penalty thereof may be recovered in any court having competent jurisdiction of the same.

Proviso.

Regulations with respect to

Sec. 7. *And be it further enacted*, That the prices of goods supplied to and to be paid for by the Indians shall be regulated in such manner,

prices of goods supplied to the Indians.

that the capital stock furnished by the United States shall not be diminished.

Penalties, &c.

Sec. 8. *And be it further enacted,* That if any agent or agents, their clerks or other person employed by them, shall purchase or receive from any Indian, in the way of trade or barter, any gun, or other article, commonly used in hunting, any instrument of husbandry or cooking utensil, of the kind usually obtained by Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he or they shall respectively forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt in the name and to the use of the United States, in any court having jurisdiction in like cases: *Provided,* That no suit shall be commenced, except in the state or territory within which the cause of action shall have arisen, or in which the defendant may reside; and it shall be the duty of the superintendent of Indian trade, or of the superintendents of Indian affairs, and their deputies respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, to prosecute the offender without delay.

No suit to be commenced but in the state or territory in which the cause of action arose or in which the defendant may reside.

Goods for annuities to be sent by superintendent, &c.

Sec. 9. *And be it further enacted,* That the goods requisite for annuities to the Indian nations, within the United States and the territories thereof, and for treaties with them, and for presents to be made them at the seat of government, or elsewhere, shall henceforward be purchased and transmitted to the proper posts and places, by the superintendent of Indian trade, upon orders from the department of war, and the accounts therefor shall be rendered to the war department.

Specific appropriations for salaries of superintendent, &c. &c.

Sec. 10. *And be it further enacted,* That during the continuance of this act the annual sum of two thousand dollars for the payment of the salary of the superintendent of Indian trade, and the annual sum of two thousand five hundred dollars, for the payment of the clerks in his office (including the sum of eight hundred dollars, allowed for an additional clerk, by the act passed on the twenty-sixth day of February, one thousand eight hundred and ten,) are hereby appropriated, to be paid out of any money in the treasury of the United States, not otherwise appropriated.

Pay of the agents, &c. &c.

Sec. 11. *And be it further enacted,* That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States a sum not exceeding fourteen thousand seven hundred and fifty dollars, to be applied under his direction, to the payment of the agents, assistant agents and clerks, at the trading houses; which agents shall be allowed to draw out of the public supplies two rations each, and each clerk one ration per day, which rations or such payments as may be made in lieu thereof, by the order of the President, shall be charged to the trading fund; and the President shall cause an annual report to be made to Congress of how much of the sum so authorized has been drawn, and in what manner the same has been applied.

Appropriation for Indian trade.

1806, ch. 48.

1809, ch. 34.

Sec. 12. *And be it further enacted,* That the sum of two hundred and sixty thousand dollars, appropriated by the tenth section of the act, entituled "An act for establishing trading houses with the Indian tribes," approved twenty-first April, one thousand eight hundred and four, and the sum of forty thousand dollars, appropriated by the act, entituled "An act supplemental to the act, entituled An act for establishing trading houses with the Indian tribes," approved third March, one thousand eight hundred and nine, shall be, and remain a fund for the purpose of carrying on trade and intercourse with the Indian nations, in the manner provided by this act, exclusive of the salary of the superintendent of Indian trade and of the allowances to agents, assistant agents and clerks.

Sec. 13. *And be it further enacted,* That it shall be the duty of said

superintendent of Indian trade, under the direction of the President of the United States, and upon such terms and conditions as he shall prescribe, to cause the furs and peltry, and other articles, acquired in trade with the Indian nations, to be sold at public auction, in different parts of the United States, or otherwise disposed of, as may be deemed most advantageous to the United States.

Superintendent to dispose of the furs and peltry.

Sec. 14. *And be it further enacted,* That if the President should deem it expedient to establish, under the authority of this act, trading houses, in addition to the number now in operation, for the purposes of carrying on a trade with the Indian tribes, within the United States, or their territories, the expenses for each trading house so established shall not exceed the following sums of money, in addition to the appropriations already made by this act, viz: For the principal agent, an annual sum, not exceeding one thousand dollars; for an assistant agent, if necessary, an annual sum not exceeding five hundred dollars; to be drawn by the President out of any monies in the treasury not otherwise appropriated.

Additional trading houses.

How the expenses are to be defrayed.

Sec. 15. *And be it further enacted,* That from and after the first day of April next, an act, entituled "An act for establishing trading houses with the Indian tribes," approved on the twenty-first of April, one thousand eight hundred and six, and an act, entituled "An act supplemental to the act, entituled An act for establishing trading houses with the Indian tribes," approved on the fourth day of March, one thousand eight hundred and nine, shall be, and the same are hereby repealed: *Provided,* that nothing herein contained, shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts, from suits or prosecutions, but as to all bonds, contracts, debts, demands, rights, penalties, punishments, which have been made, have arisen, or have incurred, or which shall be made, arise or be incurred, previous to the first day of April next, the said acts shall have the same force and effect, as though this act had not been passed: *Provided likewise,* that the superintendent of Indian trade, the agents, assistant agents and other persons employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until otherwise removed, any thing herein contained that might be construed to the contrary notwithstanding; and also the bonds, which they or either of them have given or may give, for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, as though this act had not been passed.

Repealing clause.

1806, ch. 48.
1809, ch. 34.

No one who shall not have performed the duty, or who shall have violated the prohibitions in the acts to be exonerated from suits.

Sec. 16. *And be it further enacted,* That this act shall be in force from and after the first day of April next, for the term of three years, and from thence to the end of the session of Congress next thereafter and no longer.

Commencement and termination of this act.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

Chap. XXXI.—*An Act to establish the Districts of Mumphreymagog, of Oswegatchie, and of the White Mountains.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of April next, all that part of the state of Vermont, lying east of lake Mumphreymagog, and including also all such shores and waters of the said lake, as lie within the said state, shall constitute a district, to be called the district of Mumphreymagog; of which Derby shall be the sole port of entry; and a collector for the said district shall be appointed to reside at the said port of entry.

Mumphreymagog district established.

Sec. 2. *And be it further enacted,* That from and after the first day

Oswegatchie district established.

of April next, all the shores and waters of the river St. Lawrence, which lie in the state of New York, east of the western boundary of the county of St. Lawrence, and west of the western boundary of the collection district of Champlain, shall constitute a district to be called the district of Oswegatchie, of which Ogdenburgh shall be the sole port of entry, and a collector for the said district shall be appointed to reside at Ogdenburgh. And the President of the United States is authorized to establish another place in the said district to be a port of delivery only; and a surveyor shall be appointed to reside at such port of delivery.

White mountains district established.

Sec. 3. *And be it further enacted,* That all that part of the state of New Hampshire which lies adjacent to the northern boundary of the United States, and north of forty-four degrees thirty minutes north latitude, shall from and after the first day of April next, constitute a district to be called the district of "White Mountains;" the President of the United States is authorized to establish a place in the said district to be the port of entry; and a collector shall be appointed to reside at the said place.

Port of entry for district of Vermont may be altered.

Sec. 4. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to alter the place which had heretofore been designated to be the port of entry for the district of Vermont, and to establish another place to be such port of entry.

Compensations of the collectors.

1799, ch. 22.

Sec. 5. *And be it further enacted,* That from and after the first day of April next, the collectors of the districts established by this act, and the collectors of the districts of Vermont, Champlain and Sackett's Harbour and Oswego, shall each receive, in addition to the fees and commissions allowed by law, an annual salary of five hundred dollars a year; and the annual salary heretofore allowed to the collectors of the three last mentioned districts shall, from and after the said first day of April, be discontinued; and the surveyor to be appointed for the district of Oswegatchie shall receive, in addition to the fees allowed by law, a salary of one hundred and fifty dollars a year.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

[Obsolete.]

Chap. XXXII.—*An Act authorizing a loan of money, for a sum not exceeding five millions of dollars.*

President authorized to borrow five millions of dollars.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby empowered to borrow, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest, payable quarter yearly, not exceeding six per centum per annum, and reimbursable at the pleasure of the United States, or at such periods as may be stipulated by contract, not exceeding six years from the first day of January next; to be applied in addition to the monies now in the treasury, or which may be received therein from other sources during the present year, to defray any of the public expenses which are or may be authorized by law. The stock thereby created shall be transferable in the same manner as is provided by law for the transfer of the funded debt: *And it is further hereby declared,* that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the register of the treasury, or by a commissioner of loans for the sum to be borrowed, or for any part thereof, bearing an interest of six per cent. per annum, transferable and reimbursable as aforesaid; and to cause the said certificates of stock to be sold at auction, after having given thirty days' public notice of the time and place of such sale: *Provided,* that no such stock be sold under par.

Proviso.

Sec. 2. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock, which may be created by virtue of this act. It shall accordingly be the duty of the commissioners of the sinking fund to cause to be applied and paid out of the said fund yearly, and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund, as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them in manner aforesaid.

Funds pledged for paying interest, &c.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

Chap. XXXIII.—*An Act to annex a part of the state of New Jersey to the collection district of New York; to remove the office of Collector of Niagara to Lewistown; to make Cape St. Vincent, in the district of Sacket's Harbor, a port of delivery; and out of the districts of Miami and Mississippi to make two new districts, to be called the Districts of Sandusky and Teche; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the state of New Jersey, which lies north and east of Elizabethtown and Staten Island, be, and the same is hereby annexed to the district of New York; that an assistant collector, to be appointed and commissioned by the President of the United States, shall reside at the town of Jersey, who shall have power to enter and clear vessels in like manner as the collector of New York is authorized by law to do; but such assistant collector shall nevertheless act in conformity to such instructions and regulations as he shall from time to time receive from the collector of New York; and that the said assistant collector shall receive for his annual salary one thousand dollars, in full for all services to be by him performed, and in lieu of commissions and fees.

Part of the state of New Jersey added to the district of New York.

1799, ch. 22, sec. 5.

Sec. 2. *And be it further enacted,* That all that part of the Miami district, lying east of the western cape of Sandusky bay, shall be a district, to be called the district of Sandusky; and the President is hereby authorized to designate such place in the district of Sandusky, as he shall judge expedient, to be the port of entry of the said district; and a collector for the said district shall be appointed to reside at the port of entry.

District of Sandusky.

1805, ch. 34.

Sec. 3. *And be it further enacted,* That Cape Vincent in the district of Sacket's Harbor shall, from and after the thirty-first day of May next, be a port of delivery only; and a surveyor shall be appointed to reside at the said port.

Cape Vincent made a port of delivery only.

Sec. 4. *And be it further enacted,* That the collector's office shall, after the thirty-first day of May next, be removed from Fort Niagara to Lewistown, which last mentioned place shall in future be the residence of the collector; and also that the office of the collector of the customs, for the district of Buffaloe creek, shall be kept at such place or places in the town of Buffaloe as the President of the United States shall designate.

Transfer of the collector's office from Niagara to Lewistown, &c. &c.

1799, ch. 22, sec. 2.

Vessels from or beyond the Cape of Good Hope may enter at Plymouth.

Sec. 5. *And be it further enacted,* That ships or vessels, arriving from and after the first day of May next from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at Plymouth and Nantucket ports of entry in the state of Massachusetts.

Bangor made a port of delivery.

Sec. 6. *And be it further enacted,* That from and after the first day of May next, Bangor, in the district of Penobscot, in the state of Massachusetts, be, and the same is hereby made a port of delivery, to be annexed to the district of Penobscot; and that a surveyor be appointed to reside at the said port of delivery.

District of Teche established.

Sec. 7. *And be it further enacted,* That all that part of the collection district of Mississippi, which includes the waters of the river Teche, and all the shores, bays and rivers, west of the Atchafalaya, be, and the same is hereby established as a new district, to be called the district of Teche; that Nova Iberia be the port of entry for the same; and that a collector be appointed to reside at the port of entry.

Surveyor to be appointed, to reside at the mouth of Rappahannock.

Sec. 8. *And be it further enacted,* That a surveyor be appointed to reside at or near the mouth of the Rappahannock river, at such place as the President of the United States shall designate.

Compensations of the collectors and surveyors.

1799, ch. 22.

Sec. 9. *And be it further enacted,* That the several collectors and surveyors, who may be appointed by virtue of this act, and whose salaries are not fixed by a preceding section, shall, in addition to the fees and commissions authorized by law, receive respectively the same annual salary which by law is allowed to the collectors and surveyors of the districts bordering on Lake Erie.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

[Obsolete.]

Chap. XXXIV.—*An Act to extend the time for completing the third census, or enumeration of the inhabitants of the United States.*

1810, ch. 17.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assistants in the several states and territories, for which returns have not been completed, have, until the first Monday of June next, to make their returns to the marshals and secretaries; and that the marshals and secretaries have, until the first Monday of July next, to make and file their returns in the office of the Secretary of State, any law to the contrary notwithstanding.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

[Expired.]

Chap. XXXVI.—*An Act declaring the consent of Congress to an act of the state of Georgia, passed the twelfth of December, one thousand eight hundred and four, "establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's."*

1813, ch. 53.

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 hereby is granted and declared to the operation of an act of the legislature of Georgia, passed the twelfth of December, one thousand eight hundred and four, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's.

Sec. 2. *And be it further enacted,* That this act shall be in force for one year, and no longer.

Approved, March 2, 1811.

Statute III.

March 2, 1811.

Chap. XXXVII.—*An Act to erect a lighthouse on Boon island in the state of Massachusetts, to place buoys off Cape Fear river, and to erect a beacon at New Inlet, in the state of North Carolina, and to place buoys at the entrance of the harbor of Edgartown, and to erect a column of stone on Cape Elizabeth, and to complete the beacons and buoys at the entrance of Beverly harbor, in the state of Massachusetts.*

Secretary of the Treasury may establish a lighthouse on Boon island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized, on being satisfied that Boon island in the district of Maine, in the state of Massachusetts, is a fit and eligible site for a lighthouse, and that one ought to be erected thereon, to cause a lighthouse to be built on the said island: *Provided,* that the legislature of Massachusetts shall vest the property of the said island in the United States, and cede the jurisdiction of the same.

Buoys to be placed off Cape Fear.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby directed to cause buoys to be placed at or near the main bar, and New Inlet bar off Cape Fear; and also, to cause to be erected a beacon on a point of land, near New Inlet, in the state of North Carolina.

Buoys to be placed at Edgartown harbor.

Sec. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby directed to cause such buoys as he shall deem necessary, to be placed at the entrance of the harbor of Edgartown, in the state of Massachusetts.

Beacon to be placed on Cape Elizabeth.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause to be erected a column of stone, as a beacon, on Cape Elizabeth, in the state of Massachusetts, of such form and dimensions as he shall deem necessary.

Specific appropriations.

Sec. 5. *And be it further enacted,* That the following sums of money be, and the same are hereby appropriated for the purposes herein mentioned, to wit: For the erection of a lighthouse on Boon island, three thousand dollars; for placing buoys on the places mentioned off Cape Fear river, two thousand dollars; for placing buoys at the entrance of the harbor of Edgartown, two thousand dollars; for erecting a beacon, one thousand eight hundred dollars; and for erecting a column on Cape Elizabeth, one thousand eight hundred dollars; and for completing the beacons and buoys ordered to be placed near the entrance of Beverly harbor, in the state of Massachusetts, the further sum of three hundred and fifty dollars.

Approved, March 2, 1811.

Statute III.

March 3, 1811.

Act of Feb. 27, 1809, ch. 19.
Act of Dec. 15, 1809, ch. 2.

Chap. XXXVIII.—*An Act to extend the right of suffrage in the Indiana territory, and for other purposes.*

Qualifications of voters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every free white male person, who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in said territory, previous to any general election, and be at the time of any such election a resident of said territory, shall be entitled to vote for members of the legislative council and house of representatives of the territorial legislature, and for a delegate to the Congress of the United States for said territory.

1814, ch. 19.

Biennial elections.

Sec. 2. *And be it further enacted,* That the citizens of the Indiana territory, entitled to vote for representatives to the general assembly thereof, may on the third Monday of April next, and on the third Monday of April biennially thereafter (unless the general assembly of said territory shall appoint a different day) elect one delegate for said terri-

tory to the Congress of the United States, who shall possess the same powers heretofore granted by law to the same.

Penalty of one thousand dollars for neglect or refusal of sheriffs.

1809, ch. 19.

Sec. 3. *And be it further enacted,* That each and every sheriff, that now is, or hereafter may be appointed in said territory, who shall either neglect or refuse to perform the duties required by an act, entituled "An act extending the right of suffrage in the Indiana territory, and for other purposes," passed in February, one thousand eight hundred and nine, shall be liable to a penalty of one thousand dollars, recoverable by action of debt, in any court of record, within the said territory, one half for the use of the informer, and the other for the use of the territory.

Persons holding places of profit, excluded from council, &c.

Sec. 4. *And be it further enacted,* That any person holding, or who may hereafter hold, any office of profit from the governor of the Indiana territory (justices of the peace and militia officers excepted) shall be ineligible to, and disqualified to act as a member of the legislative council or house of representatives for said territory.

Sheriff to cause elections to be held under penalty of one thousand dollars.

Sec. 5. *And be it further enacted,* That each and every sheriff, in each and every county, that now is or hereafter may be established in said territory, shall cause to be held the election prescribed by this act, according to the time and manner prescribed by the laws of said territory and this act, under the penalty of one thousand dollars, to be recovered in the manner and for the use pointed out by the third section of this act.

Approved, March 3, 1811.

Statute III.

March 3, 1811.

Chap. XL.—*An Act to increase the salaries of the Judges of the Circuit Court for the District of Columbia.*

$200 per annum additional salary allowed to chief justice of the circuit court for the district of Columbia, and $400 additional to each of the assistant judges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the compensation heretofore allowed by law to the judges of the circuit court for the district of Columbia, the sum of two hundred dollars per annum be paid to the chief justice of the said court, and the sum of four hundred dollars per annum be paid to each of the assistant judges, payable quarter yearly; the first quarterly payment to be made on the first day of April next.

Approved, March 3, 1811.

Statute III.

March 3, 1811.

Chap. XLI.—*An Act making appropriations for carrying into effect a treaty between the United States and the Great and Little Osage nations of Indians, concluded at Fort Clarke, on the tenth day of November, one thousand eight hundred and eight, and for other purposes.*

$5,000 appropriated for carrying into effect a treaty between the U. States and the Great and Little Osage nations; with a permanent annual appropriation of $1000 for the Great and $500 for the Little Osage nation.

$680 appropriated to pay the sum allowed J. E. Leitensdorfer by the act of Feb. 13, 1811, ch. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Great and Little Osage nations of Indians, concluded and signed at Fort Clarke on the Missouri, on the tenth day of November, one thousand eight hundred and eight, the sum of five thousand dollars be, and the same is hereby appropriated; and the further annual sum of one thousand dollars to the Great Osage nation, and of five hundred dollars to the Little Osage nation, to be paid annually to the said nations; which annuities shall be permanent.

Sec. 2. *And be it further enacted,* That the sum of six hundred and eighty dollars be, and the same is hereby appropriated, for paying John Eugene Leitensdorfer the sum allowed him by the act passed on the thirteenth day of February, one thousand eight hundred and eleven.

Sec. 3. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1811.

Statute III.
March 3, 1811.

Chap. XLIII.—*An Act making further appropriations to complete the fortifications commenced for the security of the ports and harbors of the United States.*

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of completing the fortifications commenced for the security of the ports, towns and harbors of the United States, and the territories thereof, there be, and hereby is appropriated the sum of one hundred and thirty-one thousand and forty-six dollars and thirty cents, to be paid out of any monies in the treasury not otherwise appropriated.

[Obsolete.]

Approved, March 3, 1811.

Statute III.
March 3, 1811.

Chap. XLIV.—*An Act for allowing a reasonable compensation to the persons who have taken an account of the several manufacturing establishments and manufactures within the United States.*

Compensation to persons taking an account of manufacturing establishments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized to allow such reasonable compensation as he shall deem adequate, for the services of each of those persons who took, under his direction, in pursuance of an act, entituled "An act further to alter and amend An act providing for the third census or enumeration of the inhabitants of the United States," an account of the several manufacturing establishments and manufactures within their several districts: *Provided however,* that nothing herein contained shall authorize the Secretary of the Treasury to expend out of the fund already appropriated for taking the enumeration of the inhabitants of the United States, a sum exceeding thirty thousand dollars.

[Obsolete.]
1810, ch. 38.

Approved, March 3, 1811.

Statute III.
March 3, 1811.

Chap. XLV.—*An Act in addition to the act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio.*(a)

[Obsolete.]
Additional appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the sum heretofore appropriated for laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, the sum of fifty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, and to be expended under the direction of the President of the United States, in making said road between Cumberland in the state of Maryland, and Brownsville in the state of Pennsylvania, commencing at Cumberland; which sum of fifty thousand dollars shall be replaced out of the fund reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, entituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes."

1806, ch. 19.
1815, ch. 43.

President may permit deviations from courses heretofore run.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized and empowered to permit such deviations from the courses run and established by the commissioners under the authority of "An act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio,"

(a) See act of March 29, 1806, chap. 19, and notes.

as in his opinion shall be deemed expedient: *Provided*, that no deviation shall be made from the principal points established on said road between Cumberland and Brownsville.

Approved, March 3, 1811.

Statute III.

March 3, 1811.

Act of Feb. 15, 1811, ch. 14.
Act of April 25, 1812, ch. 67.
Act of May 11, 1820, ch. 86.

Chap. XLVI.—*An Act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February sixteenth, one thousand eight hundred and eleven.*

Allowances and compensations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following allowances and compensations shall be made to the several officers appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana; which allowances and compensations shall be in full for all their services, including those rendered since their salaries respectively ceased; that is to say: To each of the commissioners, and to each of the clerks of the boards, fifty cents for each claim, duly filed according to law, which remained undecided on the first day of July, one thousand eight hundred and nine, and on which a decision has been made subsequent to that day, or shall hereafter be made, whether such decision be in favour of, or against the claim: which allowance of fifty cents shall be paid at the treasury of the United States, from time to time, and on receipt of the transcripts of the decisions and of the reports of claims not finally confirmed, as the same may be transmitted by the boards respectively to the Secretary of the Treasury according to law. To each of the said commissioners and clerks a further allowance of five hundred dollars, to be paid after the completion of the business of each of the boards respectively to the officers then in office. And to each of the translators, at the rate of six hundred dollars a year, and not to exceed in the whole for each the term of eighteen months: *Provided always*, that the above mentioned allowance of fifty cents for each claim decided upon, shall not be made to any of the commissioners who may be absent at the time of such decision; the attendance of each to be certified by the clerk, or by a majority of the board: *And provided also*, that no allowance shall be made to any agent heretofore employed by the Secretary of the Treasury for any period of time, subsequent to the time when such agent ceased to act, or when the board ceased to receive evidence.

Duties of the deputy surveyors and mode of survey.

Sec. 2. *And be it further enacted*, That the two principal deputy surveyors of the territory of Orleans shall, and they are hereby authorized, in surveying and dividing such of the public lands in the said territory, which are or may be authorized to be surveyed and divided, as are adjacent to any river, lake, creek, bayou, or water course, to vary the mode heretofore prescribed by law, so far as relates to the contents of the tracts, and *to the angles and boundary lines*, and to lay out the same into tracts as far as practicable, of fifty-eight poles in front and four hundred and sixty-five poles in depth, of such shape, and bounded by such lines as the nature of the country will render practicable, and most convenient: *Provided however*, that such deviations from the ordinary mode of surveying shall be made with the approbation of, and in conformity with the general instructions which may be given to that effect, by the surveyor of the public lands south of the state of Tennessee.

Land-offices to be established at New Orleans and Opelousas, &c.

Sec. 3. *And be it further enacted*, That for the disposal of the lands of the United States, lying in the eastern land district of the territory of Orleans, a land-office shall be established at New Orleans; and that for the disposal of the lands of the United States, lying south of Red river, in the western land district of the territory of Orleans, a land-office shall be

established at Opelousas; and that for the disposal of the lands of the United States, lying north of Red river, in the western land district of the territory of Orleans, a land-office shall be established, which shall be kept at such place as the President of the United States may direct. The register of the western land district of the territory of Orleans shall act as register of the land-office of Opelousas, and as one of the commissioners for ascertaining the rights of persons claiming lands in any part of the said western land district. And for the land-office north of the Red river, a register, and for each of the said three offices a receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and receivers of public monies in the several offices established for the disposal of the lands of the United States, in the territory of Mississippi.

Certain powers with respect to public lands in eastern district of Orleans territory extended to the President.

Act of April 21, 1806, ch. 43.

Sec. 4. *And be it further enacted*, That the powers vested in the President of the United States by the eleventh section of the act, entituled "An act supplementary to an act, entituled An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana," passed on the twenty-first day of April, one thousand eight hundred and six, in relation to the public lands, lying in the western district of the territory of Orleans, and all the other provisions made by the same section, for the sale of said lands, and for obtaining patents for the same, shall be, and the same are hereby, in every respect, extended to the public lands, lying in the eastern district of the territory of Orleans.

Persons entitled to a preference.

Sec. 5. *And be it further enacted*, That every person who, either by virtue of a French or Spanish grant recognized by the laws of the United States, or under a claim confirmed by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans, owns a tract of land bordering on any river, creek, bayou, or water course, in the said territory, and not exceeding in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to, and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land that which is contained in his own tract, at the same price, and on the same terms and conditions, as are, or may be, provided by law for the other public lands in the said territory. And the principal deputy surveyor of each district respectively shall be and he is hereby authorized, under the superintendence of the surveyor of the public lands south of the state of Tennessee, to cause to be surveyed the tracts claimed by virtue of this section; and in all cases where by reason of bends in the river, lake, creek, bayou, or water course, bordering on the tract, and of adjacent claims of a similar nature, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him, to divide the vacant land applicable to that object between the several claimants, in such manner as to him may appear most equitable: *Provided however*, that the right of pre-emption granted by this section shall not extend so far in depth, as to include lands fit for cultivation, bordering on another river, creek, bayou or water course. And every person entitled to the benefit of this section shall, within three years after the date of this act, deliver to the register of the proper land-office, a notice in writing, stating the situation and extent of the tract of land he wishes to purchase, and shall also make the payment and payments for the same, at the time and times, which are, or may be, prescribed by law for the disposal of the other public lands in the said territory; the time of his delivering the notice aforesaid being considered as the date of the purchase. And if any such person shall fail to

Proviso as to the extent of the pre-emption.

deliver such notice within the said period of three years, or to make such payment or payments at the time above mentioned, his right of pre-emption shall cease and become void; and the land may thereafter be purchased by any other person in the same manner, and on the same terms, as are or may be provided by law for the sale of other public lands in the said territory.

When land offices established by this act to be opened.

Sec. 6. *And be it further enacted*, That the land-offices established by virtue of the third section of this act, shall be opened on the first day of January, one thousand eight hundred and twelve, for the sale of all the public lands, with the exception of section No. sixteen, of the salt springs, and land contiguous thereto, and of the tracts reserved for the support of seminaries of learning as herein after provided, which shall have been previously surveyed, and the surveys thereof returned according to law to the registers of the land-offices respectively; and on the first day of February, one thousand eight hundred and twelve, for the sale of such of the public lands, which from the nature of the country cannot be surveyed in the ordinary way, and are embraced by the provisions of the second section of this act, as shall have, at least six weeks previous to the said first day of February, one thousand eight hundred and twelve, been advertised for sale by the surveyor of the public lands south of the state of Tennessee, with the approbation of the President of the United States. The public sales for the land subdivided into quarter sections in the ordinary way, shall be held for one calendar month, under the superintendence of the register and receiver of each land-office respectively, and of either the surveyor of public lands south of Tennessee, or of his principal deputy surveyor in the district, who shall each receive six dollars for each day's attendance on the same; and no tract of land shall be sold at said public sales for a less price, than that which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. And from and after the first day of February, one thousand eight hundred and twelve, any tract which has been thus offered for sale at public sale, and remains unsold, as well as any tract of land embraced by the provisions of the second section of this act, the sale of which is authorized by this section, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law, for the sale of public lands in the Mississippi territory. All the lands sold by virtue of this section, shall in every other respect be sold on the same terms of payment, and conditions, in the same manner, and under the same regulations as are, or may be, prescribed by law, for the sale of public lands in the Mississippi territory: *Provided however*, than in case of an application being made at the same time, for the purchase at private sale of the same tract of land by two or more persons, one of whom did actually inhabit and cultivate such tract of land at the time of passing this act, and still continues to inhabit and cultivate the same at the time of such application, the preference shall be given to the person thus inhabiting and cultivating such tract of land. *And provided also*, that till after the final decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time, and according to law, presented to the register of the land-office, and filed in his office, for the purpose of being investigated by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territory of Orleans; or which shall have been located by or for Major-general La Fayette, according to law.

1811, ch. 14.

1803, ch. 27.

Proviso.

Proviso.

An additional township to be located in Orleans territory for seminary of learning.

Sec. 7. *And be it further enacted*, That in addition to the township already reserved for that purpose by law in the western district of the territory of Orleans, and which shall be located south of Red river, another entire township shall be located by the Secretary of the Treasury north of Red river, for the use of a seminary of learning, and also

an entire township in the territory of Louisiana, for the support of a seminary of learning within the said territory.

Surveyor-general to cause certain portions of public lands in territory of Louisiana to be surveyed and divided.

Sec. 8. *And be it further enacted*, That the surveyor-general shall cause such of the public lands in the territory of Louisiana, as the President of the United States shall direct, to be surveyed and divided in the same manner and under the same regulations and limitation as to expenses, as is provided by law in relation to the lands of the United States, northwest of the river Ohio and above the mouth of Kentucky river.

Office to be established for disposing of public land in territory of Louisiana.

Sec. 9. *And be it further enacted*, That for the disposal of the lands of the United States lying in the territory of Louisiana, a land-office shall be established, which shall be kept at such place as the President of the United States may direct; and a register and receiver of public monies shall be appointed for said office, who shall give security in the same manner, in the same sums, and whose compensations, emoluments, duties and authority, shall in every respect be the same, in relation to the lands which shall be disposed of at their office, as are or may be provided for by law in relation to the register and receiver of public monies in the several offices established for the disposal of the lands of the United States, northwest of the river Ohio, and above the mouth of Kentucky river.

1800, ch. 55.

Lands in territory of Louisiana to be offered for sale.

Sec. 10. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think proper, to direct so much of the public lands lying in the territory of Louisiana, as shall have been surveyed in conformity with the eighth section of this act, to be offered for sale. All such lands shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same, with the exception also of a tract reserved for the support of a seminary of learning, as provided for by the seventh section of this act, and with the exception also of the salt springs and lead mines, and lands contiguous thereto; which, by the direction of the President of the United States, may be reserved for the future disposal of the said states, shall be offered for sale to the highest bidder, under the direction of the register of the land-office and the receiver of public monies and of the principal deputy surveyor, and on such day or days as shall, by public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks and no longer. The lands shall be sold for a price not less than that which has been or may be fixed by law for the public lands, northwest of the river Ohio, and above the mouth of Kentucky river. And shall in every other respect be sold in tracts of the same size, on the same terms and conditions, as have been or may be by law provided for the lands sold in the state of Ohio. The superintendents of the said public sales shall each receive six dollars for each day's attendance on the said sales. All the lands which have been thus offered for sale, at public sale, remaining unsold at the closing of the public sales, may be disposed of at private sale by the register of the land-office, for the same price which is or may be prescribed by law for the sale of public lands in the state of Ohio: *Provided however*, that till after the decision of Congress thereon, no tract of land shall be offered for sale, the claim to which has been in due time and according to law presented to the recorder of land titles in the district of Louisiana and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the territory of Louisiana. And patents shall be obtained for all lands sold in the territory of Louisiana, in the same manner and on the same terms as is or may be provided by law for land sold in the state of Ohio.

1800, ch. 55.

Proviso.

Patents how obtained.

Claim of corporation of Orleans to be deemed valid.

Sec. 11. *And be it further enacted*, That the claim of the corporation of the city of New Orleans, to the common adjacent thereto, and within six hundred yards from the fortifications of the same, as confirmed by

1807, ch. 36.

the act, entituled "An act respecting claims to lands in the territories of Orleans and Louisiana," shall be deemed valid, although the relinquishment of the said corporation to any claim beyond the said distance of six hundred yards was not made till after the expiration of the period of six months prescribed by the act last mentioned.

Navigable rivers to be public highways.

Sec. 12. *And be it further enacted*, That all the navigable rivers and waters in the territories of Orleans and Louisiana shall be and for ever remain public highways.

Appropriation.

Sec. 13. *And be it further enacted*, That a sum not exceeding forty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying this act into effect, which sum shall be paid out of unappropriated monies in the treasury.

Repeal of the act of Feb. 15, 1811, ch. 14.

Sec. 14. *And be it further enacted*, That the act, entituled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana," approved February the sixteenth,(*a*) eighteen hundred and eleven, be, and the same is hereby repealed.

Approved, March 3, 1811.

March 3, 1811.

Chap. XLVII.—*An Act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes, and the declaration accompanying the same.* (*a*)

This act, and the act referred to, not to be published until the end of the next session of Congress, unless, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That this act, and the act passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes," and the declaration accompanying the same, be not printed or published, until the end of the next session of Congress, unless directed by the President of the United States, any law or usage to the contrary notwithstanding.

Approved, March 3, 1811.

Jan. 15, 1811.

Resolution *relative to the occupation of the Floridas by the United States of America.*

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

The United States cannot, without inquietude, see the Floridas pass into the hands of a foreign power, &c.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.

Approved, January 15, 1811.

(*a*) The act here referred to will be found in Vol. III. p. 471.

ACTS OF THE TWELFTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fourth day of November, 1811, *and ended on the sixth day of July,* 1812.

JAMES MADISON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; WILLIAM H. CRAWFORD, President of the Senate pro tempore, from the 26th of March, 1812; HENRY CLAY, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act to authorize the transportation of certain documents free of postage.*

Nov. 18, 1811.

[Obsolete.]

Documents may be sent free of postage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress, the secretary of the Senate, and the clerk of the House of Representatives be, and they are hereby respectively authorized to transmit, free of postage, the several messages of the President of the United States of the fifth and seventh days of November, in the year one thousand eight hundred and eleven, and the documents accompanying the same, printed by order of the Senate and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may direct, any law to the contrary notwithstanding.

APPROVED, November 18, 1811.

STATUTE I.

CHAP. II.—*An Act to alter the time of holding one of the terms of the District Court in the district of Maine.*

Nov. 28, 1811.

District court to be held at Wiscasset, on the second Tuesday of September annually.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the district court of the United States for the district of Maine, shall be holden at Wiscasset, within said district, on the second Tuesday of September, annually, instead of the first Tuesday of said month, any thing, in any former act, to the contrary notwithstanding.(*a*)

APPROVED, November 28, 1811.

STATUTE I.

CHAP. III.—*An Act making a further appropriation for the support of a Library.*

Dec. 6, 1811.

[Obsolete.]

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

(*a*) By the act of March 3, 1813, chap. 60, the time for holding the sessions of the district court at Wiscasset, was changed from the first Tuesday of March, to the last Tuesday of February.

By the act of April 3, 1818, chap. 9, the district court of Maine, before holden on the last day of May in each year, shall be holden at the same place on the first Tuesday of June in each year.

Appropriation of one thousand dollars.

balance of the former appropriations made to purchase books for the use of Congress, there shall be appropriated the sum of one thousand dollars yearly for the term of five years; to be paid out of any monies in the treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

Approved, December 6, 1811.

Statute I.

Dec. 12, 1811.

[Obsolete.]

Further time allowed for opening land-offices.

Act of Feb. 15, 1811, ch. 14.

Chap. IV.—*An Act extending the time for opening the several Land-offices established in the territory of Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the sixth section of an act, entituled "An act providing for the final adjustment of claims to lands and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose and approved February sixteenth, one thousand eight hundred and eleven," as directs that the several land-offices established in the territory of Orleans shall be opened on the first day of January and on the first day of February, one thousand eight hundred and twelve, be, and the same is hereby repealed.

Land-offices to be opened on such days as may be designated by the President.

Sec. 2. *And be it further enacted,* That the said land-offices shall, respectively, be opened on such day or days as the President of the United States shall, by proclamation, designate for that purpose; and the public land shall, in every other respect, be offered for sale at the said offices in the same manner as is directed by the aforesaid act.

Approved, December 12, 1811.

Statute I.

Dec. 12, 1811.

[Obsolete.]

Purchasers allowed until the first of January, 1813, to complete their payments.

Chap. VI.—*An Act allowing further time for completing the payments on certain lands held by right of pre-emption, in the Mississippi territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the purchasers of public lands, by right of pre-emption in the Mississippi territory, who have made payment of their first instalment of the purchase money, be allowed until the first day of January, one thousand eight hundred and thirteen, to complete the payments on their lands, respectively, any law to the contrary notwithstanding.

Approved, December 12, 1811.

Statute I.

Dec. 12, 1811.

[Obsolete.]

Act of April 16, 1816, ch. 53.

Road from the rapids of the river Miami of Lake Erie to western line of Connecticut reserve.

Chap. VIII.—*An Act to authorize the surveying and marking of certain roads, in the state of Ohio, as contemplated by the treaty of Brownstown in the territory of Michigan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is authorized to appoint three commissioners, who shall explore, survey and mark, by the most eligible course, a road from the foot of the rapids of the river Miami of Lake Erie, to the western line of the Connecticut reserve, and a road to run southwardly from Lower Sandusky to the boundary line established by the treaty of Greenville, which said road shall be sixty feet in width; and the said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of said surveys, shall cause the plats thereof to be deposited in the office of the treasury of the United States; and the said roads shall be considered as established and accepted, pursuant to the treaty held at Brownstown, in the terri-

Commissioners' report to be made to the President.

tory of Michigan, on the twenty-fifth day of November, one thousand eight hundred and eight.

Roads to be opened and made under the direction of the President.

Sec. 2. *And be it further enacted*, That the aforesaid roads shall be opened and made under the direction of the President of the United States, in such manner as he shall direct.

Compensation of the commissioners and assistants.

Sec. 3. *And be it further enacted*, That the said commissioners shall each be entitled to receive three dollars, and their necessary assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed in the exploring, surveying and marking said roads; and for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said roads, there shall be and hereby is appropriated the sum of six thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Approved, December 12, 1811.

Statute I.

Dec. 21, 1811.

[Obsolete.]

Ratio of one representative to every thirty-five thousand.

Chap. IX.—*An Act for the apportionment of Representatives among the several States, according to the third enumeration.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March, one thousand eight hundred and thirteen, the House of Representatives shall be composed of members elected agreeably to a ratio of one representative for every thirty-five thousand persons in each state, computed according to the rule prescribed by the constitution of the United States, that is to say: Within the state of New Hampshire, six; within the state of Massachusetts, twenty; within the state of Vermont, six; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, twenty-seven; within the state of New Jersey, six; within the state of Pennsylvania, twenty-three; within the state of Delaware, two; within the state of Maryland, nine; within the state of Virginia, twenty-three; within the state of North Carolina, thirteen; within the state of South Carolina, nine; within the state of Georgia, six; within the state of Kentucky, ten; within the state of Ohio, six; within the state of Tennessee, six.

Approved, December 21, 1811.

Statute I.

Dec. 24, 1811.

[Obsolete.]

Act of March 3, 1815, ch. 78.

The military establishment to be completed.

Pay and bounty to officers and men.

Chap. X.—*An Act for completing the existing Military Establishment.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military establishment, as now authorized by law, be immediately completed.

Non-commissioned officers and soldiers when discharged to have one hundred and sixty acres of land and additional bounty.

Sec. 2. *And be it further enacted*, That there be allowed and paid to each effective, able bodied man, recruited or re-enlisted for that service, for the term of five years, unless sooner discharged, the sum of sixteen dollars; but the payment of one half of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment a certificate that he had faithfully performed his duty whilst in service, he shall moreover be allowed and paid, in addition to the aforesaid bounty, three months pay, and one hundred and sixty acres of land; and the heirs and representatives of those non-commissioned officers or soldiers, who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay, and one hundred and sixty acres of land, to be designated, surveyed and laid off

(*a*) See act of January 14, 1802, chap. 1, page 128, and note.

1812, ch. 77.

at the public expense, in such manner and upon such terms and conditions, as may be provided by law.

Approved, December 24, 1811.

Statute I.

Jan. 2, 1812.

[Obsolete.]

Chap. XI.—*An Act authorizing the President of the United States to raise certain companies of Rangers for the protection of the frontier of the United States.*

President at liberty to raise certain companies of rangers when invasion made or threatened.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, whenever he shall have satisfactory evidence of the actual or threatened invasion of any state or territory of the United States, by any Indian tribe or tribes, be, and he is hereby authorized to raise, either by the acceptance of volunteers or enlistment for one year, unless sooner discharged, as many companies as he may deem necessary, not exceeding six, who shall serve on foot or be mounted, as the service in his opinion may require, shall act on the frontier as rangers, be armed, equipped and organized in such manner, and be under such regulations and restrictions, as the nature of the service, in his opinion, may make necessary.

1812, ch. 119.

How the said companies are to be constituted.

Sec. 2. *And be it further enacted*, That each of the said companies of rangers shall consist of one captain, one first, one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates.

Pay, &c. &c.

Sec. 3. *And be it further enacted*, That when the said rangers arm and equip themselves and provide their own horses, they shall be allowed each one dollar per day, and without a horse seventy-five cents per day, as full compensation for their services, rations or forage, as the case may be. The commissioned officers shall receive the same pay and rations as officers of the same grade in the army of the United States.

Compensation in case of wounds, &c.

Sec. 4. *And be it further enacted*, That the officers, non-commissioned officers and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability, by wounds and otherwise, incurred in the service, as officers, non-commissioned officers and privates in the present military establishment, and with them shall be subject to the rules and articles of war, which have been established or may hereafter by law be established; and the provisions of the act, entituled "An act fixing the military peace establishment of the United States," so far as they may be applicable, shall be extended to all persons, matters and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same. This act shall take effect and be in force from and after the passage thereof, and continue in force for one year, and from thence to the end of the next session of Congress.

To be subject to the rules and articles of war.

1802, ch. 9.

1813, ch. 23.

President may appoint the officers in recess of the Senate.

Sec. 5. *And be it further enacted*, That in the recess of the Senate, the President of the United States is hereby authorized to appoint all the officers proper to be appointed under this act; which appointments shall be submitted to the Senate at their next session for their advice and consent.

Approved, January 2, 1812.

Statute I.

Jan. 8, 1812.

[Obsolete.]

Chap. XII.—*An Act to authorize the laying out and opening a public road from the line established by the treaty of Grenville, to the North Bend in the state of Ohio.*

Road to be opened.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be opened, a road from the point where the United States' road from Vincennes, to the former Indian boundary line, established by the treaty of Grenville, strikes the said line, to the North Bend in the state of Ohio.

Sec. 2. *And be it further enacted,* That for the purpose of defraying the expenses of opening the said road, there is hereby appropriated a sum of money not exceeding eight hundred dollars, payable out of any monies in the treasury not otherwise appropriated.

Appropriation.

Approved, January 8, 1812.

Statute I.

Jan. 11, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Chap. XIV.—*An Act to raise an additional Military Force.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be immediately raised, ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

Certain regiments of artillery, &c. &c. to be raised.

Sec. 2. *And be it further enacted,* That a regiment of infantry shall consist of eighteen captains, eighteen first lieutenants, eighteen second lieutenants, eighteen ensigns, seventy-two sergeants, seventy-two corporals, thirty-six musicians, and eighteen hundred privates, which shall form two battalions, each of nine companies. A regiment of artillery shall consist of twenty captains, twenty first lieutenants, twenty second lieutenants, forty cadets, eighty sergeants, eighty corporals, one hundred and sixty artificers, forty musicians, and fourteen hundred and forty privates, which shall form two battalions, each of ten companies. The regiment of cavalry shall consist of twelve captains, twelve first lieutenants, twelve second lieutenants, twelve cornets, twenty-four cadets, forty-eight sergeants, forty-eight corporals, twelve saddlers, twelve farriers, twelve trumpeters, and nine hundred and sixty privates, which shall form two battalions, each of six companies.

How these regiments are to be constituted.

Regiment of cavalry.

Sec. 3. *And be it further enacted,* That to each regiment raised under this act, whether of infantry, artillery, or light dragoons, there shall be appointed one colonel, two lieutenant colonels, two majors, two adjutants, one quartermaster, one paymaster, one surgeon, two surgeon's mates, two sergeant majors, two quartermaster sergeants, and two senior musicians.

Officers to be appointed for the several regiments.

Sec. 4. *And be it further enacted,* That there shall be appointed two major generals, each of whom shall be allowed two aids, to be taken from the commissioned officers of the line, and five brigadier generals, each of whom shall be allowed a brigade major and an aid, to be taken from the captains and subalterns of the line; and there shall also be appointed one adjutant general and one inspector general, each with the rank, pay and emoluments of a brigadier general; the said adjutant general shall be allowed one or more assistants not exceeding three, to be taken from the line of the army, with the same pay and emoluments as by this act are allowed to a lieutenant colonel: the said inspector general shall be allowed two assistant inspectors, to be taken from the line of the army, each of whom shall receive, while acting in said capacity, the same pay and emoluments as by this act are allowed to a lieutenant colonel; there shall also be appointed such number of hospital surgeons and mates as the service may require, with one steward to each hospital.

General officers, &c. &c.

Two major generals and aids.

Brigadier general, adjutant general, and assistants.

Inspector general and assistants.

Hospital surgeons.

Sec. 5. *And be it further enacted,* That when an officer is detached to serve as brigade major or aid, or as assistant to the adjutant general or inspector general, on the appointment of a general officer, or as adjutant or quartermaster on the appointment of a colonel, he shall not thereby lose his rank.

Officers detached to serve as brigade majors, &c. &c. not to lose their rank.

Sec. 6. *And be it further enacted,* That the major generals respectively shall be entitled to two hundred dollars monthly pay, with twenty dollars allowance for forage monthly, and fifteen rations per day. Their aids de camp shall each be entitled to twenty-four dollars monthly, in

Pay, &c. &c. of the major general, &c. &c.

addition to their pay in the line, and ten dollars monthly for forage, and four rations. The brigadier generals respectively shall be entitled to one hundred and four dollars monthly pay, twelve rations per day and sixteen dollars per month for forage when not found by the public.

Pay and emoluments of other officers, &c. &c.

Sec. 7. *And be it further enacted,* That all other officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall receive the like pay, forage, rations, clothing and other emoluments, as the officers of the same grade and corps, cadets, non-commissioned officers, musicians, artificers and privates, of the present military establishment.

Component parts of rations.

Sec. 8. *And be it further enacted,* That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

Clothing for non-commissioned officers, &c. &c.

Sec. 9. *And be it further enacted,* That every non-commissioned officer, musician and private of the artillery and infantry shall receive annually the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaiters: And the Secretary of War is hereby authorized to cause to be furnished to the paymasters of the respective districts such surplus of clothing as he may deem expedient, which clothing shall under his direction be furnished to the soldiers when necessary at the contract prices, and accounted for by them out of their arrears of monthly pay.

Secretary of War to cause surplus clothing to be provided.

Rules and articles of war to be in force.

Sec. 10. *And be it further enacted,* That the officers, non-commissioned officers, musicians and privates of the said corps, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter, by law, established.

Premium for enlistments.

Sec. 11. *And be it further enacted,* That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted by him for the term of five years and mustered, (and between the ages of eighteen and forty-five years,) the sum of two dollars: *Provided, nevertheless,* that this regulation, so far as respects the age of the recruit, shall not extend to musicians or to those soldiers who may re-enlist into the service: *And provided also,* that no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent in writing of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Regulation relative to enlistments not to extend to musicians or re-enlistments.

Enlistments of minors.

Bounty—how and when to be paid.

Sec. 12. *And be it further enacted,* That there shall be allowed and paid to each effective able bodied man, recruited as aforesaid, to serve for the term of five years, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service. And whenever any non-commissioned officer, or soldier, shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment, a certificate, that he had faithfully performed his duty whilst in service, he shall moreover be allowed and paid, in addition to the said bounty, three months' pay, and one hundred and sixty acres of land, and the heirs and representatives of those non-commissioned officers or soldiers who may be

Additional pay, in money and land, when to be paid.

killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and one hundred and sixty acres of land, to be designated, surveyed and laid off at the public expense, in such manner and upon such terms and conditions as may be provided by law.

How the men are to be paid.

Sec. 13. *And be it further enacted*, That the said corps shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

How the officers, non-commissioned officers, &c. &c. may become pensioners.

Limitation of allowance as pensioners.

Sec. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the persons so disabled to receive an allowance proportionate to the highest disability.

Proviso.

Representatives of those killed, &c. entitled to pensions.

Sec. 15. *And be it further enacted*, That if any commissioned officer in the military establishment of the United States, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the decease of such child or children.

Penalties for desertion.

Sec. 16. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Penalties upon those not in service enticing soldiers to desert.

Sec. 17. *And be it further enacted*, That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States, to desert; or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, and be imprisoned any term not exceeding one year.

Oaths of officers and soldiers.

Sec. 18. *And be it further enacted*, That every officer, non-commissioned officer, musician and private, shall take and subscribe the following oath or affirmation, to wit: "I, *A. B.* do solemnly swear, or affirm, (as the case may be,) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will

observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Judge advocate for each division.

Sec. 19. *And be it further enacted,* That there shall be appointed to each division a judge advocate who shall be entitled to the same pay and emoluments as a major in the infantry, or if taken from the line of the army, shall be entitled to thirty dollars per month in addition to his pay, and the same allowance for forage as is allowed by law for a major of infantry.

Extra expense, not exceeding a limited sum, to be paid to officers acting upon courts martial.

Sec. 20. *And be it further enacted,* That where any commissioned officer shall be obliged to incur any extra expense in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Non-commissioned officers, soldiers, &c. exempted from arrest.

Sec. 21. *And be it further enacted,* That no non-commissioned officer, musician or private, during the term of his service, shall be arrested on mesne process, or taken or charged in execution for any debt or debts contracted before enlistment, which were severally under twenty dollars at the time of contracting the same, nor for any debt whatever contracted after enlistment.

Allowance to officers and soldiers discharged, for returning home.

Sec. 22. *And be it further enacted,* That whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

Rate of rations.

Sec. 23. *And be it further enacted,* That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

Chaplains to be appointed.

Sec. 24. *And be it further enacted,* That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

General and field officers to receive pay only for the time when they are in actual service.

Sec. 25. *And be it further enacted,* That no general, field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

Approved, January 11, 1812.

Statute I.

Jan. 14, 1812.

Chap. XV.—*An Act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold.*

Land sold and reverting for non-payment not to be sold for less than the price at public sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no tract or tracts of the reserved sections or other public lands of the United States, that have been or may hereafter be sold at public sale, and which may have, or shall, on account of failure to complete the payment of the purchase money, revert to the United States, shall hereafter be sold at private sale, at a price less than that for which the same tract was sold at public sale.

Approved, January 14, 1812.

Statute I.

Jan. 14, 1812.

Chap. XVI.—*An Act authorizing the purchase of ordnance and ordnance stores, camp equipage and other Quartermaster's stores and small arms.*

[Obsolete.]

Specific appropriation of one million five

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million five hundred thousand dollars be, and the same is hereby appropriated

for the purchase, under the direction of the President of the United States, of ordnance and ordnance stores, camp equipage and other quartermaster's stores for the use of the army of the United States.

hundred thousand dollars.

Sec. 2. *And be it further enacted*, That the sum of four hundred thousand dollars be, and the same is hereby appropriated for the purchase, under the direction of the President of the United States, of saltpetre and sulphur, for making the same into powder, and for ordnance and small arms for the use of the navy of the United States.

Specific appropriation of four hundred thousand dollars for saltpetre and sulphur.

Approved, January 14, 1812.

Statute I.

Chap. XVII.—*An Act to alter the time of holding the District Courts of the United States, for the North Carolina district.*

Jan. 23, 1812.

Act of March 9, 1808, ch. 29. Sessions of the court changed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the time heretofore established by law for the sessions of the district courts of the United States, in the North Carolina district, the said courts shall hereafter commence and be holden on the following days in each year, that is to say: At Edenton, in and for the district of Albermarle, on the third Monday of April, and third Monday of October; at Newbern, in and for the district of Pamptico, on the first Monday after the third Monday of April, and third Monday of October; at Wilmington, in and for the district of Cape Fear, on the second Monday after the third Monday of April, and third Monday of October, any thing contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, recognizances, and all other proceedings of what nature or kind soever, civil or criminal, commenced or to be commenced, and made returnable to any of the said courts, in the month of February next, shall be continued respectively, and shall be returned to, and have day in the term of said courts next to be holden by virtue of this act, and the same proceedings shall be had thereon, with the same effect and power, they would have had if this alteration had not been made.

1826, ch. 129. 1828, ch. 16.

Process, &c. &c. to be returnable, &c. &c. accordingly.

Sec. 2. *And be it further enacted*, That if the judge of the district courts aforesaid should fail to attend on the first day of the term of any of the said courts, respectively, it shall and may be lawful for the marshal of the district, and he is hereby authorized to adjourn the said court or courts, until the next succeeding day, and if the said judge does not attend before the expiration of the second day of the term of the said court or courts, respectively, it shall and may be lawful for the marshal aforesaid to adjourn the said court or courts to the term next in course, any thing in any former act or acts to the contrary notwithstanding.

Marshal may adjourn the court upon the non-attendance of the judge, the two first days.

Approved, January 23, 1812.

Statute I.

Chap. XVIII.—*An Act to continue in force for a further time, the first section of the act, entituled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

Jan. 31, 1812.

[Expired.]

Act of April 21, 1806, ch. 38. Act of Feb. 27, 1813, ch. 40.

The act continued in force. 1804, ch. 46.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, and which was revived and continued in force for the time therein mentioned, by an act, entituled "An act to revive and continue in force for a further time, the first section of the act, entituled An act further to protect the commerce and seamen of the United States against the Barbary powers," passed on the twelfth day of January, one thousand eight hundred and ten, be, and the same is hereby

1810, ch. 5.

Proviso.

continued in force until the fourth day of March, one thousand eight hundred and thirteen: *Provided however*, that the additional duty laid by the said section, shall be collected on all such goods, wares and merchandise liable to pay the same as shall have been imported previous to that day.

Approved, January 31, 1812.

Statute I.

Feb. 6, 1812.

Act of Sept. 24, 1789, sec. 2.

Sessions of the court changed to the fourth Tuesday of February, May, August and November.

Process, &c. &c. returnable, &c. &c. accordingly.

Chap. XX.—*An Act to alter the times of holding the District Courts, within and for the district of Connecticut.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district court within and for the district of Connecticut, shall hereafter be holden on the fourth Tuesdays of February, May, August and November, in each year, any law to the contrary notwithstanding. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to be commenced, or which are now pending in the district court in said district, may be returned to, and shall be continued to the district court, to be holden on the fourth Tuesday of February, one thousand eight hundred and twelve, as is herein provided.

Approved, February 6, 1812.

Statute I.

Feb. 6, 1812.

Repealed by act January 29, 1813, ch. 15, sec. 18.

President may accept of the services of volunteer corps.

Chap. XXI.—*An Act authorizing the President of the United States to accept and organize certain Volunteer Military Corps.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, not exceeding fifty thousand men; who shall be clothed, and in case of cavalry, furnished with horses at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service; and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong: *Provided*, that where any company, battalion, regiment, brigade or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender; and any vacancy thereafter occurring, shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, regiment, brigade or division, shall have been originally raised.

Proviso.

1812, ch. 137.

Services of volunteers, when and how long they may be required.

Sec. 2. *And be it further enacted*, That any company, battalion, regiment, brigade or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall have accepted the same; and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and when so called into service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: *Provided*, that in lieu of clothing, every non-commissioned officer and private in any company, who may thus offer themselves, shall be entitled, when called into service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

Subject to the rules and regulations of war, when in service.

Proviso.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to organize the companies so tendering their service as aforesaid, into battalions, squadrons, regiments, brigades and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but, until called into actual service, such companies are not to be considered as exempt from the performance of militia duty, as is required by law, in like manner as before the passage of this act.

President authorized to organize the volunteer companies into battalions, &c. &c.

When.

In the mean time they are not exempt from militia duty.

Sec. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer, for each and every such loss or damage.

President authorized to have the volunteers compensated for certain injuries and losses.

Sec. 5. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalid pensioners of the United States, at such rate of pension, and under such regulations as are, or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel: and that the rate of pension to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Volunteers may be placed on pension list in certain cases.

Proportionable rates of pension.

Proviso.

Sec. 6. *And be it further enacted*, That the heirs and representatives of any non-commissioned officer or soldier, who may be killed in action, or die in the actual service of the United States, shall be entitled to receive one hundred and sixty acres of land; to be designated, surveyed and laid off at the public expense, in such manner, and upon such terms and conditions as may be provided by law.

Heirs and representatives of volunteers entitled to land.

Sec. 7. *And be it further enacted*, That upon the discharge of any non-commissioned officer or soldier, who shall have been accepted under the provisions of this act, and shall have been in actual service for a period not less than one month, and shall have obtained from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty while in service, such non-commissioned officer or soldier, if attached to the artillery or infantry, shall be presented with a musket, bayonet, and other personal equipments; or, if attached to the cavalry, with the sabre and pistols furnished him by the United States, as a public testimonial of the promptitude and zeal with which he shall have volunteered in support of the rights and honour of the country.

Volunteers, upon being discharged entitled to personal equipments of muskets, &c.

Sec. 8. *And be it further enacted*, That the sum of one million of dollars be appropriated to defray the expenses which may be incurred under the provisions of this act, to be paid out of any money in the treasury not otherwise appropriated.

Appropriation.

Approved, February 6, 1812.

Statute I.

Chap. XXII.—*An Act for the revision of former confirmations, and for confirming certain claims to land in the District of Kaskaskia.*

Feb. 20, 1812.

Act of April 16, 1814, ch. 61. Act of Feb. 27, 1815, ch. 63.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register and re-

Register and receiver of the land-office at Kaskaskia to inquire into validity of certain claims to land.

A clerk to be employed by them.

Report to be made to Secretary of the Treasury, which is to be laid before Congress.

ceiver of public monies of the land-office at Kaskaskia, and such other person as the President of the United States shall appoint for that purpose, be, and they are hereby authorized to examine and inquire into the validity of claims to land in the district of Kaskaskia, which are derived from confirmations made, or pretended to have been made, by the governors of the North West and Indiana territory, respectively. They shall employ a clerk, and shall, in relation to the claims aforesaid, have, in every respect, the same powers which had been vested in the commissioners appointed to ascertain the claims to land in the said district. And they shall report to the Secretary of the Treasury, to be by him laid before Congress at their next session, their opinion on each of the claims aforesaid.

Commissioners, clerk and agent; their compensation; how to be paid.

Sec. 2. *And be it further enacted*, That the commissioners and clerk, appointed by this act, and such agent, as may be appointed on behalf of the United States by the Secretary of the Treasury, shall each receive five hundred dollars in full for the services performed by them under this act; which compensation, and also the contingent charges for office rent, fuel, stationery and summoning witnesses on the part of the United States, shall be paid out of the monies appropriated by law for surveying the public lands of the United States.

Decisions of commissioners, when to be confirmed.

Sec. 3. *And be it further enacted*, That the decisions made by the commissioners, heretofore appointed for the purpose of examining the claims of persons to lands in the district of Kaskaskia, in favour of such claimants to town or village lots, out lots or rights in common, to commons and commonfields, as entered in the transcripts of decisions, bearing date the thirty-first day of December, one thousand eight hundred and nine, which have been transmitted by the said commissioners to the Secretary of the Treasury, according to law, be confirmed to all such rightful claimants according to their respective rights thereto: *Provided*, that nothing herein contained, shall be construed to confirm any particular decision, heretofore made in favour of any individual, or to affect the right of any other individual claiming the same land; but such conflicting claims shall be decided according to law by the proper tribunal.

Proviso as to decisions in other cases.

Approved, February 20, 1812.

Statute I.

Feb. 20, 1812.

[Obsolete.]

Chap. XXIII.—*An Act making an appropriation for the expenses incident to the six companies of Mounted Rangers, during the year one thousand eight hundred and twelve.*

Appropriation for six companies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and eight thousand seven hundred and seventy-two dollars be, and the same is hereby appropriated for the pay, subsistence and forage, during the year one thousand eight hundred and twelve, of the six companies of mounted rangers, to be raised for the service of the United States, pursuant to an act, entituled "An act authorizing the President of the United States to raise certain companies of rangers, for the protection of the frontier of the United States," that is to say:

Act of Jan. 2, 1812, ch. 11.

Specific appropriations.

For the pay of the officers, non-commissioned officers and privates of the said companies, the sum of one hundred and four thousand eight hundred dollars.

For the subsistence of the officers, the sum of two thousand six hundred and twenty-eight dollars.

For forage, the sum of one thousand three hundred and forty-four dollars. The said sums to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Approved, February 20, 1812.

Statute I.
Feb. 20, 1812.

[Obsolete.]
The Secretary of the Treasury to locate in one body the thirty-six sections of land reserved for Jefferson College by the act of March 3, 1803, sec. 12.

Chap. XXIV.—*An act authorizing the Secretary of the Treasury to locate the Lands reserved for the use of Jefferson College, in the Mississippi territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and empowered to locate in one body, the thirty-six sections of land reserved for the use of Jefferson college in the Mississippi territory, by an act, entituled "An act regulating the grants of land, and providing for the sale of the lands of the United States south of the state of Tennessee," passed on the third day of March, one thousand eight hundred and three, on any lands within the said territory not sold, or otherwise disposed of, and to which the Indian title has been extinguished.

Approved, February 20, 1812.

Statute I.
Feb. 20, 1812.

Act of March 1, 1817, ch. 30.

Chap. XXV.—*An Act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the

(*a*) The decisions of the Courts of the United States upon the law of Bail have been:

Bail in Criminal Cases.—The circuit court has no authority to issue a *habeas corpus* for the purpose of surrendering a principal in discharge of his bail, when the principal is confined in jail merely under the process of a state court; nor will the court discharge the bail of such party, who has become bound by recognizance in the circuit court to answer, &c., merely on account of such impediment; but, in their discretion, the court will respite the recognizance. U. S. *v.* Jonathan French, 1 Gallis. C. C. R. 1.

The mere continuance of a cause, on sufficient grounds exhibited by the district attorney, constitutes no reason why the court should admit a defendant who is in confinement, to bail. But if the court is satisfied that the health of the accused is such as that his life will be endangered by his being kept in confinement until next term, it furnishes a strong ground for bail. The U. S. *v.* Jones, 3 Wash. C. C. R. 209.

Probable cause, on oath, must be stated, to justify the holding a defendant to bail under the 3d sec. of the act of Congress of 26th Feb. 1795, ch. 31. Leonard *v.* Caskin, Bee's Adm. Decis. 146.

Aaron Burr, charged with carrying on a military expedition against a nation with whom the United States were at peace, was admitted to bail. 1 Burr's Trial, 18.

The postponement of a criminal case, on the application of the defendant, to allow him an opportunity to obtain testimony, is not a cause of bail. The U. S. *v.* Stewart. C. C. U. S. of Pennsylvania, 2 Dall. 345.

The circumstances must be very strong, which will, at any time, induce the court to admit a person to bail who stands charged with high treason. *Ibid.*

The supreme court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a person committed for trial on a criminal charge, by a district judge of the United States. U. S. *v.* Hamilton, 3 Dall. 13.

The marshal of the United States of the Connecticut district, upon a writ of attachment sued out by the United States, to recover a penalty, may commit a defendant to prison for want of bail, without a mittimus from a state magistrate, as is required by the local laws of the state; for such municipal regulation does not bind the officers of the United States. Palmer *v.* Allen, 7 Cranch, 560; 2 Cond. Rep. 607.

Bail in Civil Cases.—The bail is fixed by the death of the principal, after the return of a capias ad satisfaciendum, and before the return of the scire facias; and the bail is not entitled to an exoneretur in such a case. Davidson *v.* Taylor, 12 Wheat. 604; 6 Cond. Rep. 660.

Demanding excessive bail, where the plaintiff has a good cause of action, or holding to bail where there is no cause of action, if done vexatiously, entitles the party injured to an action for a malicious prosecution. If bail be not demanded, no such action will lie. Ray *v.* Law, Peters' C. C. R. 207.

Pennsylvania. The circuit court will discharge, on common bail, a defendant who has been arrested for a debt contracted in the state in which he has, subsequent to the commencement of the suit, been discharged by the insolvent laws of the state. Read *v.* Chapman, Peters' C. C. R. 404.

Pennsylvania. Where a capias has been issued against a person who has been discharged from the debt for which it was issued, by the insolvent laws of the state in which it was contracted, the court will not quash the writ, but will discharge the defendant on common bail. *Ibid.*

On a rule to show cause why the defendant should not be discharged on common bail, he having been discharged under the insolvent laws of Pennsylvania; evidence to show that the discharge had been fraudulently obtained, cannot be given. Campbell et al. *v.* Claudius, Peters' C. C. R. 484.

Pennsylvania. Where the debt has been contracted and made payable out of the state, the circuit court will not discharge, on common bail, a defendant arrested for such debt, notwithstanding his discharge by the insolvent laws of the state in which the action was brought. *Ibid.*

After bail given, and plea pleaded, the defendant cannot arrest the judgment on the ground of a misnomer. Scull *v.* Briddle, 2 Wash. C. C. R. 200.

The proceedings were amended by the recognizance of bail, and the name of the defendant in the recognizance was inserted in the declaration. *Ibid.*

The court are not precluded from obtaining further satisfaction as to the debt sworn to in an affidavit to

Commissioners to be appointed by the circuit courts of the U. States,

circuit court of the United States, to be holden in any district in which the present provision, by law, for taking bail and affidavits in civil causes, (in cases where such affidavits are, by law, admissible) is inadequate, or on account of the extent of such district, inconvenient, to appoint such

hold to bail, because the affidavit is positive; but the necessity to examine the party who makes the affidavit, must be presented on the face of the same. Oliver *v.* Parish, 2 Wash. C. C. R. 462.

New York. Under the act of Congress of 6th January, 1800, the sheriff of a county is bound to take a bond for the limits, as provided by the state laws, from a prisoner confined on process from the courts of the United States; and false imprisonment would lie on his refusal. United States *v.* Noah, Paine's C. C. R. 368.

New York. Such a bond has, in all respects, the same incidents, and the like legal effects with a bond taken under the state laws. *Ibid.*

New York. It is assignable: and an assignment discharges the sheriff from a liability for a subsequent escape. *Ibid.*

New York. The United States are expressly named in the act, and bound by it; and an assignment of a bond to them when they are plaintiffs, is valid. *Ibid.*

New York. The Secretary of the Treasury having accepted such an assignment, the court presumed that he was authorized, and held the plaintiffs bound by his acceptance. *Ibid.*

New York. The term "process," in the act, includes executions, as well as mesne process. *Ibid.*

New York. After a prisoner has been enlarged upon a limit bond, the sheriff can confine him again only on the bail's becoming insufficient. He cannot accept a surrender of him; certainly not after an assignment of the bond. *Ibid.*

Pennsylvania. The bail to the sheriff entered special bail; on being excepted to, he refused to justify, whereupon he was sued on the bail bond, and he surrendered the principal before the return of the writ. Held, that the surrender was good, and the bail was entitled to relief on the usual terms. Stockton *v.* Throgmorton, 1 Baldwin's C. C. R. 148.

No justification of bail is necessary, when special bail is entered for the purpose of a surrender. *Ibid.*

Bail may take the principal on a Sunday, or in another state. Johnson *v.* Tomkins, 1 Baldwin's C. C. R. 577.

If the defendant be discharged under an insolvent law of the state where the contract is made, after the bail bond has been assigned to the plaintiff, the court will not order an exoneretur to be entered on the bail piece. Bosbyshell *v.* Oppenheimer, 4 Wash. C. C. R. 317.

By the Pennsylvania practice, filing the declaration before the return of the writ, is not a waiver of the bail. The English rule is otherwise, unless the declaration be filed de bene esse. *Ibid.*

The undertaking of the appearance bail can be no otherwise fulfilled, than by the defendant giving special bail, if so ruled; and that bail justifying, if excepted to. *Ibid.*

If, instead of ruling the marshal to bring in the body of the defendant, the plaintiff accept an assignment of the bail bond, and bring a suit thereon, still the court will not fix the appearance bail, if certain terms are complied with; one of which is the defendant's entering special bail. *Ibid.*

On a rule on the plaintiff to show his cause of action, who thereupon filed a positive affidavit of the debt, the court will not order the party making the affidavit, to be examined on oath in court; no ground appearing to the court to justify a suspicion that the debt was not due. Champion *v.* Ross, 4 Wash. C. C. R. 325.

The court will not relieve the appearance bail, upon his delivering the principal in court, unless he put in and perfect special bail. Bosbyshell *v.* Oppenheimer, 4 Wash. C. C. R. 317.

Although the special bail may deliver up the principal at any time before the second scire facias, it does not follow that the appearance bail may do it. Their engagements are of a different nature. *Ibid.*

Where the defendant is discharged under the insolvent law of the state where the debt was contracted, and has given special bail, the court will order an exoneretur to be entered on the bail piece. Richardson *v.* M'Intyre, 4 Wash. C. C. R. 412.

If the special bail surrender the principal, who has been discharged under an insolvent law, the court will discharge the principal from custody. *Ibid.*

Under the act of assembly of Virginia, the defendant may enter special bail, and defend the suit at any time before the entering up of judgment, upon a writ of inquiry executed; and the appearance of the defendant, or the entry of special bail, before such judgment, discharges the appearance bail. Bartle *v.* Coleman, 6 Wheat. 475; 5 Cond. Rep. 142.

If the defendant does not appear, or give special bail, the appearance bail may defend the suit, and is liable to the same judgment as the defendant would have been liable to; but the defendant cannot appear and consent to a reference, the report and judgment on which is to bind the appearance bail as well as himself. Such a joint judgment is erroneous, and will be reversed as to both. *Ibid.*

District of Columbia. The bail is fixed by the death of the principal after the return of the ca. sa. and before the return of the scire facias; and the bail is not entitled to an exoneretur in such a case. Davidson *v.* Taylor, 12 Wheat. 604; 6 Cond. Rep. 660.

Ohio. The recognizance of special bail being a part of the proceedings in a suit, and subject to the regulation of the court, the nature, extent, and limitations of the responsibility created thereby, are to be decided, not by a mere examination of the terms of the instrument, but by a reference to the known rules of the court, and the principles of law applicable thereto. Whatever, in the sense of these rules and principles, will constitute a discharge of the liability of the special bail, must be deemed included within the purview of the instrument, as much as if it were expressly stated. Beers et al. *v.* Haughton, 9 Peters, 329.

By the rules of the circuit court of Ohio, adopted as early as January, 1808, the liability of special bail was provided for and limited; and it was declared, that special bail may surrender their principal at any time before or after judgment against the principal, provided such surrender shall be before a return of a scire facias executed, or a second scire facias returned "nihil" against the bail. And this, in fact, constituted a part of the law of Ohio, at the time the present recognizance was given; the same having been so enacted by the legislature. This act of the legislature of Ohio, was in force at the time of the passage of the act of Congress of the 19th of May, 1828, regulating the process of the courts of the

and so many discreet persons, in different parts of the district, as such court shall deem necessary, to take acknowledgments of bail and affidavits; which acknowledgments of bail and affidavits shall have the like force and effect as if taken before any judge of said court; and any per-

for taking bail and affidavits, and the acknowledgments so taken to have

United States, in the new states; and must therefore be deemed as a part of the "modes of proceeding in suits," and to have been adopted by it: so that the surrender of the principal within the time thus prescribed, is not a mere matter of favour of the court, but is strictly a matter of legal right. *Ibid.*

It is not strictly true, that on the return of "non est inventus" to a capias ad satisfaciendum against the principal, the bail is "fixed," in courts acting professedly under the common law, and independently of statute. So much are the proceedings against bail deemed a matter subject to the regulation and practice of the court, that the court will not hesitate to relieve them in a summary manner, and direct an exoneretur to be entered in cases by the indulgence of the court, by giving them time to render the principal until the appearance day of the last scire facias against them, as in cases of strict right. *Ibid.*

When bail is entitled to be discharged, ex debito justitiæ, they may not only apply for an exoneretur by way of summary proceeding, but they may plead the matter as a bar to the suit, in their defence. But when the discharge is matter of indulgence only, the application is to the discretion of the court; and an exoneretur cannot be insisted on, except by way of motion. *Ibid.*

When the party is, by the practice of the court, entitled to an exoneretur without a positive surrender of the principal, according to the terms of the recognizance; he is, a fortiori, entitled to insist on it by way of defence, when he is entitled, ex debito justitiæ, to surrender the principal. *Ibid.*

The doctrine is fully established, that where the principal would be clearly entitled to an immediate and unconditional discharge, if he had been surrendered, there the bail are entitled to relief by entering an exoneretur without any surrender. And, a fortiori, this doctrine will apply, when the law prohibits the party from being imprisoned at all, and where by the positive operation of law the surrender is prevented. *Ibid.*

Where the defendants in a judgment are not liable to be imprisoned, having been released under the insolvent laws of a state, the special bail is not bound to surrender them in his discharge. Beers et al. *v.* Haughton, 1 M'Lean's C. C. R. 231.

To an action on the recognizance of bail, he may plead the discharge of his principal. *Ibid.*

To hold to bail under the statute of Illinois, the affidavit must state more than the belief of the assent, or the legal import of the action on which it is founded. Wright et al. *v.* Cayswell, 1 M'Lean's C. C. R. 471.

The act of 20th February, 1839, which adopted the state laws, in regard to imprisonment of debtors, took immediate effect, as well in suits pending, as in other cases. Gray, Sherwood & Co. *v.* Monroe et al., 1 M'Lean's C. C. R. 528.

The law relates to the remedy, and under it, when appearance bail has been given, the defendant may, on motion, be discharged on common bail. *Ibid.*

Bail in Admiralty, and in Prize Causes.—Where the court of admiralty has parted with the possession of the property upon bail or stipulation, and it is necessary for the purposes of justice to retake the property into the custody of the court, the proper process against any person not a party to the stipulation, but who is alleged to have the actual or constructive possession, is a monition, and not an execution in the first instance. The Gran Para, 10 Wheat. 497; 6 Cond. Rep. 199.

Wherever a stipulation is taken in an admiralty suit for property subjected to legal process and condemnation, the stipulation is deemed a mere substitute for the thing itself; and the stipulators are liable to the exercise of all those authorities on the part of the court, which it could properly exercise if the thing was in custody. The Palmyra, 12 Wheat. 1; 6 Cond. Rep. 397.

Regularly there should be no delivery of prize property on bail, until after a hearing of the cause, and in most cases a sale is preferable to an appraisement. The George, 2 Gallis. C. C. R. 249.

Proceedings by libel were instituted upon a seizure of goods, and a bond given for their appraised value on the delivery of the goods to the claimant. Afterwards the libel was by amendment changed to an information, and the goods were condemned. On an application for an attachment against the obligors in the bond, it was held that although the case was not regularly within the 89th section of the collection law, yet a compliance with the stipulations in the bond might be enforced by attachment against the obligors. United States *v.* Four Part Pieces of Woollen Cloth, 1 Paine, 435.

And the court held that it made no difference that the obligors were only sureties, and had not themselves received the goods. *Ibid.*

If the claimant is not a party on the bond, all the obligors are to be deemed principals. *Ibid.*

The bond was taken in the district court of New York, and under the statute dividing the district, the proceedings were transferred to the district court of the northern district, and by a subsequent statute to this court, where the condemnation took place. The condition of the bond was to pay the appraised value of the goods into the district court, if they should be condemned in that court. Held, that a condemnation in this court had the same effect to forfeit the bond. *Ibid.*

In prize causes, before a hearing, the property is never delivered on bail, unless by consent. If it is perishable, the proper remedy is by an appraisement and sale; and in like manner the court will decree a sale, pending the proceedings, for any other justifiable cause. After a hearing, the property may, in the discretion of the court, be delivered on bail. In cases ordered for further proof, a delivery on bail is sometimes allowed, to the claimants; and if they decline, to the captors. But it is a proceeding adopted with extreme caution, as it opens a door to many inconveniences, and sometimes to frauds. In no case should a delivery on bail take place, until the court is fully satisfied that the appraisement is perfectly fair, and the property estimated at its full value. The ship Euphrates, 1 Gallis. C. C. R. 451.

Where, on the hearing, the property is acquitted, and an appeal is interposed to a tribunal not sitting within the same jurisdiction; or into which the property does not follow the cause, (as an appeal to the supreme court of the United States,) the claimants are generally allowed a delivery of the property, or in a case of sale of the proceeds on bail. Where there is a decree of condemnation, the same rule is generally adopted, as to the captors. But it is always an application to the sound discretion of the court; and

the same effect as if taken before any judge of said court.

Fees for taking them.

son swearing falsely in and by any such affidavit, shall be liable to the same punishment as if the same affidavit had been made or taken before a judge of said court.

Sec. 2. *And be it further enacted*, That the like fees shall be allowed for taking such bail and affidavit as are allowed for the like services by the laws of the state, in which any such affidavit or bail shall be taken.

Discretionary power to courts of U. States, in cases of depositions in perpetuam rei memoriam.

Sec. 3. *And be it further enacted*, That in any cause before a court of the United States, it shall be lawful for such court, in its discretion, to admit in evidence any deposition taken in perpetuam rei memoriam, which would be so admissible in a court of the state wherein such cause is pending according to the laws thereof.

Approved, February 20, 1812.

Statute I.

Feb. 21, 1812.

[Obsolete.]

Chap. XXVI.—*An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and twelve.*

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the military establishment of the United States for the year one thousand eight hundred and twelve, for the Indian department, and for the expense of fortifications, magazines, arsenals and armories, the following sums, including the sum of one million five hundred thousand dollars already appropriated by the first section of the act, entituled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage and other quartermaster's stores and small arms," be, and the same hereby are respectively appropriated; that is to say:

1812, ch. 16.

Specific appropriations.

For the pay of the army of the United States, eight hundred and sixty-nine thousand nine hundred and sixty-eight dollars.

For forage, one hundred and four thousand six hundred and twenty four dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

For clothing, two hundred and ninety-three thousand eight hundred and four dollars.

For bounties and premiums, seventy thousand dollars.

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if there be danger of injustice, the court will withhold it from either party, and content itself with retaining the property, or with ordering a sale thereof, and a deposit of the proceeds in the registry. *Ibid.* 452.

If a bond, taken on the delivery of property on bail, be void, as not conforming to law, the court will enforce a re-delivery of the property by attachment. The Struggle, 1 Gallis. C. C. R. 476.

A bond voluntarily given upon the delivery of property on bail, on application of the claimant, is good; although the condition does not exactly conform to the act of Congress, under which it may have been intended to take it. *Ibid.*

The act of Congress of 2d March, 1799, chap. 22, is not understood as compulsory on the court as to the delivery on bail. It still rests in the discretion of the court. *Ibid.* 477.

The district courts of the United States have no authority, after an appeal, to bail or sell property. The Grotius, 1 Gallis. C. C. R. 503.

Whether the security for property, delivered on bail, be by bond or stipulation, is immaterial. On such security, a summary judgment may be entered for the appraised value, and for the costs. The Alligator, 1 Gallis. C. C. R. 145.

The district court, by virtue of its general admiralty jurisdiction, may deliver property on bail; and the form in which the security is taken is immaterial: on such security a summary judgment may be rendered to the appraised value. The Lively, 1 Gallis. C. C. R. 315.

It is the duty of commissioners to whom it is referred to estimate damages, to make their report as specific as the nature of the thing will admit; so that not only the result, but the detail of their judgment should appear. *Ibid.*

In cases of restitution with damages, in prize proceedings, if in order to ascertain the damages, an inspection or a sale of the cargo be, in the judgment of the commissioner or the parties, necessary; application should be made to the court for an order of unlivery and appraisement, or for a sale, as the case may require. *Ibid.*

No delivery of property on bail, in a prize cause, can be made legally, where the United States are parties, without due notice to the district attorney. Ex parte Robbins, 2 Gallis. C. C. R. 320.

If the cargo is liable to deteriorate or perish, or the ship to be injured by the delay incident to the salvage proceedings, the proper course is to apply to the court for a sale thereof. It is not a matter of right of either party to have a delivery on bail in such cases. The Ship Nathaniel Hooper, 3 Sumner's C. C. R. 542.

For the medical and hospital department, fifty thousand dollars. Specific appropriations.

For ordnance and ordnance stores, one million one hundred and thirty-five thousand dollars.

For fortifications, arsenals, magazines and armories, including two thousand dollars for such a number of additional military storekeepers as may be required, two hundred and ninety-six thousand and forty-nine dollars and seventy-five cents.

For the quartermaster general's department, including camp equipage, fuel, tools, barracks, quarters, wagons and transportation, seven hundred and thirty-five thousand dollars.

For the purchase of horses for the dragoons and light artillery, one hundred and fifty thousand dollars.

For contingencies, fifty thousand dollars.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For the salary of the clerks employed in the military agent's offices, and in the office of the inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and sixty-four thousand five hundred dollars.

For expenses of calling into actual service, in the years one thousand eight hundred and nine, one thousand eight hundred and ten, and one thousand eight hundred and eleven, the militia of the Louisiana and Indiana territories, and state of Kentucky, thirty-two thousand eight hundred dollars.

Sec. 2. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, February 21, 1812.

Statute I.

Chap. XXVII.—*An Act making appropriations for the support of an additional Military Force.*

Feb. 21, 1812.

[Obsolete.]

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the necessary expense, to the first day of January next, of the troops to be raised by virtue of an act, entituled "An act to raise an additional military force," passed on the eleventh day of January, one thousand eight hundred and twelve, the following sums be, and the same hereby are respectively appropriated, that is to say:

1812, ch. 14.

For pay, one million four hundred and six thousand eight hundred and fifty-one dollars and ninety-five cents. Specific appropriations.

For forage, one hundred and fifty-four thousand four hundred and thirty-five dollars and thirty cents.

For subsistence, one million seventy-four thousand and ninety-seven dollars and sixty-seven cents.

For clothing, eight hundred and sixty-three thousand two hundred and forty-four dollars.

For bounties and premiums, four hundred and forty-two thousand two hundred and sixty dollars.

For the purchase of horses for the dragoons, and for the purchase of horses for the transportation of heavy artillery, ammunition and baggage, two hundred and eighty-two thousand dollars.

For the quartermaster general's department, including harness and other equipage, quarters, fuel, tools and transportation, four hundred and eight thousand seven hundred and sixty dollars.

For the medical and hospital department, one hundred and twenty-five thousand dollars.

Specific appropriations.

For contingencies, three hundred and fifty-five thousand nine hundred and eleven dollars and seventeen cents.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, February 21, 1812.

Statute I.

Feb. 21, 1812.

Chap. XXIX.—*An Act to establish a land district in the Illinois territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville.*

Land district formed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public lands of the United States, heretofore included within the land district of Kaskaskia, as lies east of the third principal meridian, established by the surveyor general, shall, together with the public lands lying between the Vincennes and Kaskaskia districts, and not heretofore attached to any district, form a new land district. For the disposal of the said lands, a land-office shall be established at Shawneetown, under the direction of the register of the land-office and receiver of public monies, to be appointed for that purpose; who shall reside at the place, give security in the same manner, in the same sums, and whose compensation, emoluments and duties, and authority, shall, in every respect, be the same in relation to the lands which shall be disposed at their office, as are, or may be by law provided in relation to the registers and receivers of public monies in the several offices, established for the disposal of the lands of the United States, northwest of the river Ohio.

Land-offices in Illinois.

March 3, 1791, ch. 27.
March 3, 1807, ch. 46.
Feb. 21, 1812, ch. 29.
Feb. 27, 1815, ch. 63.
March 18, 1818, ch. 17.
May 11, 1820, ch. 85.
May 8, 1822, ch. 124.
March 16, 1824, ch. 29.

How the lands are to be disposed of.

Sec. 2. *And be it further enacted,* That the said lands shall be disposed of in the same manner, and on the same terms and conditions as are, or may be provided by law for the sale of public lands in the district of Kaskaskia: *Provided,* that no tracts of land, excepted from the sales by virtue of any former act, shall be sold by virtue of this act: *And provided also,* that a tract of not less than six mile square shall be reserved by the President of the United States for the use and support of the public salt works on Saline creek.

Part of the lands attached to the Vincennes district, how to be disposed of.

Act of April 30, 1810, ch. 35.

Sec. 3. *And be it further enacted,* That so much of the lands attached to the district of Vincennes, by virtue of the first section of an act, entituled "An act providing for the sale of certain lands in the Indiana territory, and for other purposes," passed on the thirtieth day of April, one thousand eight hundred and ten, as lies east of the second principal meridian established by the surveyor general, shall be attached to, and become a part of the district of Jeffersonville, and shall be offered at public sale at the land-office for the said district, under the superintendence of the register and receiver of public monies for the said land-office, and shall be sold in every other respect in the same manner, and on the same terms and conditions, as are provided by the above mentioned act, except that the public sales for the said lands shall remain open only for six days.

Approved, February 21, 1812.

Statute I.

Feb. 24, 1812.

[Obsolete.]

Chap. XXX.—*An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twelve.*

Appropriation for the expenses of the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy, during the year one thousand eight hundred and twelve, the following sums, including therein the sum of four hundred thousand dollars already appropriated by the act, entituled "An act

authorizing the purchase of ordnance and ordnance stores, camp equipage and other quartermaster's stores and small arms," be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations. 1812, ch. 16.

For the pay and subsistence of the officers, and pay of the seamen, one million one hundred and twenty-three thousand three hundred and forty-one dollars.

For provisions, five hundred and fifty-nine thousand seven hundred and fifty-seven dollars.

For medicines, instruments, hospital stores, and all expenses on account of the sick, forty thousand dollars.

For repairs of vessels, three hundred and fifteen thousand dollars.

For freight, store rent and all other contingent expenses, one hundred and fifteen thousand dollars.

For the expenses of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance and ordnance stores, comprising cannon, carronades, muskets, pistols and other small arms, cannon ball and shot of every description, two hundred and eighty thousand dollars.

For the purchase of saltpetre and sulphur, and for making the same into powder, one hundred and eighty thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore and forage for the staff, one hundred and fifty-four thousand three hundred and forty-six dollars and eighty cents.

For clothing for the same, forty-nine thousand two hundred and eighty-one dollars and sixty cents.

For military stores for the same, one thousand seven hundred and seventy-seven dollars and fifty cents.

For medicines, medical services, hospital stores, and all other expenses on account of the sick, belonging to the marine corps, three thousand five hundred dollars.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting men, musical instruments, bounty to music and other contingent expenses of the marine corps, twenty thousand dollars.

For the relief of the legal representatives of David Valenzin, deceased, being the amount of a former appropriation for that object, carried to the surplus fund, two thousand six hundred and sixty-five dollars and seventy cents.

Sec. 2. *And be it further enacted*, That the several sums, specifically appropriated by this act, shall be paid out of any monies in the treasury, not otherwise appropriated.

Approved, February 24, 1812.

Statute I.

Feb. 24, 1812.

[Obsolete.]

Act of April 12, 1808, ch. 43.

Act of March 3, 1815, ch. 78.

Officers of light artillery to receive the same, when mounted, as light dragoons.

Proviso.

Chap. XXXI.—*An Act supplementary to "An act to raise, for a limited time, an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the opinion of the President of the United States, it is expedient to mount the light artillery, or any part thereof, horses and accoutrements shall be provided to equip the whole or such part as he may direct; and when the non-commissioned officers, musicians, artificers and privates are so equipped, the officers shall be entitled to the same forage, as is now provided for the officers of the same grade in the regiment of light dragoons: *Provided*, the officers furnish their own horses and accoutrements, and actually keep in service the same number of horses to entitle them to the aforesaid allowance for forage or its equivalent in money.

Saddler and farrier to be provided for each company of artillery, when mounted.

Sec. 2. *And be it further enacted*, That whenever the said light artillery are ordered to be mounted, there shall be provided one saddler and one farrier to each company, who shall be entitled to the same pay and emoluments as are now provided for saddlers and farriers in the regiment of light dragoons.

Approved, February 24, 1812.

Statute I.

Feb. 26, 1812.

[Obsolete.]

Chap. XXXIII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys and public piers; for defraying the expenses of surveying the public lands; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby respectively appropriated, that is to say:

Specific appropriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing and all other contingent expenses of the two houses of Congress, fifty thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and twelve, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

1806, ch. 41.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand four hundred and seventy-eight dollars, in addition to the sum allowed for the compensation of his clerks by the act of the twenty-first of April, one thousand eight hundred and six, twelve thousand nine hundred and thirteen dollars.

For compensation to a clerk on old records in the said department, for the year eighteen hundred and eleven, and the year eighteen hundred and twelve, fifteen hundred and seventy-four dollars.

For additional compensation to the clerks in the said department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand seventy-two dollars and fifty cents.

For the incidental and contingent expenses of the said department, one thousand three hundred and fifty dollars.

For printing and distributing the laws of the first session of the twelfth Congress, and printing the laws in newspapers, five thousand five hundred dollars.

For printing and binding five hundred copies of the census of one thousand eight hundred and ten, four thousand six hundred dollars.

1806, ch. 41.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand seven hundred and fifty dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and

six, and the further sum of seven hundred and fifty dollars to make good a deficiency in the appropriation of the year one thousand eight hundred and eleven, seventeen thousand and seventy-four dollars and eighty-one cents. Specific appropriations.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, thirteen thousand nine hundred and seventy-eight dollars and fifty cents. 1806, ch. 41.

For expense of stationery, printing and incidental and contingent expenses of the comptroller's office, five hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, eleven thousand seven hundred and seventy-one dollars.

For expense of stationery, printing and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, five thousand seven hundred and seventy-seven dollars and forty-five cents.

For expense of stationery, printing and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, fifteen thousand seven hundred and fifty-two dollars and two cents.

For additional compensation to the clerks in the treasury department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and seven cents. 1806, ch. 41.

For compensation to the messenger of the register's office, for stamping and arranging ship's registers, ninety dollars.

For expense of stationery, printing and all other incidental and contingent expenses in the register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For the purchase of books, maps and charts for the use of the treasury department, four hundred dollars.

For compensation to a superintendent, employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and twelve, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns and other incidental and contingent expenses, one thousand one hundred dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and twelve, twelve hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, including the sum of one thousand two hundred dollars for clerk hire, in addition to the sum allowed by the act of April twenty-first, one thousand eight hundred and six, eleven thousand three hundred and twenty-five dollars. 1806, ch. 41.

Specific appropriations.

For expense of fuel, stationery, printing and other contingent expenses in the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks and persons employed in his office, including the sum of two thousand dollars for clerk hire in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, twelve thousand six hundred and ten dollars.

1806, ch. 41.

For additional compensation to the clerks in the war department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six dollars.

1806, ch. 41.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, including the sum of three hundred and twelve dollars for deficiency in the appropriation of the year one thousand eight hundred and eleven, and a further sum of one thousand two hundred dollars in addition to the sum heretofore appropriated for that object, four thousand nine hundred and twelve dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent and fuel for said office, including the sum of five hundred dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, five thousand one hundred dollars.

1806, ch. 41.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, eight thousand six hundred and eighty-five dollars.

For expenses of stationery, fuel, printing and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand one hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, one thousand dollars.

For additional compensation to the clerks in the navy department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand nine hundred and thirty-five dollars.

1806, ch. 41.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of two thousand seven hundred and forty-five dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, seventeen thousand nine hundred and seventy-five dollars.

1806, ch. 41.

For the expense of fuel, house rent for the messenger, candles, stationery, chests, &c. incident to the Postmaster-General's office, two thousand five hundred dollars.

For additional compensation to the clerks employed in the Postmaster-General's office, not exceeding fifteen per centum, in addition to the sum allowed by the act, entituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

1806, ch. 41.

For compensation to the clerks of the commissioners of loans, and for

allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

Specific appropriations.

For compensation to the surveyor-general and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of Tennessee, clerks employed in his office, and for stationery and other contingencies, including the sum of fifteen hundred dollars for clerk hire in addition to the sums heretofore appropriated for that object, four thousand seven hundred dollars.

For compensation to the officers of the mint, viz:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars; and one clerk at five hundred dollars.

For wages to the persons employed in melting, coining, carpenters, millwrights, and smiths' work, including the sum of one thousand dollars allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, and of six hundred dollars allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, three thousand three hundred and fifty dollars.

For an allowance for wastage in the gold and silver coinage, three thousand dollars.

For compensation to the governor, judges and secretary of the territory of Orleans, thirteen thousand dollars.

For clerk hire, expense of stationery, and other contingent expenses of said territory, one thousand eight hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Mississippi territory, including the sum of six hundred dollars for clerk hire in the year one thousand eight hundred and eleven, nine thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Indiana territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Louisiana territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, two thousand dollars.

Specific appropriations.

For compensation granted by law to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia; to the attorney-general, and to the district judge of the territory of Orleans, including the sum of one thousand dollars for the payment of the additional salaries for the year one thousand eight hundred and eleven, allowed to the judges of the district of Columbia, by the act of the third of March, one thousand eight hundred and eleven, sixty thousand nine hundred and fifty dollars.

1811, ch. 40.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensation granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee and Orleans, two thousand two hundred dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of a balance due for the salary of Robert H. Harrison, deceased, formerly a judge of the supreme court of the United States, the same having heretofore been carried to the surplus fund, five hundred and fifty-six dollars and sixteen cents.

For the payment of sundry pensions granted by the late and present government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred and twelve, to the fourth of March one thousand eight hundred and thirteen, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, stakeages of channels, bars and shoals, and certain contingent expenses, ninety-three thousand one hundred dollars and sixty-seven cents.

For defraying the expense of surveying the public land within the several territories of the United States, forty-eight thousand six hundred and twenty dollars.

For surveying the coast of the United States, being the balance of a former appropriation carried to the credit of the surplus fund, forty-nine thousand two hundred and eighty-four dollars and twenty-five cents.

For expenses of intercourse with foreign nations, seventy-three thousand dollars.

For the contingent expenses of intercourse with foreign nations, one hundred thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, fifteen thousand dollars.

For defraying the expenses of regulating, laying out, and making a road from Cumberland in the state of Maryland to Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, being so much of a former appropriation carried to the surplus fund, at the close of the year one thousand eight hundred and eleven, three thousand seven hundred and eighty-six dollars and sixty cents.

1806, ch. 19.

For expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, four thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, four thousand dollars.

Specific appropriations.

For defraying the expenses authorized by the eleventh section of the act of March the second, eighteen hundred and eleven, entituled "An act for establishing trading houses with the Indian tribes," to be drawn annually by the President of the United States, for the payment of agents, assistant agents and clerks, including the sum of eleven thousand sixty-two dollars and fifty cents, which had accrued by said act, for the year eighteen hundred and eleven, twenty-five thousand eight hundred and twelve dollars and seventy-six cents.

1811, ch. 30.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury not otherwise appropriated.

Approved, February 26, 1812.

Statute I.

March 2, 1812.

Chap. XXXIV.—*An Act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis, his patent right to the new and improved method of lighting Lighthouses, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and empowered, under the directions of the President of the United States, to purchase of Winslow Lewis, his patent right to the plan of lighting lighthouses, by reflecting and magnifying lanterns, if the same shall be proved to be a discovery made by him; and to contract with the said Winslow Lewis, for fitting up and keeping in repair, any or all the lighthouses in the United States or the territories thereof, upon the new and improved plan of the reflecting and magnifying lanterns; or to contract with the said Winslow Lewis, for such sum as he may think for the interest of the United States: *Provided*, the sum so to be allowed, shall not in any case annually exceed the appropriation made for supplying the lighthouse establishment with oil in any given year, which has passed for a term not exceeding seven years, the said Lewis covenanting, with sufficient sureties, to fit up and keep in repair all the lighthouses in the United States or territories thereof, on the new and improved plan of lighting lighthouses by reflecting and magnifying lanterns; and the same to furnish and keep in repair for a term of years not less than seven, at the sole expense of the said Winslow Lewis, and to deliver over at the expiration of the term aforesaid, all the lighthouses fitted up according to the new and improved plan, to the United States in good repair, he, the said Winslow Lewis, warranting the same to remain in good repair for seven years more, from and after the expiration of the said contract.

Secretary of the Treasury authorized to purchase Winslow Lewis' patent right for lighting lighthouses.

The sum to be allowed for lighting not to exceed the annual appropriation for the last seven years.

Sec. 2. *And be it further enacted*, That a sum not exceeding sixty thousand dollars be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to carry this law into effect.

Appropriation.

Approved, March 2, 1812.

Statute I.

March 7, 1812.

[Obsolete.]

Act of April 28, 1810, ch. 34.

Chap. XXXV.—*An Act supplementary to "An act providing for the accommodation of the General Post-Office and Patent Office, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General, under the direction of the President of the United States, be authorized

Postmaster-General, under

direction of the President, authorized to repair and finish the Great Hotel for the accommodation of the post-office department and patent office.

When these offices are to be removed.

to repair and finish, in a suitable manner for the accommodation of the post-office department and the patent office, the two stories of the building purchased for the government, by authority of the aforesaid act, being the first and second stories, including also sundry repairs on the outside and in the garret of said building, upon the principles stated in the report of the Postmaster-General, dated January fifteenth, one thousand eight hundred and twelve.

Sec. 2. *And be it further enacted,* That as soon as the repairs can be properly made, and before the commencement of the next annual session of Congress, the general post-office and the city post-office shall be removed to said public building.

Appropriation.

Sec. 3. *And be it further enacted,* That for the purpose of completing the aforesaid work, there be appropriated, from any monies in the treasury not otherwise appropriated, the sum of thirteen thousand two hundred and forty-seven dollars and sixty-one cents, including the sum of two thousand three hundred dollars, now in the treasury, and also the sum of one thousand three hundred and ninety-three dollars and seventy cents, now in the hands of Thomas Munroe, superintendent of the city of Washington, being unexpended balances of the sum of twenty thousand dollars, authorized by the act of April twenty-eighth, one thousand eight hundred and ten, to which this act is a supplement.

Approved, March 7, 1812.

Statute I.

March 10, 1812.

[Obsolete.]

Board of commissioners', west of Pearl river, accounts to be settled and paid.

Chap. XXXVI.—*An Act for the relief of the Board of Commissioners west of Pearl river.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers at the treasury be, and they are hereby directed to audit and settle the accounts of the board of commissioners west of Pearl river, in the Mississippi territory, and to allow each of them the sum of six dollars per day for every day's actual attendance on the board, subsequent to the first day of April, one thousand eight hundred and six, except for the eighty-four days, already provided for.

Approved, March 10, 1812.

Statute I.

March 10, 1812.

[Obsolete.]

Appropriation of five hundred thousand dollars in addition to former appropriations.

Chap. XXXVII.—*An Act making a further appropriation for the defence of our Maritime Frontier.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five hundred thousand dollars be, and the same is hereby appropriated, in addition to the sums already appropriated, for the purposes of fortifying and defending the maritime frontier of the United States; and that the same be paid out of any monies in the treasury, not otherwise appropriated.

Approved, March 10, 1812.

Statute I.

March 10, 1812.

Act of Feb. 27, 1813, ch. 38.

Further time given for registering claims in the land-office at Opelousas.

Chap. XXXVIII.—*An Act giving further time for registering claims to land in the western district of the territory of Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming lands in the western district of the territory of Orleans, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land-office, for the said district, shall be allowed until the first day of November next, to deliver notices in writing, and the written evidences of their claims to the register of the land-office at Opelousas; and the notices and evidences so

delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

Duties of the register and receiver of public monies of the land-office at Opelousas.

Sec. 2. *And be it further enacted*, That the register and receiver of public monies of the said land-office at Opelousas, shall have the same powers and perform the same duties in relation to the claims thus filed before the first day of November next, as if notice of the same had been given before the first day of July, one thousand eight hundred and eight, except that their decisions shall be subject to the revision of Congress. And it shall be the duty of the said register and receiver to make to the Secretary of the Treasury, a report of all the claims thus filed with the register of the land-office, together with the substance of the evidence in support thereof, with their opinion, and such remarks thereon as they may think proper; which report, together with a list of the claims, which, in the opinion of the register and receiver, ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress at their next session, for their determination thereon. The said register and receiver shall have power to appoint a clerk, whose duty shall be the same, in relation to the claims filed as aforesaid, as was required of the clerk to the board of commissioners for adjusting claims to land in the said district; and the said register, receiver and clerk, shall each be allowed fifty cents for each claim filed according to this act, and on which a decision shall be made, whether such decision be in favour of, or against the claim; which allowance, of fifty cents, shall be in full compensation for their services under this act.

The reports of the register and receiver to be laid before Congress.

Allowance on claims filed.

Approved, March 10, 1812.

Statute I.

March 10, 1812.

Chap. XXXIX.—*An Act to alter the time of holding the Circuit Courts of the United States at Knoxville, in the District of East Tennessee, in the state of Tennessee.*

Act of March 22, 1808, ch. 38.

Sessions of the circuit court changed to the second Monday in October, at Knoxville, in East Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of an act, entituled "An act to amend an act entituled An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," passed on the twenty-second day of March, eighteen hundred and eight, as provides that the sessions of the said circuit courts shall be held at Knoxville, in East Tennessee, on the third Monday of October annually, shall be and is hereby repealed; and from and after the passing of this act, the said circuit courts shall be held at Knoxville, in the district of East Tennessee, on the second Monday in October, annually, and continue until all the business therein depending be disposed of; and that all actions, causes, pleas, processes and other proceedings relative to any cause, civil or criminal, which shall be returnable to, or depending in the said circuit court of the United States, to be held at Knoxville, on the third Monday of October next, shall be returned, and held, continued to, and be proceeded upon on the second Monday in October next, in the same manner they would have been if this change had not been made.

1807, ch. 16.
1831, ch. 1.

Process, &c. &c. returnable, &c. &c. accordingly.

Approved, March 10, 1812.

Statute I.

March 12, 1812.

Chap. XL.—*An Act respecting the enrolling and licensing of Steamboats.*

Steamboats belonging to aliens, to be enrolled and licensed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, a steamboat employed, or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien, resident within the United States, may, and shall be enrolled and licensed, as if the same belonged to a citizen of the United States, according to, and subject to all the conditions, limitations and provisions contained in the act, entituled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," except that, in such case, no oath or affirmation shall be required that the said boat belongs to a citizen or citizens of the United States.

Act of Feb. 18, 1793, ch. 8.

Owners of such boats to give bonds, &c.

Sec. 2. *And be it further enacted,* That the owner or owners of such steamboat, upon application for enrolment or license, shall give bond to the collector of the district, to and for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned, that the said boat shall not be employed in other waters than the rivers and bays of the United States.

Approved, March 12, 1812.

Statute I.

March 14, 1812.

Chap. XLI.—*An Act authorizing a loan for a sum not exceeding elevenmillions of dollars.*

Act of July 6, 1812, ch. 136.

Limitation of sum to be borrowed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to borrow on the credit of the United States, a sum not exceeding eleven millions of dollars, at an interest not exceeding six per centum per annum, payable quarter yearly, to be applied, in addition to the monies now in the treasury, or which may be received from other sources, to defray any of the expenses which have been, or may, during the present session of Congress, be authorized by law, and for which appropriations have been, or may, during the present session of Congress, be made by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed, at any time after the expiration of twelve years, from the first day of January next.

The U. States may reimburse any sum borrowed after twelve years.

Certificates of stock to be constituted.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, to cause to be constituted certificates of stock signed by the register of the treasury, or by a commissioner of loans, for the sum to be borrowed by virtue of this act, or for any part thereof, bearing an interest of six per centum, and reimbursable as aforesaid; which stock, thus created, shall be transferable in the same manner as is provided by law for the transfer of the existing public debt of the United States: and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the President of the United States to cause the said certificates of stock, or any part thereof, to be sold: *Provided,* that no such stock shall be sold under par.

Interest thereon.

How transferable.

Proviso.

Funds pledged for paying principal and interest.

Sec. 3. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the

interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act; it shall accordingly be the duty of the commissioners of the sinking fund, to cause to be applied and paid out of the said fund yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Faith of the U. States pledged for the establishment of sufficient revenue to make up deficiencies.

Sec. 4. *And be it further enacted,* That it shall be lawful for any of the banks in the district of Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incorporation to the contrary notwithstanding.

Lawful for the banks in the district of Columbia to make the loan or any part thereof.

Approved, March 14, 1812.

Statute I.

Chap. XLII.—*An Act supplementary to "An act to raise an additional Military Force."*

March 17, 1812.

Act of Jan. 11, 1812, ch. 14.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the non-commissioned officers, musicians and privates of the light dragoons shall receive the same uniform clothing as is now provided by law for the artillery and infantry, excepting one pair of gaiters and four pairs of shoes, in lieu of which, each person shall be annually entitled to receive one pair of boots, and two pair of shoes.

Uniform clothing to the non-commissioned officers.

Sec. 2. *And be it further enacted,* That the non-commissioned officers, musicians and privates of the regiment of light artillery, shall receive the same clothing as the light dragoons, when ordered to be mounted.

Light artillery to receive the same clothing as the light dragoons.

Sec. 3. *And be it further enacted,* That all the officers, excepting general officers, who may be appointed during the present session of Congress, under the "Act to raise an additional military force," shall take rank in such manner as the President of the United States shall direct, without regard to priority of appointment.

Officers to take rank, except the generals, as the President may direct.

Approved, March 17, 1812.

Statute I.

Chap. XLIII.—*An Act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States.*(*a*)

March 19, 1812.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth section of the act, entituled "An act to incorporate the subscribers to the Bank of the United States," shall be, and the same is hereby repealed.

The tenth section of the act incorporating the bank repealed.

Approved, March 19, 1812.

(*a*) The 10th section of the act incorporating the Bank of the United States, February 25, 1791, chap. 10, repealed by this law, was as follows:—

Section 10, of the act of February 25, 1791, chap. 10: "And be it further enacted, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be received in all payments to the United States.

Statute I.

March 26, 1812.

Chap. XLV.—*An Act to alter the times of holding the Circuit Courts of the first district.*(a)

Terms of the court changed.

At Portsmouth on the first day of May, and Exeter on the first day of October; at Newport on the fifteenth of June; at Providence on the fifteenth of November; at Boston on the fifteenth of May, and the fifteenth of October.

Proceedings to conform therewith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the terms now established by law, the circuit court of the first circuit shall annually be holden as follows: at Portsmouth, on the first day of May, and at Exeter, on the first day of October, within and for the district of New Hampshire; at Newport, on the fifteenth day of June, and at Providence, on the fifteenth day of November, within and for the district of Rhode Island; and at Boston, on the fifteenth day of May, and the fifteenth day of October, within and for the district of Massachusetts. And whenever any of the said days shall happen on a Sunday, then the said court, hereby directed to be holden on said day, shall be holden on the next day thereafter.

Act of March 3, 1797, ch. 27.

1802, ch. 23, sec. 4.

Sec. 2. *And be it further enacted,* That all actions, suits, writs, processes and other proceedings which now are pending, in said court, or which now are or may hereafter be commenced for, or be returnable to the said court at the proper term thereof, now established by law, within and for the respective districts aforesaid, shall depend, have day, be returnable to, heard, tried and determined in the said court at the first term thereof, which shall hereafter be holden within and for the respective districts aforesaid, according to the provisions of this act, any thing in any former act or acts to the contrary notwithstanding.

Approved, March 26, 1812.

Statute I.

March 28, 1812.

Chap. XLVI.—*An Act to establish a Quartermaster's Department, and for other purposes.*

[Obsolete.]

Act of March 3, 1815, ch. 78.

Quartermaster's department how composed.

1812, ch. 92.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be and hereby is established a quartermaster's department for the army of the United States, to consist of a quartermaster general, four deputy quartermasters, and as many assistant deputy quartermasters, as, in the opinion of the President of the United States, the public service may require; the quartermaster general and deputy quartermasters to be appointed by the President, by and with the advice and consent of the Senate; and the assistant deputy quartermasters by the President alone. And he hereby is authorized moreover to appoint such additional number of deputy quartermasters, not exceeding four, to be taken from the line or not, at his discretion, as in his judgment the public service may require.

Rank, pay, &c. &c. of the quartermaster general, &c. &c.

1808, ch. 43.

Sec. 2. *And be it further enacted,* That the quartermaster general shall be entitled to the rank, pay and emoluments of a brigadier general, (under the act of the twelfth of April, one thousand eight hundred and eight,) with forage for two additional horses; the deputy quartermasters, when not taken from the line, shall be entitled to receive sixty dollars per month, five rations per day and forage for two horses, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision; the assistant deputy quartermasters, when not taken from the line, shall be entitled to and receive forty dollars per month, three rations per day, and forage for one horse, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision.

Their duties, &c. &c.

Sec. 3. *And be it further enacted,* That in addition to their duties in the field, it shall be the duty of the quartermaster general, his deputies, and assistant deputies, when thereto directed by the Secretary of War, to purchase military stores, camp equipage and other articles requisite for the troops, and generally to procure and provide means of transport

(a) See notes to act of April 29, 1802, chap. 23.

for the army, its stores, artillery and camp equipage. That the quartermaster general shall account as often as may be required, and at least once in three months, with the department of war, in such manner as shall be prescribed, for all property which may pass through his hands, or the hands of the subordinate officers in his department, or that may be in his or their care or possession, and for all monies which he or they may expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department, and that he, his deputies and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof.

Commissary general, &c. &c. to be appointed.

Sec. 4. *And be it further enacted*, That there shall be a commissary general of purchases, and as many deputy commissaries, as, in the opinion of the President of the United States, the public service may require, to be appointed by the President, by and with the advice and consent of the Senate.

Their duties, &c. &c.

Sec. 5. *And be it further enacted*, That it shall be the duty of the commissary general of purchases, under the direction and supervision of the Secretary of War, to conduct the procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States; and it shall be the duty of the deputy commissaries, when directed thereto, either by the Secretary of War, the commissary general of purchases, or, in cases of necessity, by the commanding general, quartermaster general, or deputy quartermasters, to purchase all such of the aforesaid articles as may be requisite for the military service of the United States.

Quartermaster general and commissary general, &c. &c. inhibited from trade.

Sec. 6. *And be it further enacted*, That neither the quartermaster general nor the commissary general shall, directly or indirectly, be concerned or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel; nor shall either of them purchase by himself or another, in trust for him, public lands or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if either the said quartermaster general or commissary general shall offend against any of the prohibitions of this act, the parties so offending shall, upon conviction, forfeit to the United States, the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be for ever thereafter incapable of holding any office under the United States.

1812, ch. 92.

Compensation of the commissary general, &c. &c.

Sec. 7. *And be it further enacted*, That the salary of the commissary general of purchases shall be three thousand dollars per annum; and the compensation to a deputy commissary, shall not exceed two and one half per centum on the public monies disbursed by him, nor in any instance, the sum of two thousand dollars per annum.

Commissary general to give bond, &c. &c.

Sec. 8. *And be it further enacted*, That the commissary general of purchases shall, before he enters upon his duties, give bond with sufficient surety, to be approved of by the Secretary of War, in the sum of fifty thousand dollars, and the deputy commissaries, each in the sum of ten thousand dollars, with condition for the faithful performance of the duties of their office respectively, which bonds shall be lodged with the comptroller of the treasury.

Office of purveyor abolished.

1795, ch. 27.

Sec. 9. *And be it further enacted*, That from and after the last day of May next, so much of the act, entituled "An act to establish the office of purveyor of public supplies," as relates to the appointment and services of a purveyor of public supplies, be, and the same is hereby repealed; and in the mean time, the purveyor shall deliver over to the

commissary general or one of his deputies, the public stores and property of all sorts in his possession, who shall receipt to him for the same.

Quartermaster and commissary general's letters to be free.

Sec. 10. *And be it further enacted,* That all letters and packets to and from the quartermaster general and commissary general, shall be free from postage.

Compensation of the clerks of the quartermaster and commissary general's offices.

Sec. 11. *And be it further enacted,* That there be allowed for the compensation of the necessary clerks in the quartermaster general's office, a sum not exceeding fifteen hundred dollars a year; and for the compensation of the clerks of the commissary general, a sum not exceeding seventeen hundred dollars per annum, with such books and stationery as may be necessary to the quartermaster general's and commissary general's departments.

Wagon-masters to be appointed by the quartermaster general.

Sec. 12. *And be it further enacted,* That the quartermaster general be authorized to appoint a principal wagon-master and as many wagon-masters as he may judge necessary for the service of the army, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster general or any of his deputies, to provide and conduct the wagons and other means of transport necessary and proper for the military service of the United States.

Wagon-masters inhibited from dealing in wagons, &c.

Sec. 13. *And be it further enacted,* That no wagon-master shall, directly or indirectly, be concerned or interested in any wagon, or means of transport employed in the service of the United States; nor in the purchase or sale of any horses, harness, wagons or other means of transport, procured for, or belonging to the United States, except as agent for the United States.

Compensation of the wagon-masters.

Sec. 14. *And be it further enacted,* That the principal wagon-master shall be entitled to receive forty dollars per month, three rations per day and forage for one horse; and each wagon-master shall be entitled to receive thirty dollars per month, two rations per day and forage for one horse.

Forage-master to be appointed.

Sec. 15. *And be it further enacted,* That the quartermaster general be authorized to appoint one principal forage-master, and as many assistant forage-masters as the nature of the service may require, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster general, or any of his deputies, to provide and deliver out forage necessary and proper for the military service of the United States; nor shall any forage-master be directly or indirectly concerned in the purchase or sale of any article of forage procured for or belonging to the United States, except as an agent for the United States.

Forage-master prohibited from trading in articles of forage.

Compensation of forage-master, &c. &c.

Sec. 16. *And be it further enacted,* That the principal forage-master shall be entitled to and receive forty dollars per month, three rations per day and forage for two horses; and that the other forage-masters shall be entitled to and receive thirty dollars per month, two rations per day and forage for one horse.

Conductors of artillery to be appointed.

Sec. 17. *And be it further enacted,* That there shall be four conductors of artillery, who shall be appointed by the President alone, each of whom shall be entitled to the pay and emoluments of a lieutenant of artillery.

Repeal of part of a former act.

1802, ch. 9.

Sec. 18. *And be it further enacted,* That this act shall go into operation on the first day of April next; and that so much of the act fixing the military peace establishment of the United States, as respects the appointment of military agents and assistant military agents, be, and the same is hereby repealed, from and after that day; but all those agents shall continue to perform their respective duties in the mean time, and until the deputy and assistant deputy quartermasters shall be appointed and ready to enter on the execution of their respective offices; to whom the said military agents and assistant military agents, shall then deliver all the public stores and property in their possession.

Deputy com-

Sec. 19. *And be it further enacted,* That all persons attached to the

public service by virtue of this act, shall be subject to military law, except the deputy commissaries.

missaries exempt from military law.

Sec. 20. *And be it further enacted,* That the President may, and he hereby is authorized in the recess of the Senate, to appoint the quartermaster general, deputy quartermasters, commissary general, and deputy commissaries, or any of them; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

President authorized to make the appointments in recess of Senate.

Approved, March 28, 1812.

Statute I.

March 30, 1812.

Chap. XLVII.—*An Act concerning the Naval Establishment.*(a)

Act of March 1, 1817, ch. 81.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized and empowered to cause to be immediately repaired, equipped and put into actual service, the frigates Chesapeake, Constellation and Adams; and that a sum not exceeding three hundred thousand dollars be, and is hereby appropriated for that purpose.

Certain frigates to be repaired and put into commission.

Appropriation.

Sec. 2. *And be it further enacted,* That the officers and seamen of the navy may be increased so far as may be necessary to officer, man and equip the vessels so to be put into service, any law to the contrary notwithstanding.

Officers of the navy may be increased accordingly.

Sec. 3. *And be it further enacted,* That the sum of two hundred thousand dollars, annually, for three years, viz: one thousand eight hundred and twelve, one thousand eight hundred and thirteen and one thousand eight hundred and fourteen, be appropriated towards the purchase and supply of a stock of every description of timber required for ship building and other navy purposes; and that the first appropriation thereof be made in the purchase of timber suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston.

An annual appropriation for the purchase of materials adapted to the rebuilding and repair of certain frigates.

Sec. 4. *And be it further enacted,* That the sums herein specifically appropriated shall be paid out of any monies in the treasury not otherwise appropriated.

How the sums appropriated are to be paid.

Sec. 5. *And be it further enacted,* That as soon as it shall be deemed compatible with the good of the public service, the gun boats now in commission be laid up, and with those not in commission, be distributed in the several harbors of the maritime frontier which are most exposed to attack, to be carefully kept and used as circumstances may require.

Gun boats to be distributed to be used as circumstances may require.

Sec. 6. *And be it further enacted,* That the pursers in the navy of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that from and after the first day of May next, no person shall act in the character of purser, who shall not have been thus first nominated and appointed, excepting pursers on distant service who shall not remain in service after the first day of July next, unless nominated and appointed as aforesaid. And every purser, before entering upon the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of ten thousand dollars, conditioned faithfully to perform all the duties of purser in the navy of the United States.

Pursers to be appointed by the President with the approbation of the Senate.

Approved, March 30, 1812.

(a) Preceding acts relating to the Navy of the United States:—

Act of March 22, 1794, . .	Vol. i. 350.
Act of April 20, 1796, . . .	" i. 453.
Act of July 1, 1797, . . .	" i. 523.
Act of April 27, 1798, . . .	" i. 552.
Act of May 4, 1798, . . .	" i. 556.
Act of June 22, 1798, . . .	" i. 575.
Act of February 25, 1799, . .	" i. 621.

Act for the government of the navy of the United States, March 2, 1799, chap. 24, Vol. i. 709.

Statute I.
April 3, 1812.

Chap. XLVIII.—*An Act granting to the corporation of the city of New Orleans the use and possession of a lot in the said city.*

Right of the United States to a certain portion of ground in the city of New Orleans ceded to the city.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and claim of the United States to the use, possession and occupancy of a space of one hundred and fifty by one hundred and twenty-five feet of a vacant lot of ground, in the city of New Orleans, bounded by Bienville and Custom-house streets, and by Levee street and the high road, be, and the same is hereby vested in the corporation of the said city. And the said corporation is authorized to use, possess and occupy the same, for the purpose of erecting or causing to be erected and kept in operation a steam engine, or engines, for conveying water into the said city, and all buildings necessary to the said purpose: *Provided,* that if the said space of ground shall not be occupied for the said purpose, within the term of three years, from and after the passing of this act, or shall at any time thereafter cease to be so occupied, for the term of three years, the right and claim of the United States thereto, shall remain unimpaired: *And provided also,* that this act shall not affect the claim, or claims of any individual or individuals, if any such there be.

Proviso, that the ground shall be occupied within three years.

Proviso.

Approved, April 3, 1812.

Statute I.
April 4, 1812.
[Expired.]

Chap. XLIX.—*An Act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time.*

Embargo laid for ninety days.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be, and hereby is laid for the term of ninety days from and after the passing of this act, on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels in ballast, with the consent of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided,* that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast or with the goods, wares and merchandise on board of such foreign ship or vessel when notified of this act.

Proviso.

Bonds to be given that all goods, &c. &c. shipped in the ports of the U. States shall be relanded in others of the United States.

Sec. 2. *And be it further enacted,* That during the continuance of this act, no registered or sea letter vessel shall be allowed to depart from any one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel, shall first give bond, with one or more sureties, to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, conditioned that the goods, wares or merchandise, with which she shall be laden, shall be relanded in some port of the United States.

Penalties for going to foreign ports.

Sec. 3. *And be it further enacted,* That if any ship or vessel shall, during the continuance of this act, depart from any port of the United States, without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, proceed to a foreign port or place, or trade with, or put on board of any other ship or vessel, any goods, wares or merchandise, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares and merchandise shall be wholly forfeited, and, if the same shall not be seized, the owner or owners, agent, freighter or factors, of any such ship or vessel, shall for every such offence forfeit and pay a sum equal to double the value of the ship or vessel and cargo,

and shall never thereafter be allowed a credit for duties on any goods, wares or merchandise, imported by him or them into any of the ports of the United States; and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand dollars for every such offence, whether the vessel be seized and condemned or not; and the oath or affirmation of any master or commander, knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

Penalties, how to be recovered, distributed, &c.

Sec. 4. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of, this act, may be sued for, prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, entituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties may be examined, mitigated or remitted, in like manner, and under like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, entituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred: *Provided*, that all penalties and forfeitures which shall have been incurred by virtue of this act, previous to the expiration thereof, may and shall thereafter be recovered and distributed in like manner, as if this act had continued in full force and virtue.

1799, ch. 22.

1797, ch. 13.

1800, ch. 6.

Proviso.

Approved, April 4, 1812.

Statute I.

April 8, 1812.

Act of Feb. 15, 1811, ch. 21.

Act of May 22, 1812, ch. 93.

Chap. L.—*An Act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state.*(a)

Whereas, the representatives of the people of all that part of the territory or country ceded, under the name of "Louisiana," by the treaty

(a) The decisions of the Supreme Court on the extension of the laws of the United States to Louisiana, and the practice of the courts of the United States in the district of Louisiana, have been :—

As, by the laws of Louisiana, questions of fact in civil cases are tried by the court, unless either of the parties demand a jury, in an action of debt on a judgment, the interest on the original judgment may be computed, and make part of the judgment in Louisiana, without a writ of inquiry, and the intervention of a jury. Mayhew *v.* Thatcher, 6 Wheat. 129; 5 Cond. Rep. 34.

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. Soulard et al. *v.* The United States, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government, is not changed. The new government takes the place of that which is passed away. *Ibid.*

By the provisions of the acts of Congress, Louisiana, when she came into the Union, had organized therein a district court of the United States, having the same jurisdiction, except as to appeals and writs of error, as the circuit courts of the United States in other states; and the modes of proceeding in that court, were required to be according to the principles, rules, and usages which belong to courts of equity, as contradistinguished from courts of common law. And whether there were or not, in the several states, courts of equity proceeding according to such principles and usages, made no difference, according to the construction uniformly given by the supreme court. Livingston *v.* Story, 9 Peters, 632.

The provisions of the act of Congress of 1824, relative to the practice of the courts of the United States in Louisiana, contain the descriptive term civil actions, which embrace cases at law and in equity; and may be fairly construed as used in contradistinction to criminal causes. They apply equally to cases in equity; and if there are any laws in Louisiana directing the mode of proceeding in equity causes, they are adopted by that act, and will govern the practice in the courts of the United States. *Ibid.*

Under the law of Louisiana, there are two kinds of pledges, the pawn and the antichresis. A thing is said to be pawned, when a movable is given as a security; the antichresis consists of immovables. Livingston *v.* Story, 11 Peters, 351.

L. conveyed, in 1822, in fee simple, to F. and S., certain real estate in New Orleans, by deed, for

Preamble.

made at Paris, on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine; thence, by a line to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence, due north, to the northernmost part of the thirty-third degree of north latitude; thence, along the said parallel of latitude, to the river Mississippi; thence, down the said river, to the river Iberville; and from thence, along the middle of the said river, and lakes Maurepas and Ponchartrain, to the gulf of Mexico; thence, bounded by the said gulf, to the place of beginning, including all islands within three leagues of the coast; did, on the twenty-second day of January, one thousand eight hundred and twelve, form for themselves a constitution and state government, and give to the said state the name of the state of Louisiana, in pursuance of an act of Congress, entituled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union, on an equal footing with the original states, and for other purposes:" And the

1812, ch. 57.

Act of Feb. 20, 1811, ch. 21.

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a sum of money paid to him, and took from them a counter-letter, signed by them; by which it was agreed, that on the payment of a sum stated in it, on a day stated, the property should be reconveyed by them to L.; and if not so paid, the property should be sold by an auctioneer; and, after repaying, out of the proceeds, the sum mentioned in the counter-letter, the balance should be paid to L. The money was not paid on the day appointed, and a further time was given for its payment, with additional interest and charges; and if not paid at the expiration of the time, it should be sold by an auctioneer. An agreement was at the same time made by L., that the counter-letter should be delivered up to F. and S., and cancelled. The money not being paid, it was again agreed between the parties, that if on a subsequent day fixed upon, it should not, with an additional amount for interest, &c., be paid, the property should belong absolutely to F. and S. The money was not paid, and F. and S. afterwards held the property as their own. The supreme court held this transaction to be an antichresis, according to the civil code of Louisiana: and on a bill filed in the district court of the United States, for the eastern district of Louisiana, in 1832, decreed that the rents and profits of the estate should be accounted for by S., who had become the sole owner of the property by purchase of F.'s moiety, and that the property should be sold by an auctioneer, unless the balance due S., after charging the sum due at the time last agreed upon for the payment of the money, and legal interest, with all the expenses of the estate, deducting the rents and profits, should be paid to S.; and on payment of the balance due S., the residue should be paid to the legal representative of L. *Ibid.*

The antichresis must be reduced to writing. The creditor acquires by this contract, the right of reaping the fruits, or other rewards of the immovables given to him in pledge, on condition of deducting, annually, their proceeds from the interest, if any be due to him, and afterwards from the principal of his debt. The creditor is bound, unless the contrary is agreed on, to pay the taxes, as well as the annual charges of the property given to him in pledge. He is likewise bound, under the penalty of damages, to provide for the keeping and necessary repairs of the pledged estate; and may lay out, from the revenues of the estate, sufficient for such expenses. *Ibid.*

The creditor does not become proprietor of the pledged immovables, by the failure of payment at the stated time; any clause to the contrary is null: and in that case, it is only lawful for him to sue his debtor before the court, in order to obtain a sentence against him, and to cause the objects which have been put into his hands, to be seized and sold. *Ibid.*

The debtor cannot, before the full payment of his debt, claim the enjoyment of the immovables which he has given in pledge; but the creditor, who wishes to free himself from the obligations under the antichresis, may always, unless he has renounced this right, compel the debtor to retake the enjoyment of his immovables. *Ibid.*

The doctrine of prescription, under the civil law, does not apply to this case, which is one of pledge; and if it does, the time before the institution of this suit had not elapsed, in which, by the law of Louisiana, a person may sue for immovable property. *Ibid.*

By the contract of antichresis, the possession of the property is transferred to the person advancing the money. In case of failure to pay, the property is to be sold by judicial process; and the sum which it may bring, over the amount for which it was pledged, is to be paid to the person making the pledge. *Ibid.*

If any rule has been made by the district court of Louisiana, abolishing chancery practice in that court, it is a violation of those rules which the supreme court of the United States has passed to regulate the courts of equity of the United States. Those rules are as obligatory on the courts of the United States in Louisiana, as they are upon all other courts of the United States; and the only modifications or additions which can be made by the circuit or district courts, are such as shall not be inconsistent with the rules prescribed. When the rules prescribed by the supreme court do not apply, the practice of the circuit and district courts shall be regulated by the practice of the high court of chancery in England. Story *v.* Livingston, 13 Peters, 359.

The supreme court has said, upon more than one occasion, after mature deliberation upon able arguments of distinguished counsel against it, that the courts of the United States in Louisiana, possess equity powers under the constitution and laws of the United States. That if there are any laws in Louisiana, directing the mode of procedure in equity causes, they are adopted by the act of 26th May, 1829; and will govern the practice in the courts of the United States. But if there are no laws regulating the practice in any equity causes, the rules of chancery practice in Louisiana, mean the rules prescribed by the supreme court, for the government of the courts of the United States, under the act of Congress of May 8, 1792, chap. 36, sec. 2. *Ibid.*

said constitution having been transmitted to Congress, and by them being hereby approved; therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said state shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever, by the name and title of the state of Louisiana: *Provided*, that it shall be taken as a condition upon which the said state is incorporated in the Union, that the river Mississippi, and the navigable rivers and waters leading into the same, and into the gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said state as to the inhabitants of other states and the territories of the United States, without any tax, duty, impost or toll therefor, imposed by the said state; and that the above condition, and also all other the conditions and terms contained in the third section of the act, the title whereof is herein before recited, shall be considered, deemed and taken, fundamental conditions and terms, upon which the said state is incorporated in the Union.

Louisiana to be admitted into the Union, as an independent state.

Proviso.

Act of April 14, 1812, ch. 57.

Sec. 2. *And be it further enacted*, That until the next general census and apportionment of representatives, the said state shall be entitled to one representative in the House of Representatives of the United States; and that all the laws of the United States, not locally inapplicable, shall be extended to the said state, and shall have the same force and effect within the same, as elsewhere within the United States.

To have one representative in the House of Representatives till otherwise provided.

Laws of the United States to be in force there.

Sec. 3. *And be it further enacted*, That the said state, together with the residue of that portion of country which was comprehended within the territory of Orleans, as constituted by the act, entituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," shall be one district, and be called the Louisiana district; and there shall be established in the said district, a district court, to consist of one judge, who shall reside therein, and be called the district judge; and there shall be, annually, four stated sessions of the said court held at the city of Orleans; the first to commence on the third Monday in July next, and the three other sessions progressively, on the third Monday of every third calendar month thereafter. The said judge shall, in all things, have and exercise the same jurisdiction and powers which, by the act, the title whereof is in this section recited, were given to the district judge of the territory of Orleans; and he shall be allowed an annual compensation of three thousand dollars, to be paid quarter yearly at the treasury of the United States. The said judge shall appoint a clerk of the said court, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees heretofore allowed to the clerk of the Orleans territory.

Louisiana made a judicial district.

Act of March 26, 1804, ch. 38.

Terms of the court.

Salary of the judges, &c. &c.

Sec. 4. *And be it further enacted*, That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall, moreover, be paid two hundred dollars, annually, as a compensation for all extra services.

Attorney to be appointed.

Marshal also.

Salary of the marshal.

Sec. 5. *And be it further enacted*, That nothing in this act shall be construed to repeal the fourth section of an act, entituled "An act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and

This act not to produce the repeal of a former one.

1804, ch. 13.

the French republic; and for other purposes;" and that the collection district shall be and remain as thereby established.

Sec. 6. *And be it further enacted*, That this act shall commence and be in force from and after the thirtieth day of April, eighteen hundred and twelve.

Approved, April 8, 1812.

Statute I.

April 8, 1812.

Chap. LIII.—*An Act in addition to the act entituled "An act to raise an additional military force," passed January the eleventh, one thousand eight hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is empowered to cause to be enlisted for the term of eighteen months, unless sooner discharged, such part of the light dragoons, artillery and infantry, authorized by the act, entituled "An act to raise an additional military force," as he may deem expedient: *Provided*, the whole number, so to be enlisted for eighteen months, shall not exceed fifteen thousand, any thing in the said recited act to the contrary notwithstanding.

Act of Jan. 11, 1812, ch. 14.

Sec. 2. *And be it further enacted*, That the non-commissioned officers, musicians and privates, so to be enlisted, shall be entitled to the bounty of sixteen dollars, and the same pay, clothing and rations, the same provisions for wounds or disabilities, and to all other allowances (the bounty in land excepted) provided by the said before recited act, for the non-commissioned officers, musicians and privates, who may be raised under the same, and shall be held to perform the same duties, and be subject to the same rules and regulations.

Approved, April 8, 1812.

Statute I.

April 10, 1812.

Chap. LIV.—*An Act for the relief of the officers and soldiers who served in the late campaign on the Wabash.*

Officers and soldiers to receive compensation as allowed to militia called into actual service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers, according to the rank assigned them by Governor Harrison, and which they held on the seventh day of November, one thousand eight hundred and eleven, the non-commissioned officers and soldiers of the volunteers and militia, and the legal representatives of those who were killed or died of their wounds, composing the army that served in the late campaign on the Wabash against the hostile Indians, shall receive the same compensation which is allowed by law to the militia of the United States when called into the actual service of the United States.

Pensions to wounded officers and soldiers and to the families of such as were killed.

Sec. 2. *And be it further enacted*, That the officers, according to the rank which they held as aforesaid, the non-commissioned officers and soldiers, of the volunteers or militia, who served in the said campaign, and who were killed or died of wounds received in said service, leaving a widow, or if no widow, shall have left a child or children, under the age of sixteen years, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay to which the deceased was entitled at the time of his death, or receiving the wound of which he died, for and during the term of five years; and in case of the death or intermarriage of such widow, before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer or soldier, whilst under the age of sixteen years; and in like manner the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the

In case of death or marriage of widow, half pension to go to children under sixteen years.

age aforesaid: *Provided*, that no greater sum shall be allowed in any case to the widow or to the child or children of any officer than the half pay of a lieutenant colonel.

Limitation of amount.

Sec. 3. *And be it further enacted*, That every officer, according to the rank which he held as aforesaid, non-commissioned officer and private, of the volunteers and militia, who served in the said campaign, and who have been disabled by known wounds received in said service, shall be placed on the list of invalids of the United States, at such rate of pension as shall be directed by the President of the United States, upon satisfactory proof of such wound and disability being produced to the Secretary of War, agreeably to such rules as he may prescribe: *Provided*, that the rate of compensation for such wounds and disabilities shall never, for the highest disability, exceed half the monthly pay of such officer, at the time of being so wounded or disabled, and that the rate of compensation to a non-commissioned officer and private, shall never exceed five dollars per month; and all inferior disabilities shall entitle the person so disabled, to receive a sum in proportion to the highest disability; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Pensions to be in proportion to the wounds, &c.

Compensation for disabilities not to exceed half monthly pay.

Sec. 4. *And be it further enacted*, That any person or persons belonging to the said army, who may have had a horse or horses killed or lost during the late battle on the Wabash, shall be entitled to, and receive the value thereof: *Provided*, that the proof of the value of such horse or horses shall be by affidavit of the quartermaster of the corps to which the owner may have belonged, or of two other credible witnesses.

Horses killed in the battle of the Wabash to be paid for.

Sec. 5. *And be it further enacted*, That to the heirs or legal representatives of every person who was killed, and to every person who was wounded in the said campaign, who were purchasers of public lands of the United States, and whose lands had not, before the seventh of November, one thousand eight hundred and eleven, been actually sold or reverted to the United States, for the non-payment of part of the purchase money, a further time of three years shall be allowed, in addition to the time allowed by former laws, to complete their payments; which further time of three years shall commence from the respective times when their payments should have been completed according to former laws.

Further time given to such as were wounded, or to the representatives of those killed to make payment for public lands.

Approved, April 10, 1812.

Statute I.

April 10, 1812.

[Expired.]

Chap. LV.—*An Act to authorize a detachment from the Militia of the United States.*(a)

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

(a) A justice of the peace, in the District of Columbia, is an officer of the government of the United States, and is exempt from militia duty. Wise *v.* Withers, 3 Cranch, 331; 1 Cond. Rep. 552.

The court martial has not exclusive jurisdiction of that question, and its sentence is not conclusive. *Ibid.*

Trespass lies against a collector of militia fines, who distrains for a fine imposed by a court martial, upon a person not liable to be enrolled in the militia; the court martial having no jurisdiction in such cases. *Ibid.*

The act of the state of Pennsylvania of 28th March, 1814, providing, by the 21st section, that the officers and privates of the militia of Pennsylvania, neglecting or refusing to serve when called into actual service, in pursuance of any order or requisition of the President of the United States, shall be liable to the penalties defined in the act of Congress of 28th February, 1795, chap. 36, or to any penalty which may be imposed since the date of the act, or which may hereafter be prescribed by any law of the United States; and also providing for the trial of such delinquents by a state court martial, and that a list of the delinquents fined by such court, should be furnished to the marshal of the United States, and also to the comptroller of the treasury of the United States, in order that the further proceedings directed to be had thereon by the laws of the United States might be completed; is not repugnant to the laws and the constitution of the United States. Houston *v.* Moore, 5 Wheat. 1; 4 Cond. Rep. 589.

The act of February 28, 1795, chap. 36, to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repel invasions, is within the constitutional authority of Congress. Martin *v.* Mott, 12 Wheat. 19; 6 Cond. Rep. 410.

President authorized to call upon the executives for their quotas of militia to be equipped and armed.

United States be, and he is hereby authorized to require of the executives of the several states and territories, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the department of war; and, in cases where such returns have not been made, by such other data as he shall judge equitable.

Detachment of militia, how to be officered: general officers to be apportioned.

Sec. 2. *And be it further enacted*, That the detachment of militia aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories; the President of the United States apportioning the general officers among the respective states and territories, as he may deem proper: and the commissioned officers of the militia, when called into actual service, shall be entitled to the same pay, rations and emoluments as the officers of the army of the United States.

Pay and rations of the commissioned officers.

Term of service of the detachment not to exceed six months: non-

Sec. 3. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous; and during the time of their service the non-commissioned officers, musicians and privates, shall be entitled to the

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The President is the sole and exclusive judge whether the exigency has arisen, in which he is authorized to call out the militia. *Ibid.*

Where a party justifies, in an action against him, under the orders of the President calling out the militia, it is not necessary that he should aver in his pleadings, that the exigency had actually occurred; it is sufficient that the President has so decided, and has issued his orders; and if the fact of the existence of the exigency were averred, it might be traversed. *Ibid.*

Nor is it necessary to set forth the orders of the President at large; it is sufficient to state that the call made by the governor of the state was in obedience to the orders of the President. *Ibid.*

A requisition from the President upon the governor, is an order, in legal intendment. *Ibid.*

A militia man who refuses to obey the order of the President, calling him into public service, is liable to be tried for the offence, under the 5th section of the act of 1795. *Ibid.*

The 64th of the rules and articles of war, enacted by the act of April 10, 1806, chap. 20, which provides that general courts martial may consist of any number of commissioned officers, from five to thirteen inclusively, but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service, being in a matter submitted to his sound discretion, is conclusive. *Ibid.*

This article, however, is not obligatory in cases where the court martial is convened to try militiamen who have neglected to obey the orders of the President, calling them into public service. *Ibid.*

Where there is no positive statutory regulation as to the number of persons of whom the court is to be constituted, reference must be had to the general usage of the military service, or what may be called the customary military law. *Ibid.*

Courts martial, when duly organized, are bound to execute their duties, and regulate their modes of proceeding by this customary military law in the absence of positive enactment. *Ibid.*

In a case out of the operation of the articles of war, the sentence of a court martial, which has been approved by the President, is sufficiently approved. *Ibid.*

A court martial regularly called under the act of 1795, does not expire with the termination of the war then existing; nor is its jurisdiction to try offences in any way dependent upon the fact of war or peace. *Ibid.*

Where, in an action of replevin, the defendant being a deputy marshal of the United States, avowed and justified the taking of the plaintiff's goods, by virtue of a warrant issued to the marshal of the district, to collect a fine imposed by the judgment of a court martial, described as a general court martial, composed of officers of the militia of the state of New York, in the service of the United States, (six in number, and naming them,) duly organized and convened by general orders issued pursuant to the act of Congress of February 28, 1795, chap. 36, for the trial of those of the militia of the state of New York, ordered into the service of the United States, in the third military district, who had refused to rendezvous and enter into the service of the United States, in obedience to the order of the commander in chief of the state of New York, of the 4th and 29th of August, 1814, issued in compliance with the requisition of the President, made in pursuance of the same act of Congress; and alleging that the plaintiff being a private in the militia, neglected and refused to rendezvous, &c.; and was regularly tried by the said general court martial, and duly convicted of the said delinquency: Held, that the avowry was good. *Ibid.*

Alien enemies, who had enrolled themselves as volunteers, and been accepted by the President, under the act of February 6th, 1812, chap. 21, are not entitled to a discharge on the ground of such alienage; there being no law enjoining the President from accepting their services. Wilson et al. *v.* Izard et al., Paine's C. C. R. 68.

It seems that the President had a right to accept volunteers to serve at a particular post, as well as for general service; the act being silent on the subject: at any rate, he had a discretion on the subject, not to be controlled by a court of justice. *Ibid.*

The insertion in the enrolment, of the officer's name, under whom the volunteers were to serve, was meant merely to ascertain the post where they were to serve, by designating its commander; and not to attach them to his personal command, so that he could not be changed. *Ibid.*

same pay and rations as is provided by law for the militia of the United States when called into actual service.

commissioned officers, &c. &c. their pay, emoluments, &c. &c.

Sec. 4. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to call into actual service any part, or the whole of said detachment, in all the exigencies provided by the constitution; and the officers, non-commissioned officers, musicians and privates of the said detachment shall be subject to the penalties of the act, entituled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five;" and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

President may call out the whole or part of the detachment into actual service.

1795, ch. 36.

Sec. 5. *And be it further enacted*, That no non-commissioned officer, musician or private belonging to the aforesaid detachment of militia, who shall be ordered into actual service by the President of the United States, shall be subject to corporal punishment by whipping, any thing contained in any act to the contrary notwithstanding.

No officer or soldier shall be liable to punishment by whipping.

Sec. 6. *And be it further enacted*, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement and deprivation of part of the rations shall be substituted in such manner as is herein after provided.

Whipping abolished, &c. other punishments substituted.

Sec. 7. *And be it further enacted*, That any non-commissioned officer or private belonging to the aforesaid detachment of militia, who shall, while in actual service, be convicted before any court martial of any offence, which before the passing of this act might or could have subjected such person to be whipped, shall, for the first offence, be put under such stoppages of pay as such court martial shall adjudge, not exceeding the one half of one month's pay for any one offence; but such offender may, moreover, at the discretion of such court martial, be confined under guard, on allowance of half rations, any length of time, not exceeding ten days for any one offence, or may, at the discretion of such court martial, be publicly drummed out of the army.

Non-commissioned officers, how punishable.

Stoppage of pay and confined.

Sec. 8. *And be it further enacted*, That the sum of one million of dollars be, and the same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated, towards defraying any expense incurred by virtue of the provisions of this act.

Specific appropriation.

Sec. 9. *And be it further enacted*, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

Commencement and termination of this act.

Approved, April 10, 1812.

Statute I.

Chap. LVI.—*An Act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time.*(a)

April 14, 1812.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful,

Exportation of specie and

(a) Upon an indictment under the non-intercourse laws for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9th, 1809, the punishment of which offence is a fine of four times the value of the goods; it is not necessary that the jury should find the value of the goods. United States *v.* John Tyler, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel, in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. The Brig Penobscot *v.* The United States, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercourse act, reexported to a Danish island, there sold to a merchant of that place, and thence exported to New Orleans during the operation of that act of Congress, were liable to forfeiture under that law. The Schooner Hoppet *v.* The United States, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1st, 1809, was in force between the 2d of February, and 2d of March, 1811, by virtue of the President's proclamation of November 2d, 1810. Schooner Anne *v.* The United States, 7 Cranch, 570; 2 Cond. Rep. 611.

goods of foreign manufacture forbidden.
Act of April 4, 1812, ch. 49.

during the continuance of the act, entituled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States, for a limited time," to export from the United States or the territories thereof, in any manner whatever, any specie, nor any goods, wares or merchandise of foreign or domestic growth or manufacture; and if any person shall, with intent to evade this law, export or attempt to export any specie, goods, wares or merchandise from the United States or the territories thereof, either by land or water, such specie, goods, wares and merchandise, together with the vessel, boat, raft, cart, wagon, sleigh or other carriage in which the same shall have been exported or attempted to be exported, shall, together with the tackle, apparel, horses, mules and oxen, be forfeited, and the owner or owners of such specie, goods, wares or merchandise, and every other person knowingly concerned in such prohibited exportation, on conviction thereof, shall each respectively forfeit and pay a sum not exceeding ten thousand dollars for every such offence: *Provided however*, that nothing in this section contained, shall be construed to prevent the departure of vessels, which according to the act last above mentioned, are or may be permitted to depart in the manner and under the restrictions provided by the said act.

Proviso.
1812, ch. 49.

Any portion of the land or naval force of the United States may be employed to prevent a violation of the embargo.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ any part of the land or naval forces, or militia of the United States or of the territories thereof, as may be judged necessary, for the purpose of preventing the illegal departure of any ship or vessel, or the illegal exportation of any specie, or of any goods, wares or merchandise, contrary to the provisions of this, or of the last above mentioned act, and for the purpose of detaining, taking possession of, and keeping in custody, any such ship or vessel, specie, goods, wares or merchandise.

Penalties, &c. &c. how to be recovered.

Sec. 3. *And be it further enacted*, That all penalties and forfeitures, incurred by virtue of this act, shall and may be prosecuted, sued for, recovered and distributed, and may be mitigated and remitted in the manner provided by the act, entituled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," and also, that the penalties and forfeitures incurred by virtue of this act may be recovered subsequently to the expiration thereof, in the same manner as if this act had continued in full force and virtue.

1812, ch. 49.

Approved, April 14, 1812.

Statute I.

April 14, 1812.

Act of Feb. 15, 1811, ch. 14.
Act of April 8, 1812, ch. 50.
Limits of the state enlarged.

Chap. LVII.—*An Act to enlarge the limits of the state of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds, to wit: Beginning at the junction of the Iberville, with the river Mississippi; thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the eastern mouth of the Pearl river; thence up the

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The non-intercourse act of the 28th of June, 1809, which requires a vessel bound to a permitted port to give bond in double the amount of vessel and cargo not to go to a prohibited port, is applicable to a vessel sailing in ballast. The Ship Richmond *v.* The United States, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and, if necessary, to drop anchor: and, in case of a storm, to make a harbor: and if prevented by a mutiny of her crew, from putting out to sea again, she might wait in the waters of the United States, for orders. The United States *v.* The Cargo of the Ship Fanny; Jennings, Master, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the third section of the act of Congress of the 28th of June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. The Edward; Scott, Claimant, 1 Wheat. 261; 3 Cond. Rep. 565.

eastern branch of Pearl river to the thirty-first degree of north latitude; thence along the said degree of latitude to the river Mississippi; thence down the said river to the place of beginning, shall become and form a part of the said state of Louisiana, and be subject to the constitution and laws thereof, in the same manner, and for all intents and purposes as if it had been included within the original boundaries of the said state.

Legislature to make provision for the representation of the people and territory thus incorporated at their first session.

Sec. 2. *And be it further enacted,* That it shall be incumbent upon the legislature of the state of Louisiana, in case they consent to the incorporation of the territory aforesaid, within their limits, at their first session, to make provision by law for the representation of the said territory in the legislature of the state, upon the principles of the constitution, and for the securing to the people of the said territory, equal rights, privileges, benefits and advantages with those enjoyed by the people of the other parts of the state; which law shall be liable to revision, modification and amendment by Congress, and also in the manner provided for the amendment of the state constitution, but shall not be liable to change or amendment by the legislature of the state.

Approved, April 14, 1812.

Statute I.

April 14, 1812.

Act of Feb. 27, 1813, ch. 38.

Further time allowed for registering claims.

Chap. LVIII.—*An Act giving further time for registering claims to land in the eastern district of the territory of Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming lands in the eastern district of the territory of Orleans, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land-office for the said district, shall be allowed until the first day of November next to deliver notices in writing, and the written evidences of their claims, to the register of the land-office at New Orleans; and the notices and evidences so delivered, within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims, never after admitted as evidence in any court of the United States, against any grant derived from the United States.

Limitation of notices.

Duties of register and receiver, &c. &c.

Sec. 2. *And be it further enacted,* That the register and receiver of public monies of the said land-office at New Orleans, shall have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of November next, as if notice of the same had been given before the first day of July, one thousand eight hundred and eight, except that their decision shall be subject to the revision of Congress. And it shall be the duty of the said register and receiver to make to the Secretary of the Treasury a report of all the claims thus filed with the register of the land-office, together with the substance of the evidence in support thereof, with their opinion and such remarks thereon as they may think proper; which report, together with a list of the claims which, in the opinion of the register and receiver, ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress, at their next session, for their determination thereon. The said register and receiver shall have power to appoint a clerk, whose duties shall be the same, in relation to the claims filed as aforesaid, as was required of the clerk to the board of commissioners for adjusting claims to lands in the said district; and the said register, receiver and clerk, shall each be allowed fifty cents for each claim filed according to this

To report to the Secretary of the Treasury.

Allowance of fees.

act, and on which a decision shall be made, whether such decision be in favour of, or against the claim; which allowance of fifty cents shall be in full compensation for their services under this act.

Approved, April 14, 1812.

Statute I.

April 23, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

A corps of artificers to be attached to the quartermaster's department.

Chap. LIX.—*An Act for the organization of a Corps of Artificers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be attached to the quartermaster general's department, and subject to the orders of the officers thereof, a corps of artificers, to consist of one superintendent, to be appointed by the President of the United States, four assistants, two master masons, two master carpenters, two master blacksmiths, two master boat-builders, two master armorers, two master saddle and harness makers, twenty house carpenters, five ship carpenters, twenty blacksmiths, sixteen boat-builders, sixteen armorers, twelve saddle and harness makers and twenty-four labourers, to be selected from the privates of the army, when authorized thereto by the commanding general, or engaged from among the citizens by the superintendent.

Pay of superintendent of artificers, assistants, &c.

Sec. 2. *And be it further enacted,* That the pay of the superintendent of artificers, shall be forty-five dollars per month, three rations per day, and forage for one horse; that the pay of the four assistants, be each thirty dollars per month and two rations per day; that the pay of the twelve master workmen be each thirty dollars per month and one ration and one half of a ration per day; that the pay of the other workmen be each sixteen dollars per month, and one ration and one half of a ration per day.

Regular returns to be made to the Secretary of War by the superintendent.

Sec. 3. *And be it further enacted,* That it shall be the duty of the superintendent of artificers to render a correct report, once each month, of the corps, to the quartermaster general, and on oath to make out the pay roll thereof; which pay roll shall be examined by the quartermaster general, or, in his absence, by one of the deputy quartermasters, and by him be countersigned, and faithfully and without delay to execute all such orders as he may receive from the Secretary at War, any officer of the quartermaster's department, or from the officer commanding in the field or garrison to which his corps or any part thereof may be attached.

Term of service of the corps.

Sec. 4. *And be it further enacted,* That this corps shall be engaged for and during the term of three years, unless sooner discharged by the President of the United States.

Appropriation of thirty thousand dollars.

Sec. 5. *And be it further enacted,* That for defraying the expense that may be incurred in the execution of this act, the sum of thirty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved, April 23, 1812.

Statute I.

April 23, 1812.

Act of March 3, 1817, ch. 99.

Patents, to be granted to persons whose claims have been confirmed.

Chap. LXII.—*An Act to authorize the granting of Patents for Land, according to the Surveys that have been made; and to grant Donation Rights to certain Claimants of Land in the district of Detroit, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That patents shall be granted to the persons whose claims to land have been confirmed in the district of Detroit, in conformity to the surveys which have been made under the direction of the surveyor general, and the general plat of which has been returned to the Secretary of the Treasury, notwithstanding the surveys shall not, in every respect, correspond with the description of the tracts as confirmed by the commissioners for adjusting land claims in

(a) See notes to the act of March 3, 1807, chap. 34.

the said district: *Provided*, that the confirmation of the commissioners and certificate of the register shall, in every other respect, be conformable to law.

Proviso, that the confirmation shall be conformable to law.

Sec. 2. *And be it further enacted*, That every person, whose claim has been confirmed by the commissioners aforesaid to a tract of land bordering on the river Detroit, and whose tract, as confirmed, does not extend in depth eighty arpens, French measure, shall be entitled to a donation of any vacant tract of land adjacent to and back of the land confirmed to him as aforesaid, provided that such donation shall not exceed forty arpens, French measure, in depth, nor in quantity of land that contained in the tract already confirmed to him, nor shall in any case the tract confirmed as aforesaid, and that allowed as a donation, together exceed eighty arpens, French measure, in depth, and in all cases where, by reason of bends in the said river, and of adjacent prior claims, each claimant cannot obtain a tract equal in quantity to the tract already confirmed to him, the vacant land applicable to the object shall be divided between the claimants in such manner as shall appear to the commissioners for adjusting the claims most equitable. And every person claiming a donation in virtue of this section shall, on or before the first day of December next, deliver to the register of the land-office at Detroit, a notice, in writing, of the situation and extent of his claim, which he shall file in his office on receiving twenty-five cents from the party or parties for each claim; and if such person shall neglect to deliver such notice within the time limited, his right to a donation, under this section, shall become void. And the commissioners for adjusting claims to land in the said district shall, as soon as may be after the first of December next, proceed to examine and decide, according to the provisions of this section, on the claims filed as aforesaid; and when it shall appear to the said commissioners that the claimant is entitled to a donation of land, they shall give a certificate stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this section, which tract shall be surveyed in conformity with the decision of the commissioners, at the expense of the party, under the direction of the surveyor general, by such of his assistants residing in the said district as the said surveyor general shall appoint for that purpose. The expense of surveying shall be the same, and the plats of surveys and transcript of the decisions of the commissioners in favour of claimants shall be made and transmitted to the Secretary of the Treasury in the same manner; and the certificates granted by the commissioners shall be entered with the register of the land-office, and certificates of the register be granted to the party or parties on payment of the same fees, and patents granted, in every respect, in the same manner as is directed by the third section of an act, entituled "An act regulating the grants of land in the territory of Michigan," passed the third day of March, one thousand eight hundred and seven.

Donations of vacant lands, how regulated.

Where bends of the river, an equal quantity to be granted, as commissioners may determine.

Commissioners to give a certificate.

Act of March 3, 1807, ch. 34.

Sec. 3. *And be it further enacted*, That the heirs of Joseph Harrison, late of Detroit, deceased, be permitted to enter with the register of the land-office, for the district of Detroit, their claim to any tract or tracts of land in the said district; and such entry shall have the same effect, and the commissioners shall have the same powers, and act thereon in the same manner, as if the entry had been made before the first day of January, one thousand eight hundred and nine; and in case of a decision in favour of their claim or claims, a patent or patents shall be granted for the lands so claimed and confirmed to them, any law to the contrary notwithstanding.

Heirs of Joseph Harrison may be permitted to make an entry in the land-office for the district of Detroit.

Approved, April 23, 1812.

Statute I.

April 23, 1812.

Chap. LXIII.—*An Act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia.*

Specific grants to sundry persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, claiming lands under the act, entituled "An act to revive and continue in force an act, entituled An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," passed on the sixteenth day of March, one thousand eight hundred and four, shall, respectively, be entitled to the following quantities of land, that is to say: Charlotte Hazen, widow of Moses Hazen; Chloe Shannon, wife of James Noble Shannon and relict of Obadiah Ayer, deceased; the heirs of Elijah Ayer and the heirs of Israel Ruland, respectively, nine hundred and sixty acres; Elijah Ayer, jun. and the heirs of Anthony Burk, respectively, three hundred and twenty acres: And that the following persons, claiming lands under the act, entituled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed on the twenty-fourth day of February, one thousand eight hundred and ten, shall, respectively, be entitled to the following quantities of land, that is to say: The heirs of James Boyd, two thousand two hundred and forty acres; the heirs of Nathaniel Reynolds, the heirs of Edward Antill and Joshua Sprague, respectively, nine hundred and sixty acres; Robert Sharp, John Fulton and John Morrison, each, six hundred and forty acres; James Sprague, David Dickey, John Taylor, and the heirs of Gilberts Seamans, deceased, respectively, three hundred and twenty acres; which several tracts of land shall be located within the boundaries of the fractional townships, reserved and set apart for the purpose of satisfying the claims of the refugees from Canada and Nova Scotia; and the locations shall be made, and patents granted, in the manner and on the conditions prescribed by former laws, except as to the time for making the locations; which locations shall be made on the day or days that the Secretary of the Treasury shall judge most convenient for the claimants, and shall designate for the purpose.

Act of March 16, 1804, ch. 23.

Act of February 24, 1810, ch. 12.

Reservations.

Approved, April 23, 1812.

Statute I.

April 23, 1812.

Chap. LXIV.—*An Act giving further time to the purchasers of Public Lands, northwest of the river Ohio, to complete their payments.*

Act of July 6, 1812, ch. 134.

Purchasers prior to 1st April, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person, who, prior to the first day of April, one thousand eight hundred and eight, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, at any of the land-offices established for the disposal of the public lands northwest of the river Ohio, and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further term of three years from the first day of January, one thousand eight hundred and thirteen, for the payment of the residue of the principal and interest due on account of such purchase, to be paid in four equal annual payments, the first whereof to be on the said first day of January, one thousand eight hundred and thirteen: and in case of failure in paying any of the said annual payments at the time when the same shall become due, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions heretofore prescribed for the sale of lands purchased of the United States, and not paid for within the limited time.

Allowed three years from 1st January, 1813.

Land to be sold on failure to pay.

Approved, April 23, 1812.

Statute I.

Chap. LXVI.—*An Act to continue in force for a limited time, an act entituled "An act continuing for a limited time the salaries of the officers of government therein mentioned."*

April 24, 1812.

Act of Feb. 20, 1804, ch. 12. Act of April 27, 1816, ch. 103. Act of Feb. 20, 1819, ch. 15. Act of 1804 continued for three years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the twentieth day of February, one thousand eight hundred and four, entituled "An act continuing for a limited time the salaries of the officers of government therein mentioned," shall be and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

Additional appropriation of $7,752 50.

Sec. 2. *And be it further enacted,* That for paying the salaries of the secretaries of state, treasury, war and navy, the comptroller, auditor and register of the treasury, the treasurer of the United States, the accountants of the war and navy departments, the postmaster-general and the first assistant postmaster-general, in addition to the sums already appropriated by the "Act making appropriations for the support of government for the year one thousand eight hundred and twelve," there be appropriated the further sum of seven thousand seven hundred and fifty-two dollars and fifty cents, to be paid out of any monies in the treasury not otherwise appropriated.

1812, ch. 33.

Approved, April 24, 1812.

Statute I.

Chap. LXVII.—*An Act for ascertaining the titles and claims to Lands in that part of the Louisiana which lies east of the river Mississippi and island of New Orleans.*(a)

April 25, 1812.

Act of April 18, 1814, ch. 85. Act of May 8, 1822, ch. 128.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of ascer-

(a) On the 12th February, 1813, Congress passed an "act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi territory, and west of the river Perdido." This act was not promulgated until the publication of the "Session acts" of the first session of the fifteenth Congress, which terminated April 20, 1818. See "resolution and acts relative to the occupation of Florida by the United States," Appendix to the acts of the first session of the fifteenth Congress, 1818, Vol. 3, p. 472.

Upon the titles to lands in this country, the following decisions have been made by the Supreme Court:—

By the treaty of St. Ildefonso, made on the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty, the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which at the time of the cession was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States; that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. Foster et al. *v.* Neilson, 2 Peters, 306.

If a Spanish grantee had obtained possession of the land in dispute so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic Majesty before the 24th January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is, that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

taining the titles and claims to lands in that tract of country which lies south of the Mississippi territory, east of the river Mississippi and island of New Orleans, and west of the river Perdido, and a line drawn with the general course thereof to the southern boundary of the said Mississippi territory, the lands within the said limits shall be laid off into two land districts, between which Pearl river shall be the boundary; and for each of which districts a commissioner for land claims shall be appointed by the President of the United States, with the advice and consent of the Senate. The said commissioners shall, respectively, have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall, in addition to the other duties required of him by this act, perform the duties of translator, when required by the commissioner. And the said commissioners and clerk shall, before entering on the duties of their appointments, respectively take an oath or affirmation, truly and faithfully to execute the duties imposed on them by this act.

Two land districts to be laid off.

Commissioners to be appointed.

Clerk.

Oath.

Sec. 2. *And be it further enacted,* That for the more convenient ascertainment of the titles and claims to lands as aforesaid, it shall be the duty of each of the said commissioners, respectively, and their clerks, to attend in each of the several parishes in his district, at such time and place therein as he shall appoint, for the purpose of receiving notices and evidences of titles and claims to lands within the same; and when the commissioners shall have appointed the time and place for his attendance in any parish, he shall cause public notice thereof to be given to the inhabitants of the same, for at least twenty days previous to the time of his commencing the business of his appointment therein.

Commissioners and clerks to attend in the parishes.

Twenty days' notice to be given.

Sec. 3. *And be it further enacted,* That each commissioner, after he shall have attended for a reasonable and sufficient length of time in each parish of his district, for the claimants of lands within the same to have

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Congress, in order to guard against imposition, declared, by the law of 1804, that all grants of land made by the Spanish authorities in the territory west of the Perdido, after the treaty of St. Ildefonso, should be null and void, excepting those to actual settlers, acquired before December 20, 1803. Garcia *v.* Lee, 12 Peters, 511.

The controversy relative to the country lying between the Mississippi and the Perdido rivers, and the validity of the grants made by Spain in the disputed territory after the cession of Louisiana to the United States, were carefully examined in the case of Foster & Elam *v.* Neilson. The supreme court, in that case, decided that the question of boundary between the United States and Spain was a question for the political departments of the government: that the legislative and executive branches having decided the question, the courts of the United States are bound to regard the boundary determined by them as the true one; that grants made by the Spanish authorities of lands, which, according to this boundary line, belonged to the United States, gave no title to the grantees, in opposition to those claiming under the United States; unless the Spanish grants were protected by the subsequent arrangements made between the two governments; and that no such arrangements were to be found in the treaty of 1819, by which Spain ceded the Floridas to the United States, according to the fair import of its words, and its true construction. *Ibid.*

In the case of Foster & Elam *v.* Neilson, the supreme court said that the Florida treaty of 1819, declares that all grants made before the 24th of January, 1818, by the Spanish authorities, "shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic Majesty:" and in deciding the case of Foster & Elam, the court held, that even if this stipulation applied to lands in the territory in question, yet the words used did not import a present confirmation by virtue of the treaty itself, but that they were words of contract: "that the ratification and confirmation which were promised, must be the act of the legislature; and until such shall be passed, the court is not at liberty to disregard the existing laws on the subject." Afterwards, in the case of the United States *v.* Percheman, 7 Peters, 86, in reviewing the words of the 8th article of the treaty; the court, for the reasons there assigned, came to a different conclusion; and held, that the words were words of present confirmation, by the treaty, where the land had been rightfully granted before the cession; and that it did not need the aid of an act of Congress to ratify and confirm the grant. This language was, however, applied by the court, and was intended to apply to grants made in a territory which belonged to Spain at the time of the grant. The case then before the court was one of that description. It was in relation to a grant of land in Florida, which unquestionably belonged to Spain at the time the grant was made; and where the Spanish authorities had an undoubted right to grant, until the treaty of cession in 1819. It is of such grants that the court speak, when they declare them to be confirmed and protected by the true construction of the treaty; and that they do not need the aid of an act of Congress to ratify and confirm the title of the purchaser. The court do not apply this principle to grants made within the territory of Louisiana. The case of Foster & Elam *v.* Neilson must, in all other respects, be considered as affirmed by the case of Percheman; as it underwent a careful examination in that case, and as none of its principles were questioned except that referred to. *Ibid.*

delivered the notices and evidences of their claims, shall establish his office at such place in his district as he shall judge most convenient, and of which he shall give public notice; and every person claiming lands within his district, who shall have neglected, or by any circumstance have been prevented from delivering a notice and evidence of his claims, during the time the commissioner attended in the parish in which the lands he may claim are situate, shall be at liberty, at any time before the end of six months from and after such office shall have been established, to deliver a notice and the evidence of his claims; and it shall have the same effect as if delivered in the parish wherein the lands claimed are situated.

Each Commissioner to keep an office.

Six months allowed to deliver notice and evidence.

Sec. 4. *And be it further enacted*, That every person claiming lands in the tract of country aforesaid, by virtue of any grant, order of survey, or other evidence of claim whatsoever, derived from the French, British or Spanish governments, shall deliver to the commissioner for land claims, when attending for the purpose, in the parish in which the lands claimed may lie, a notice in writing, stating the nature and extent of his claims, together with a plat (in case a survey shall have been made) of the tract or tracts claimed; and shall deliver to the commissioner when attending as aforesaid, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the clerk, in books to be kept for that purpose, on his receiving from the party or parties at the rate of twelve and a half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French, British or Spanish grant, it shall not be necessary for the claimant to have any other evidence of his claim entered at large on the record, except the original grant or patent, together with the order of survey, and the plat; all the other conveyances or deeds may be abbreviated in the entry; but the chain of title, and the date of every transfer shall appear on the record. And if such person shall neglect to deliver such notice in writing of his claim, together with the plat (in case the lands claimed shall have been surveyed) as aforesaid, or cause to be recorded such written evidence of the same within the time and times as aforesaid, his claim shall never after be recognized or confirmed by the United States; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant which may hereafter be derived from the United States.

Any French, British, or Spanish grants.

To be delivered for recording.

Recording fees.

Complete French, British or Spanish grants.

Neglect to give notice invalidates the claim.

1814, ch. 85.

And prevents proof of claim being evidence against other grants.

Sec. 5. *And be it further enacted*, That the said commissioners shall have power, in their respective districts, to inquire into the justice and validity of the claims filed with them as aforesaid: it shall be their duty to ascertain in every case, whether the lands claimed have been inhabited and cultivated; at what time such inhabitation and cultivation commenced; when surveyed, and by whom and what authority; and into every other matter respecting the claims which may affect the justice and validity thereof; and for that purpose shall have power to administer oaths, and to compel the attendance of, and examine witnesses and such other testimony as may be adduced; to have access to all records of a public nature, relative to the granting, sale, transfer or titles of lands within their respective districts, and to take transcripts from such record or records or any part thereof; and the evidence thus adduced and obtained, shall, by the clerk, be entered in a book to be kept for that purpose.

Duty and power of commissioners.

Clerk to enter evidence.

Sec. 6. *And be it further enacted*, That the powers vested by law, in the surveyor of the lands of the United States south of the state of Tennessee, shall extend over all the public lands in the said tract of country.

Surveyor of lands south of the Tennessee, powers enlarged.

Abstracts to be made out and forwarded to the Secretary of the Treasury by the commissioners.

Sec. 7. *And be it further enacted*, That the said commissioners shall respectively, under such instructions as the Secretary of the Treasury may, with the approbation of the President of the United States, transmit to them in relation thereto, prepare, and cause to be prepared, abstracts from the records of the claims filed as aforesaid, in which the claims shall be arranged into classes, according to their respective merits, and other circumstances whereby they may be diversified; the abstracts shall contain the substance of the evidence adduced in support of, or obtained respecting the claims, and shall contain such other information and remarks as may be necessary to a proper decision thereon, which abstracts the commissioners shall respectively, as soon as may be, report to the Secretary of the Treasury, and shall by him be laid before Congress at the next session thereafter for their determination thereon.

A list of actual settlers to be made by commissioners and reported to Congress.

Sec. 8. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and required to collect and report to Congress, at their next session, a list of all the actual settlers on land in said districts, respectively, who have no claims to land derived either from the French, British or Spanish governments, and the time at which such settlements were made.

Rates of compensation.

Proviso.

Sec. 9. *And be it further enacted*, That each of the said commissioners shall be allowed as compensation for his services in relation to the said claims, at the rate of fifteen hundred dollars a year; and each of the clerks, at the rate of one thousand dollars a year: *Provided*, that not more than eighteen months' compensation be thus allowed to the commissioner and clerk for the district east of Pearl river; nor more than two years' compensation be allowed to the commissioner and clerk for the district west of Pearl river; and the commissioner for the eastern district, on making his report to the Secretary of the Treasury, as aforesaid, shall be entitled to receive in addition seven hundred and fifty dollars, and his clerk five hundred dollars; and the commissioner for the western district, on making his report aforesaid, shall receive one thousand dollars, and his clerk seven hundred and fifty dollars; and the said allowances shall be in full for their services under this act.

Approved, April 25, 1812.

Statute I.

April 25, 1812.

Chap. LXVIII.—*An Act for the establishment of a General Land-Office in the Department of the Treasury.*(a)

Office established.

Commissioner to be appointed.

His duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the department of the treasury an office, to be denominated the General Land-Office; the chief officer of which shall be called the commissioner of the general land-office, whose duty it shall be, under the direction of the head of the department, to superintend, execute and perform, all such acts and things, touching or respecting the public lands of the United States, and other lands patented or granted by the United States, as have heretofore been directed by law to be done or performed in the office of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, or which shall hereafter by law be assigned to the said office.

Chief clerk to be appointed.

Sec. 2. *And be it further enacted*, That there shall be in the said office, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk of the general land-office, who, in all cases, when the said principal office shall become vacant, during such vacancy, shall have the charge and custody of the seal, and of all records, books and papers, belonging to the said office.

(a) See act of July 4, 1836, chap. 352.

Sec. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed and employed in the said office, shall, before he enters on the duties of his office or appointment, take an oath or affirmation, truly and faithfully to execute the trust committed to him.

Oaths of office to be taken by all persons employed.

Sec. 4. *And be it further enacted*, That the said commissioner shall cause a seal of office to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books or papers, belonging to the said office, under the signature of the said commissioner, or, when the office shall be vacant, under the signature of the chief clerk; and the said seal shall be competent evidence in all cases in which the original records, books or papers could be evidence.

A seal to be provided.

Copies of records under the signature of the commissioner and the seal evidence.

Act of July 4, 1836, ch. 352, sec. 7.

Sec. 5. *And be it further enacted*, That the said commissioner shall, forthwith, after his appointment, be entitled to the custody, and shall take charge of the said seal, and also of all records, books and papers, remaining in the offices of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, touching or concerning the public lands of the United States; and the said records, books and papers shall become, and be deemed the records, books and papers, of the said office.

Commissioner to have the custody of the seal and of the books, papers and records relating to land.

Sec. 6. *And be it further enacted*, That the said commissioner shall, when required by the President of the United States, or either house of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands, and concerning the business of his office, as shall be directed.

Commissioner upon the requisition of the President or Congress, to make plats, &c.

Sec. 7. *And be it further enacted*, That in all cases in which land has heretofore, or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of War: and such warrants shall be recorded in the said land-office, in books to be kept for the purpose, and shall be located as is, or may be provided by law; and patents shall afterwards be issued accordingly.

Warrants to be given by Secretary of War for military lands.

Patents to be issued.

Sec. 8. *And be it further enacted*, That all patents issuing from the said office, shall be issued in the name of the United States, and under the seal of the said office, and be signed by the President of the United States, and countersigned by the commissioner of the said office; and shall be recorded in the said office, in books to be kept for the purpose.

Patents how to be executed.

Act of July 4, 1836, ch. 352, sec. 10.

Sec. 9. *And be it further enacted*, That all returns relative to the public lands, heretofore directed to be made to the Secretary of the Treasury, shall hereafter be made to the said commissioner, who shall have power to audit and settle all public accounts relative to the public lands: *Provided*, that it shall be the duty of the said commissoner, upon the settlement of any such account, to certify the balance, and transmit the account with the vouchers and certificate to the comptroller of the treasury, for his examination and decision thereon.

Returns to be made to the Secretary of the Treasury.

Accounts to be settled at the commissioner's office.

Proviso.

Sec. 10. *And be it further enacted*, That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title or interest, in any public land, either in his own right, or in trust for any other person, or in the name or right of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting the business of the office. And any person offending in the premises against the prohibitions of this act, shall forfeit and pay one hundred dollars; and, upon conviction, shall be removed from office.

No person employed in the office to be engaged, directly or indirectly in the purchase of public lands.

Act of July 4, 1836, ch. 352, sec. 14.

Sec. 11. *And be it further enacted*, That the commissioner of the said land-office, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and shall receive an annual salary, equal to the salary of the auditor of the treasury, payable

Commissioner of the land-office, how to be appointed.

Compensation.

Commissioner to have the privilege of franking.

1810, ch. 37, sec. 24.

quarterly; and the sum of two thousand two hundred and fifty dollars is hereby appropriated for the said compensation, during the year one thousand eight hundred and twelve, to be paid out of any monies in the treasury not otherwise appropriated—and the said commissioner shall have the same privilege with the comptroller of the treasury, of sending and receiving letters and packages, and also final certificates and patents for land, free of postage.

Clerks to be employed.

Proviso.

Sec. 12. *And be it further enacted*, That the commissioner of the land-office shall be authorized to employ a sufficient number of clerks: *Provided*, that their annual compensation shall not exceed in the whole, seven thousand dollars; and the said compensation shall be paid in the following manner during the year one thousand eight hundred and twelve; that is to say: three thousand eight hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of the Treasury; one thousand four hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of State: and three hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of War.

Approved, April 25, 1812.

Statute I.

April 25, 1812.

Chap. LXIX.—*An Act to revive and continue in force "An act to provide for persons who were disabled by known wounds received in the Revolutionary War," and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entituled "An

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(a) Acts relative to Revolutionary Invalid Pensions:—

An act providing for the payment of the invalid pensioners of the United States. (Expired.) September 29, 1789, chap. 24.

An act further to provide for the payment of the invalid pensioners of the United States. (Expired.) July 16, 1790, chap. 27.

An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions. (Obsolete.) March 23, 1792, chap. 11.

An act to regulate the claims to invalid pensions. (Obsolete.) February 28, 1793, chap. 17.

An act concerning invalids. (Obsolete.) June 7, 1794, chap. 57.

Resolution. (Obsolete.) June 9, 1794.

Resolution. (Obsolete.) April 18, 1796.

An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war. (Repealed.) March 3, 1803, chap. 37.

An act for the relief of certain military pensioners in the state of South Carolina. Obsolete.) March 3, 1804, chap. 18.

An act in addition to "an act making provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war," March 3, 1805, chap. 44.

An act to provide for persons who were disabled by known wounds received in the revolutionary war, April 10, 1806, chap. 25.

An act to revive and continue in force, "an act to provide for persons who were disabled by known wounds received in the revolutionary war," and for other purposes. (Expired.) April 25, 1812, chap. 69.

An act to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war, March 18, 1818, chap. 18.

An act concerning invalid pensioners. (Expired.) March 3, 1819, chap. 97.

An act in addition to an act entitled, "An act to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war," passed the 18th day of March, 1818, May 1, 1820, chap. 51.

An act to revive and continue in force, "an act to provide for persons who were disabled by known wounds received in the revolutionary war," and for other purposes. (Expired.) May 15, 1820, ch. 108.

An act to revive and continue in force an act entitled, "An act to provide for persons who were disabled by known wounds received in the revolutionary war." (Expired.) February 4, 1822, chap. 6.

An act supplementary to the acts providing for certain persons engaged in the land and naval service of the United States, March 3, 1823, chap. 58.

An act for the relief of certain surviving officers and soldiers of the army of the revolution, May 15, 1828, chap. 53.

An act supplementary to the "act for the relief of certain surviving officers and soldiers of the army of the revolution," June 7, 1832, chap. 126.

act to provide for persons who were disabled by known wounds received in the revolutionary war," passed on the tenth of April, one thousand eight hundred and six, shall be, and the same is hereby revived and continued in force for and during the space of six years from the passage of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

Former act revived and continued in force.

Sec. 2. *And be it further enacted,* That the agents for the payment of invalid pensioners of the United States, shall in future be required to give bond with two or more sureties, to be approved by the Secretary for the department of War, in a sum not exceeding five thousand dollars for the faithful discharge of the duties confided to them respectively.

Agents for paying invalid pensions to give bonds, &c. &c.

Approved, April 25, 1812.

Statute I.

April 27, 1812.

Chap. LXX.—*An Act authorizing the departure of ships and vessels from the ports and harbors of the United States, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any ship or vessel which heretofore has been, or which hereafter may be chartered and laden on account of the government of the United States, shall be permitted to depart from the ports and harbors of the United States, and the territories thereof, any thing in any former law to the contrary notwithstanding.

Vessels chartered by government, permitted to depart.

Approved, April 27, 1812.

Statute I.

April 29, 1812.

Act of April 9, 1814, ch. 49.
Act of March 3, 1815, ch. 94.

Chap. LXXI.—*An Act authorizing the appointment of an additional Judge of the District Court, for the district of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district court in the New York district shall consist of two judges, to wit, of the present judge of said district so long as he shall continue in office, and such other district judge or judges, as may from time to time be appointed, who shall reside in said district, and severally exercise like powers, as may be exercised by the present judge of said district, and receive the same compensation whereto he is entitled.

District court to consist of two judges.

Sec. 2. *And be it further enacted,* That the senior judge of the district, when present, shall preside in said district court, and whenever the judges shall differ in opinion in any cause, the order or judgment of court in every such case, shall be made and rendered in conformity with the opinion of the presiding judge. And said court may be held, and the business thereof proceeded with, by one judge in the absence of the other. And the senior judge of the district for the time being, is hereby designated, and is to be deemed the district judge, who, together with one of the justices of the supreme court, is to compose the circuit court of the United States in said district; but in the absence of said senior judge from said court, his place may be supplied by the other judge of the district.

Senior judge's opinion to be the judgment of the court.

One judge may constitute the court, either, in the absence of the other, to assist in forming the circuit court.

An act to amend the act entitled, "An act for the relief of certain surviving officers and soldiers of the revolutionary army," July 14, 1832, chap. 237.

Resolution in relation to the execution of an act supplemental to an act for the relief of certain officers and soldiers of the revolution, July 14, 1832.

An act to amend an act entitled, "An act for the relief of certain officers and soldiers of the revolutionary army," February 19, 1833, chap. 31.

Resolution in relation to the execution of the act supplemental to the act for the relief of certain officers and soldiers of the revolution, March 2, 1833.

An act granting half pay to widows or orphans when their husbands or fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes, July 4, 1836, chap. 362.

An act granting half pay and pensions to certain widows, July 7, 1838, chap. 189.

An act to amend the act of July 18, 1836 and 1838, allowing pensions to certain widows, August 23, 1842, chap. 191.

An act to continue the pensions to certain widows, June 17, 1844, chap. 102.

Times and places of holding the district court at Utica, Geneva and Salem.

A clerk to be appointed to reside at Utica.

Act of Feb. 28, 1799, ch. 19.

Sec. 3. *And be it further enacted*, That there shall be held annually four additional sessions of the district court for the district of New York, to wit: at Utica, on the first Tuesdays of April and October; at Geneva, on the third Tuesday of September; and at Salem on the third Tuesday of October. A clerk shall be appointed by the district judges of said district, who shall reside at Utica, and attend said court at the places aforesaid, and do all the duties of said office of clerk, which may accrue at or from the sessions of the court at said places, both in and out of court, and be allowed the same fees and compensation as by law is allowed to clerks of the district courts. The said judges may allot themselves as they shall think fit for the purpose of their holding separately the several stated and special courts to be held by virtue of this or any other act for the district of New York.

Approved, April 29, 1812.

Statute I.

April 29, 1812.

Act of March 3, 1815, ch. 78.

A company of bombardiers, sappers and miners to be formed.

Chap. LXXII.—*An Act making further provision for the Corps of Engineers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be added to the corps of engineers, two captains, two first lieutenants, two second lieutenants, with the usual pay and emoluments, according to their grades respectively, and one paymaster, to be taken from the subalterns of engineers, with the pay and emoluments of a regimental paymaster; and that there be attached to the said corps, either from the troops now in service, or by new enlistments, as the President of the United States may direct, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers and sixty-two men, which non-commissioned officers, musicians, artificers and men, together with the artificers and men already belonging to the corps of engineers, shall be formed into a company, to be styled a company of bombardiers, sappers and miners, and be officered from the corps of engineers, according as the commanding officer of that corps may, with the approbation of the President of the United States, direct; and the said non-commissioned officers, musicians, artificers and men, shall be allowed the same pay and emoluments as are allowed to the non-commissioned officers, musicians, artificers and men in the regiment of artillerists.

To be officered from the corps of engineers.

The same pay and emoluments as allowed in the regiment of artillerists.

Military academy how constituted.

Act of March 16, 1802, ch. 9, sec 28.

Professor of natural philosophy.

Professor of mathematics.

Professor of engineering.

Assistant professor.

Proviso.

Sec. 2. *And be it further enacted*, That the military academy shall consist of the corps of engineers, and the following professors, in addition to the teachers of the French language and drawing already provided, viz: one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant colonel, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a lieutenant colonel; one professor of mathematics, with the pay and emoluments of a major, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments, as shall equal those of a major; one professor of the art of engineering in all its branches with the pay and emoluments of a major, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or emoluments while performing these duties: *Provided*, that nothing herein contained shall entitle the academical staff, as such, to any command in the army separate from the academy.

Number of cadets limited

Sec. 3. *And be it further enacted*, That the cadets heretofore appointed in the service of the United States, whether of artillery, cavalry,

riflemen or infantry, or that may in future be appointed as herein after provided, shall at no time exceed two hundred and fifty: that they may be attached at the discretion of the President of the United States, as students to the military academy, and be subject to the established regulations thereof; that they shall be arranged into companies of non-commissioned officers and privates, according to the directions of the commandant of engineers, and be officered from the said corps, for the purposes of military instruction; that there shall be added to each company of cadets four musicians; and the said corps shall be trained and taught all the duties of a private, non-commissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp: that the candidates for cadets be not under the age of fourteen, nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve five years, unless sooner discharged; and all such cadets shall be entitled to and receive the pay and emoluments now allowed by law to cadets in the corps of engineers.

to two hundred and fifty.

Regulations concerning them.

Age and qualifications of the candidates.

Term of service.

Sec. 4. *And be it further enacted*, That when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be judged competent to perform; and in case there shall not at the time be a vacancy in such corps, he may be attached to it at the discretion of the President of the United States, by brevet of the lowest grade, as a supernumerary officer, with the usual pay and emoluments of such grade, until a vacancy shall happen: *Provided*, that there shall not be more than one supernumerary officer to any one company at the same time.

When cadets shall be considered as candidates for promotion.

Proviso.

Sec. 5. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, for erecting buildings, and for providing an apparatus, a library and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for such an institution.

Appropriation for military academy.

Sec. 6. *And be it further enacted*, That so much of the twenty-sixth section of the act entituled "An act fixing the military peace establishment, passed the sixteenth day of March, one thousand eight hundred and two," as confines the selection of the commander of the corps of engineers to the said corps, be, and the same is hereby repealed.

Twenty-sixth section of act of March 16, 1802, ch. 9, repealed.

Approved, April 29, 1812.

Statute I.

May 4, 1812.

[Repealed.]

Act of May 3, 1802, ch. 53.

Act of Feb. 24, 1804, ch. 14.

Chap. LXXV.—*An Act further to amend the Charter of the City of Washington.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first Monday of June next, the corporation of the city of Washington shall

(a) In the sales of lots, in the city of Washington, the lots are not chargeable for their proportion of the internal alley laid out for the common benefit of the lots; although the practice so to charge them has been heretofore universally acquiesced in by purchasers; and if a purchaser has acquiesced in that practice, and has received a conveyance accordingly without objection, yet he does not thereby acquire a fee simple in such proportion of the alley; and he may in equity, recover back the purchase money which he has paid therefor. Pratt and others *v.* Law, Campbell, &c., 9 Cranch, 456; 3 Cond. Rep. 460.

In 1822, Congress passed an act authorizing the corporation of Washington to drain the ground in and near certain public reservations, and to improve and ornament certain parts of the public reservations. The corporation are empowered to make an agreement, by which parts of the location of the canal shall be changed, for the purpose of draining and drying the low grounds near the Pennsylvania avenue, &c. To effect these objects, the corporation is authorized to lay off in building lots certain parts of the public

Act of Feb. 27, 1819, ch. 44.
Act of Feb. 28, 1820, ch. 15.
Act of May 15, 1820, ch. 81.

be composed of a mayor, a board of aldermen and a board of common council, to be elected by ballot, as herein after directed. The board of aldermen shall consist of eight members, to be elected for two years, two to be residents of and chosen from each ward by the qualified voters resident therein; and the board of common council shall consist of

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reservations, No. 10, 11, and 12, and of other squares, and also a part of B. street, as laid out and designated in the original plan of the city, which lots they may sell at auction, and apply the proceeds to those objects, and afterwards to enclosing, planting and improving other reservations, and building bridges, &c.; the surplus, if any, to be paid into the treasury of the United States. The act authorizes the heirs, &c. of the former proprietors of the land on which the city was laid out, who may consider themselves injured by the purposes of the act, to institute in the circuit court a bill in equity, in the nature of a petition of right, against the United States, setting forth the grounds of any claim they may consider themselves entitled to make, to be conducted according to the rules of a court of equity; the court to hear and determine upon the claim of the plaintiffs, and what portion, if any, of the money arising from the sale of the lots they may be entitled to, with a right of appeal to the supreme court. The plaintiffs, Van Ness and wife, filed in the circuit court their bill against the United States and the corporation of Washington, claiming title to the lots which had been thus sold, under David Burns, the original proprietor of that part of the city, and father of one of the plaintiffs, on the ground that by the agreement between the United States and the original proprietors, upon laying out the city, those reservations and streets were, for ever, to remain for public use; and, without the consent of the proprietors, could not be otherwise appropriated or sold for private use; that the act of Congress was a violation of that contract; that by such sale and appropriation for private use the right of the United States thereto was determined, or that the original proprietors re-acquired a right to have the reservations, &c. laid out in building lots for their joint and equal benefit with the United States, or that they were in equity entitled to the whole or a moiety of the proceeds of the sales of the lots. Held, by the supreme court, that no rights or claims exist in the former proprietors or their heirs, and that the proceedings of the corporation of Washington, under and in conformity with the provisions of the act, are valid and effectual for the purposes of the act. Van Ness et al. *v.* The City of Washington and the United States, 4 Peters, 232.

The official tax books of the corporation of Washington, made up by the register from the original returns or lists of the assessors laid before the court of appeals, he being empowered by the ordinances of the corporation to correct the valuations made by the assessors, are evidence; and it is not required that the assessor's original lists shall be produced in evidence, to prove the assessment of the taxes on real estate in the city of Washington. Ronkendorf *v.* Taylor's Lessee, 4 Peters, 349.

In an ex parte proceeding, as a sale of land for taxes under a special authority, great strictness is required. To divest an individual of his property against his consent, every substantial requisite of the law must be complied with. No presumption can be raised, in behalf of a collector who sells real estate for taxes, to cure any radical defect in his proceedings; and the proof of regularity devolves upon the person who claims under the collector's sale. *Ibid.*

Proof of the regular appointment of the assessors is not necessary. They acted under the authority of the corporation, and the highest evidence of this fact is the sanction given to their returns. *Ibid.*

The act of Congress, under which the lot in the city of Washington in controversy was sold, required that public notice of the time and place of sale of lots, the property of non-residents, should be given, by advertising "once a week" in some newspaper in the city for three months. Notice of the sale of the lot in controversy was published for three months; but in the course of that period, eleven days at one time, at another ten days, and at another eight days transpired in succeeding weeks, between the insertions of the advertisement in the newspapers. "A week" is a definite period of time, commencing on Sunday and ending on Saturday. The notice was published Monday, January 6th, and was omitted until Saturday, January 18th, leaving an interval of eleven days. Still the publication on Saturday was within the week preceding the notice of the 6th; and this was sufficient. It would be a most rigid construction of the act of Congress, justified neither by its spirit nor its language, to say that this notice must be published on any particular day of a week. If published once a week for three months, the law is complied with, and its object effectuated. *Ibid.*

No doubt can exist that a part of a lot may be sold for taxes, where they have accrued on such part. *Ibid.*

The lot on which the taxes were assessed, belonged to two persons as tenants in common. The assessment was made by a valuation of each half of the lot. To make a sale of the interest of one tenant in common for unpaid taxes valid, it need not extend to the interest of both claimants; one having paid his tax, the interest of the other may well be sold for the balance. *Ibid.*

The advertisement purported to sell "half of lot No. 4, in square No. 491;" and the other half was advertised in the same manner, as belonging to the other tenant in common. This was not a sufficient advertisement; and a sale made under the same was void. It is not sufficient that in an advertisement of land for sale for unpaid taxes, such a description is given as would enable the persons desirous of purchasing, to ascertain the situation of the property by inquiry; nor, if the purchaser, at the sale, had been informed of every fact necessary to enable him to fix a value upon the property, would the sale be valid, unless the same information had been communicated to the public in the notice. *Ibid.*

The 10th section of the act of Congress provides that real property in Washington, on which two or more years' taxes shall be due and unpaid, may be sold, &c. In this section a distinction is made between a general and a special tax. Property may be sold to pay the former as soon as two years' tax shall be due; but to pay the latter, property cannot be sold until the expiration of two years after the second year's tax becomes due. The taxes for which the property in controversy was sold, became due, by the ordinance of the corporation, on the 1st day of January, 1821 and 1822. The special tax for paving was charged against the lot in 1820, and became due on the first of January, 1821: but the ground on which it was assessed, was not liable to be sold for the tax until the 1st of January, 1823. The first notice of the sale was given on the 6th of December, 1822, nearly a month before the lot was liable to be sold for the special tax of 1820. Held, by the supreme court, that the whole period should have elapsed, which was necessary to render the lot liable to be sold for the special tax, before the advertisement was published. *Ibid.*

twelve members, to be elected for one year, three to be residents of and chosen from each ward in manner aforesaid: and each board shall meet at the council chamber on the second Monday in June next (for the despatch of business) at ten o'clock in the morning, and on the same day and at the same hour annually thereafter. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day. The board of aldermen, immediately after they shall have assembled in consequence of the first election shall divide themselves by lot into two classes; the seats of the first class shall be vacated at the expiration of one year, and the seats of the second class shall be vacated at the expiration of two years, so that one half may be chosen every year. Each board shall appoint its own president from among its own members, who shall preside during the sessions of the board, and shall have a casting vote on all questions where there is an equal division: *Provided*, such equality shall not have been occasioned by his previous vote.

Act of May 26, 1824, ch. 85.

Corporation of the city—how composed.

Proviso.

Sec. 2. *And be it further enacted*, That no person shall be eligible to a seat in the board of aldermen or board of common council, unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the city of Washington one whole year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and possessed of a freehold estate in the said city of Washington, and shall have been assessed two months preceding the day of election. And every free white male citizen of lawful age, who shall have resided in the city of Washington for the space of one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed on the books of the corporation not less than two months prior to the day of election, shall be qualified to vote for members to serve in the said board of aldermen and board of common council, and no other person whatever shall exercise the right of suffrage at such election.

Qualifications of the elected.

And electors.

Sec. 3. *And be it further enacted*, That the present mayor of the city of Washington shall be, and continue such until the second Monday in June next, on which day, and on the second Monday in June annually thereafter, the mayor of the said city shall be elected by ballot of the board of aldermen and board of common council in joint meeting, and a majority of the votes of all the members of both boards shall be necessary to a choice; and if there should be an equality of votes between two persons, after the third ballot, the two boards shall determine the choice by lot. He shall, before he enters upon the duties of his office, take an oath or affirmation, in the presence of both boards, "lawfully to execute the duties of his office to the best of his skill and judgment, without favour or partiality." He shall, ex-officio, have and exercise all the powers, authority and jurisdiction of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of a majority of the members of the board of aldermen, appoint to all offices under the corporation, (except the commissioners of election,) and any such officer shall be removed from office on the concurrent remonstrance of a majority of the two boards. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the two boards. He shall appoint proper persons to fill up all vacancies during the recess of the board of aldermen, to hold such appointment until the end of the then ensuing session. He shall have power to convene the two boards, when in his opinion the good of the community may require it; and he shall lay before them from time to time, in writing, such alterations in the laws of the corporation, as he shall deem necessary or proper, and shall receive for his services annually, a just and reasonable compensation,

Present mayor to be continued in office till June.

Mayor thereafter to be annually appointed.

His duties, &c. &c.

to be allowed and fixed by the two boards, which shall neither be increased nor diminished during the period for which he shall have been elected. Any person shall be eligible to the office of mayor, who is a free white male citizen of the United States, who shall have attained to the age of thirty years, and who shall be the bona fide owner of a freehold estate in the said city, and shall have been resident in the said city two years immediately preceding his election: and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability or removal from the city, the said two boards shall elect another in his place to serve the remainder of the year.

Qualifications of mayor.

Times and modes of elections for the boards of aldermen and common council.

Sec. 4. *And be it further enacted,* That the first election for members of the board of aldermen and board of common council, shall be held on the first Monday in June next, and on the first Monday in June annually thereafter: the first election to be held by three commissioners, to be appointed in each ward by the mayor of the city, and at such place in each ward as he may direct; and all subsequent elections shall be held by a like number of commissioners, to be appointed in each ward by the two boards in joint meeting, which several appointments, except the first, shall be at least ten days previous to the day of each election. And it shall be the duty of the mayor, for the first election, and of the commissioners for all subsequent elections, to give at least five days' previous public notice of the place in each ward where such elections are to be held. The said commissioners shall, before they receive any ballot, severally take the following oath or affirmation, to be administered by the mayor of the city or any justice of the peace for the county of Washington: "I, A. B. do solemnly swear, or affirm (as the case may be), that I will truly and faithfully receive and return the votes of such persons as are by law entitled to vote for members of the board of aldermen and board of common council in ward, No. according to the best of my judgment and understanding; and that I will not, knowingly, receive or return the vote of any person who is not legally entitled to the same, so help me God." The polls shall be opened at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the commissioners of each ward, or a majority of them, shall count the ballots and make out under their hands and seals a correct return of the two persons for the first election, and of the one person for all subsequent elections, having the greatest number of legal votes, together with the number of votes given to each, as members of the board of aldermen; and of the three persons having the greatest number of legal votes, together with the number of votes given to each, as members of the board of common council; and the two persons at the first election and the one person at all subsequent elections, having the greatest number of legal votes for the board of aldermen; and the three persons having the greatest number of legal votes for the board of common council, shall be duly elected; and in all cases of an equality of votes the commissioners shall decide by lot. The said returns shall be delivered to the mayor of the city on the succeeding day, who shall cause the same to be published in some newspaper printed in the city of Washington. A duplicate return, together with a list of the persons who voted at such election, shall also be made by the said commissioners to the register of the city, on the day succeeding the election, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons so returned, of their election. And each board shall judge the legality of the elections, returns and qualifications of its own members; and shall supply vacancies in its own body, by causing elections to be made to fill the same in the ward and for the board in which such vacancies shall happen, giving at least five days' notice previous thereto; and each board shall have full power to pass all

Elections.

rules necessary and requisite to enable itself to come to a just decision in cases of a contested election of its members; and the several members of each board shall, before entering upon the duties of their office, take the following oath or affirmation: "I do swear, (or solemnly, sincerely and truly affirm and declare, as the case may be) that I will faithfully execute the office of to the best of my knowledge and ability," which oath or affirmation shall be administered by the mayor or some justice of the peace for the county of Washington.

Sec. 5. *And be it further enacted*, That in addition to the powers heretofore granted to the corporation of the city of Washington, by an act, entituled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," and an act, entituled "An act supplementary to an act, entituled An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," the said corporation shall have power to lay taxes on particular wards, parts or sections of the city, for their particular local improvements; that after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other, in regulating, filling up and repairing of streets and avenues, building of bridges, sinking of wells, erecting pumps and keeping them in repair; in conveying water in pipes, and in the preservation of springs; in erecting and repairing wharves; in providing fire engines and other apparatus for the extinction of fires; and for other local improvements and purposes, in such manner as the said board of aldermen and board of common council shall provide; but the sums raised for the support of the poor, aged and infirm, shall be a charge on each ward in proportion to its population or taxation, as the two boards shall decide. That whenever the proprietors of two thirds of the inhabited houses, fronting on both sides of a street or part of a street, shall, by petition to the two branches, express their desire of improving the same by laying the curbstone of the foot pavement, and paving the gutters or carriage-way thereof, or otherwise improving said street agreeably to its graduation, the said corporation shall have power to cause to be done at any expense not exceeding two dollars and fifty cents per front foot, of the lots fronting on each improved street or part of a street, and charge the same to the owners of the lots fronting on said street or part of a street in due proportion; and also on a like petition, to provide for erecting lamps for lighting any street or part of a street, and to defray the expense thereof, by a tax on the proprietors or inhabitants of such houses, in proportion to their rental or valuation, as the two boards shall decide.

Apportionment of taxes and expenditures.

Support of the poor to be a general charge.

Sec. 6. *And be it further enacted*, That the said corporation shall have full power and authority to erect and establish hospitals or pest houses, workhouses, houses of correction, penitentiary and other public buildings, for the use of the city, and to lay and collect taxes for defraying the expenses thereof; to regulate party and other fences, and to determine by whom the same shall be made and kept in repair; to lay open streets, avenues, lanes and alleys, and to regulate or prohibit all enclosures thereof; and to occupy and improve for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces or squares in said city not interfering with any private rights; to regulate the measurement of, and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builder's work and materials, and also of wood, coals, grain and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six calendar months, for any one offence; and to punish such free negroes and mulattoes for such offences, by fixed penalties, not exceeding twenty dollars for any

Powers of the corporation.

Powers of the corporation.

one offence; and in case of the inability of any such free negro or mulatto to pay and satisfy any such penalty and cost thereon, to cause such free negro or mulatto to be confined to labour for such reasonable time, not exceeding six calendar months for any one offence, as may be deemed equivalent to such penalty and costs; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable cause of business or employment in the city; and all suspicious persons; and all who have no fixed place of residence, or cannot give a good account of themselves; all evesdroppers and night walkers; all who are guilty of open profanity or grossly indecent language or behaviour publicly in the streets; all public prostitutes and such as lead a notoriously lewd or lascivious course of life; and all such as keep public gaming tables or gaming houses, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labour for a limited time, not exceeding one year at a time, unless such security should be sooner given; but if they shall afterwards be found again offending, such security may be again required, and for want thereof, the like proceedings may be again had, from time to time, as often as may be necessary; to prescribe the terms and conditions upon which free negroes, mulattoes and others, who can show no visible means of support, may reside in the city; to cause the avenues, streets, lanes and alleys to be kept clean, and to appoint officers for that purpose; to authorize the drawing of lotteries for effecting any important improvement in the city, which the ordinary funds or revenue thereof will not accomplish:(*a*) *Provided*, that the amount to be raised in each year, shall not exceed the sum of ten thousand dollars: *And provided also*, that the object for which the money is intended to be raised, shall be first submitted to the President of the United States, and shall be approved of by him; to take care of, preserve and regulate the several burying grounds within the city; to provide for registering of births, deaths and marriages; to cause abstracts or minutes of all transfers of real property, both freehold and leasehold, to be lodged in the registry of the city at stated periods; to authorize night watches and patroles, and the taking up and confining by them in the night time, of all suspected persons; to punish by law, corporeally, any servant or slave guilty of a breach of any of their by-laws or ordinances, unless the owner or holder of such servant or slave, shall pay the fine annexed to the offence; and to pass all laws which shall be deemed necessary and proper for carrying into execution the foregoing powers, and all other powers vested in the corporation or any of its officers, either by this act or any former act.

Power to authorize the drawing of lotteries.

Proviso.

Sec. 7. *And be it further enacted*, That the marshal of the district of Columbia shall receive and safely keep within the jail for Washington county, at the expense of the city, all persons committed thereto under the sixth section of this act, until other arrangements be made by the corporation, for the confinement of offenders within the provisions of the said section. And in all cases where suit shall be brought before

(*a*) Where, by the charter granted by Congress, to the city of Washington, the corporation was empowered "to authorize the drawing of lotteries," for effecting certain improvements in the city, and upon certain terms and conditions: Held, that the corporation was liable to the holder of a ticket in such a lottery, for a prize drawn against its number; although the managers appointed by the corporation to superintend such lottery, were empowered to sell, and had sold the entire lottery to a lottery dealer, for a gross sum, who was, by his agreement with them, to execute the details of the scheme, as to the sale of the tickets, the drawings, and the payment of the prizes. Clarke *v.* The Corporation of Washington, 12 Wheat. 40; 6 Cond. Rep. 425.

It seems that the power granted in the charter, "to authorize the drawing of lotteries," cannot be exercised so as to discharge the corporation from its liability. *Ibid.*

a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any by-law or ordinance of the corporation, upon a return of nulla bona to any fieri facias issued against the property of the defendant or defendants, it shall be the duty of the clerk of the circuit court for the county of Washington, when required, to issue a writ of capias ad satisfaciendum against every such defendant, returnable to the next circuit court for the county of Washington, thereafter, and which shall be proceeded on as in other writs of the like kind.

Remedy in case of a return of nulla bona on a writ of fieri facias.

Sec. 8. *And be it further enacted*, That unimproved lots in the city of Washington, on which two years' taxes remain due and unpaid, or so much thereof as may be necessary to pay such taxes, may be sold at public sale for such taxes due thereon: *Provided*, that public notice be given of the time and place of sale, by advertising in some newspaper printed in the city of Washington, at least six months, where the property belongs to persons residing out of the United States; three months, where the property belongs to persons residing in the United States, but without the limits of the district of Columbia; and six weeks, where the property belongs to persons residing within the district of Columbia or city of Washington; in which notice shall be stated, the number of the lot or lots, the number of the square or squares, the name of the person or persons to whom the same may have been assessed; and also the amount of taxes due thereon: *And provided also*, that the purchaser shall not be obliged to pay at the time of such sale, more than the taxes due, and the expenses of sale; and that if within two years from the day of such sale the proprietor or proprietors of such lot or lots, or his or their heirs, representatives or agents, shall repay to such purchaser the monies paid for the taxes and expenses as aforesaid, together with ten per centum per annum as interest thereon, or make a tender of the same, he shall be reinstated in his original right and title; but if no such payment or tender be made within two years next after the said sale, then the purchaser shall pay the balance of the purchase money of such lot or lots, into the city treasury, where it shall remain subject to the order of the original proprietor or proprietors, his or their heirs or legal representatives; and the purchaser shall receive a title in fee simple to the said lot or lots, under the hand of the mayor and seal of the corporation, which shall be deemed good and valid in law and equity.

Unimproved lots may be sold for the payment of taxes, two years due.

Proviso.

Sec. 9. *And be it further enacted*, That the said corporation shall in future be named and styled "The Mayor, Aldermen and Common Council of the City of Washington;" and that if there shall have been a non-election or informality in the election of a city council on the first Monday in June last, it shall not be taken, construed or adjudged, in any manner, to have operated as a dissolution of the said corporation, or to affect any of its rights, privileges or laws, passed previous to the second Monday in June last, but the same are hereby declared to exist in full force.

Style of the corporation.

Sec. 10. *And be it further enacted*, That the corporation shall, from time to time, cause the several wards of the city to be so located as to give, as nearly as may be, an equal number of voters to each ward: and it shall be the duty of the register of the city, or such officer as the corporation may hereafter appoint, to furnish the commissioners of election, for each ward, on the first Monday in June annually, previous to the opening of the polls, a list of the persons having a right to vote, agreeably to the provisions of the second section of this act.

Corporation to cause the wards to be located with a view to the elections.

Sec. 11. *And be it further enacted*, That so much of any former act, as shall be repugnant to the provisions of this act, be, and the same is hereby repealed.

Part of a former act repealed.

Approved, May 4, 1812.

Statute I.

May 6, 1812.

Chap. LXXVI.—*An Act to carry into effect an act of the Legislature of the state of Maryland.*

Act of the Maryland legislature declared to be in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislature of the state of Maryland, entituled "An act to authorize two lotteries in the city of Washington," passed at the session of the said legislature, in November, one thousand seven hundred and ninety-five, for the purpose of raising fifty-two thousand and five hundred dollars, be, and the same is hereby declared to be in full force in the district of Columbia; and it shall and may be lawful to carry the same into effect, subject to the alterations, restrictions and provisions herein after mentioned.

Powers heretofore vested in commissioners under the law of Maryland transferred to the Washington Canal Company.

Sec. 2. *And be it further enacted,* That all the rights, power and authority given, in and by the before recited act, to Daniel Carroll of Duddington, Lewis Deblois, George Walker, William M. Duncanson, Thomas Law and James Barry, shall hereafter be vested in, and exercised by the president and directors of the "*Washington Canal Company:*" *Provided,* the said president and directors shall, before the sale or disposal of any ticket or tickets in said lotteries, give bond to the treasurer of the United States, for the time being, in the penalty of one hundred thousand dollars, conditioned that they will truly and impartially exercise the power and authority vested in them by this act; and well and truly apply the monies arising from the sale of the tickets, within two months after the drawing thereof, to the payment of the prizes drawn by the fortunate adventurers in said lotteries, and the necessary expenses incurred in the management thereof, and the residue, to the completing the canal in the city of Washington, and rendering the same navigable, and draining the marshes and low grounds contiguous thereto: *And provided also,* that it shall be lawful for Congress hereafter to create by law additional shares in the stock of said *Washington Canal Company,* for the sole use and benefit of the corporation of the city of Washington, which shares so to be created shall bear the same proportion to the whole shares held by said company, as the money raised by the aforesaid lotteries and actually applied to the completing of the canal in the city of Washington, and rendering the same navigable, shall bear to the monies and interest thereon, which has been or may hereafter be expended by the Washington Canal Company for the purposes aforesaid.

Proviso.

Approved, May 6, 1812.

Statute I.

May 6, 1812.

Chap. LXXVII.—*An Act to provide for designating, surveying and granting the Military Bounty Lands.*(a)

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

(a) The acts relating to the Military Bounty Lands, appropriated for services in the war between the United States and Great Britain, which commenced in 1812, are:—

An act for completing the existing military establishment, December 24, 1811, chap. 10, sec. 2.

An act to raise an additional military force, January 11, 1812, chap. 14, sec. 12.

An act to provide for designating, surveying, and granting the military bounty lands, May 6, 1812, chap. 77.

An act making provision for military services during the late war, and for other purposes, April 16, 1816, chap. 55.

An act providing for cases of lost military land warrants, and discharges for faithful services, April 27, 1816, chap. 127.

An act to authorize the survey of two millions of acres of the public lands in lieu of that quantity heretofore authorized to be surveyed in the territory of Michigan, as military bounty lands, April 29, 1816, chap. 164.

An act to amend an act entitled, "An act making further provision for military services during the late war, and for other purposes," March 3, 1817, chap. 107, sec. 3.

An act for extending the time for obtaining military land warrants in certain cases, March 27, 1818, chap. 22.

United States be, and he is hereby authorized to cause to be surveyed a quantity of the public lands of the United States, fit for cultivation, not otherwise appropriated, and to which the Indian title is extinguished, not exceeding in the whole six millions of acres, two millions to be surveyed in the territory of Michigan, two millions in the Illinois territory, north of the Illinois river, and two millions in the territory of Louisiana, between the river St. Francis and the river Arkansas; the said lands to be divided into townships, and subdivided into sections and quarter sections, (each quarter section to contain, as near as possible, one hundred and sixty acres,) in the manner prescribed by law for surveying and subdividing the other public lands of the United States; the same price to be allowed for surveying as is fixed for surveying the other public lands in the same territory. And the lands thus surveyed, with the exception of the salt springs and lead mines therein, and of the quantities of land adjacent thereto, as may be reserved for the use of the same by the President of the United States, and the section number sixteen in every township to be granted to the inhabitants of such township for the use of public schools, shall be set apart and reserved for the purpose of satisfying the bounties of one hundred and sixty acres, promised to the non-commissioned officers and soldiers of the United States, their heirs and legal representatives, by the act, entituled "An act for completing the existing military establishment," approved the twenty-fourth day of December, one thousand eight hundred and eleven, and by the act, entituled "An act to raise an additional military force," approved the eleventh day of January, one thousand eight hundred and twelve.

Lands set apart for satisfying military bounty claims not exceeding six millions of acres in Michigan, Illinois and Louisiana.

Salt springs to be excepted.

Act of Dec. 24, 1811, ch. 10, sec. 2.
1812, ch. 14.

Sec. 2. *And be it further enacted*, That the Secretary for the department of War, for the time being, shall, from time to time, issue warrants for the military land bounties to the persons entitled thereto by the two last mentioned acts, or either of them: *Provided always*, that such warrants shall be issued only in the names of the persons thus entitled, and be by them or their representatives applied for within five years after the said persons shall have become entitled thereto; and the said warrants shall not be assignable or transferable in any manner whatever.

Warrants to be issued by the Secretary of War.
Proviso.

Sec. 3. *And be it further enacted*, That every person in whose favour such warrants shall have been issued, shall, on delivery of the same at the office of the Secretary of the Treasury, or of such other officer as may at the time have, by law, the superintendence of the general land-office of the United States at the seat of government, be entitled to draw by lot in such manner as the officer, at the head of the land-office, under the direction of the President of the United States, may prescribe, one of the quarter sections surveyed by virtue of the first section of this act, in either of the said territories which the person in whose favour such warrant has issued may designate. And a patent shall thereupon be granted to such person, for such quarter section, without requiring any fee therefor.

Claims to be determined by lot.

A patent to be granted.

Sec. 4. *And be it further enacted*, That no claim for the military land bounties aforesaid shall be assignable or transferable in any manner whatever, until after a patent shall have been granted in the manner aforesaid. All sales, mortgages, contracts, or agreements, of any nature whatever, made prior thereto, for the purpose, or with intent of alienating, pledging or mortgaging any such claim, are hereby declared and shall be held null and void; nor shall any tract of land, granted as aforesaid, be liable to be taken in execution or sold on account of any such sale, mortgage, contract or agreement, or on account of any debt contracted

Claims for military land bounties not assignable as such.

An act allowing further time to complete the issuing and locating military land warrants, February 24, 1819, chap. 41.

An act to allow further time to complete the issuing and locating military land warrants, May 22, 1824, chap. 177.

An act to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes, May 27, 1840, chap. 9.

prior to the date of the patent, either by the person originally entitled to the land or by his heirs or legal representatives, or by virtue of any process, or suit at law, or judgment of court against a person entitled to receive his patent as aforesaid.

Approved, May 6, 1812.

Statute I.

May 6, 1812.

Chap. LXXVIII.—*An Act in addition to the act to regulate the laying out and making a road from Cumberland in the state of Maryland to the state of Ohio.*

Thirty thousand dollars appropriated, to be reserved out of the fund for making roads in the state of Ohio by the act of April 30, 1802, ch. 40, sec. 7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the sum heretofore appropriated for laying out and making a road from Cumberland in the state of Maryland to the state of Ohio, the sum of thirty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, and to be expended, under the direction of the President of the United States, in making said road between Cumberland in the state of Maryland and Brownsville in the state of Pennsylvania, commencing at Cumberland; which sum of thirty thousand dollars shall be paid out of the fund reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, entituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government and for the admission of such state into the Union on an equal footing with the original states, and for other purposes."

1815, ch. 43.

1802, ch. 40.

Approved, May 6, 1812.

Statute I.

May 8, 1812.

Chap. LXXIX.—*An Act for the relief of the Citizens of Venezuela.*

Appropriation of fifty thousand dollars.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause to be purchased such provisions as he shall deem advisable, and to tender the same in the name of the government of the United States to that of Venezuela, for the relief of the citizens who have suffered by the late earthquake.

Sec. 2. *And be it further enacted,* That a sum not exceeding fifty thousand dollars be, and the same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated, to carry into operation this act.

Approved, May 8, 1812.

Statute I.

May 11, 1812.

Chap. LXXX.—*An Act to alter and establish certain Post Roads.*

Post routes discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post routes be discontinued:

From Jacksonborough in South Carolina, by Barnwell Courthouse, to Augusta in Georgia. From Rahway to New Providence; and from Baskenridge to Somerset in New Jersey. From Fort Stoddert to Natchez in the Mississippi territory. From Galliopolis to Chilicothe in Ohio. From Salisbury to Lincolnton in North Carolina. From Peytonsburg to Danville. From Salisbury, by Andover, New Chester and Bridgewater, to Plymouth, thence by Holderness, New Hampton and Sandbornton to Salisbury in New Hampshire. From Baltimore, by Queenstown, to Centreville in Maryland. From Buchanon to Beverly in Virginia.

Sec. 2. *And be it further enacted,* That the following post roads be established:

Post roads established.

In New Hampshire.—From Hopkinton, through Warner, Bradford, Fishersfield, Wendell and Newport, to Cornish in the county of Cheshire. From Concord in the county of Rockingham, through Weare, Dearing, Hancock and Packersfield, to Keene in the county of Cheshire. From Gilmanton to Meredith. From Concord, by Loudon, Gilmanton, Meredith and New Holderness, to Plymouth, thence by New Hampton, Sandbornton, Northfield and Canterbury to Concord.

Massachusetts.—From Blue Hill to Sedgwick. From Kennebunk to Arundel. From Readfield, by Fayette, to Livermore.

Rhode Island.—From Providence, through Gloucester, to Pomfret in the state of Connecticut.

Connecticut.—From Canton in Hartford county, by New Hartford and Torrington, to Goshen in Litchfield county. From Hartford, through Bristol, Plymouth, Watertown, Woodbury, Southbury and Newtown, to Danbury.

New York.—From Jamaica, through the Alley and by the head of Cowneck, to Hempstead harbor, and through Oyster bay to Huntington; this is declared to be an alteration of the existing post route. From Trip's hill, by Montgomery Courthouse, to Sheldon's in the county of Oneida. From Madison, by Cazenovia, to Manlius. From Rome, through Constantia and Mexico, to Oswego. From Kinderhook in New York, by Spencer town, to Weststockbridge in Massachusetts.

New Jersey.—From Morristown to Easton in Pennsylvania. From Scotch Plains to New Providence. From Salem, by Hancock's bridge and New Canton, to Greenwich in Cumberland county.

Pennsylvania.—From Bedford, by Stoystown and Ligoniers, to Greensburg. From Pittsburg, by Baldwin's mills, Steubenville and Cadiz, to Cambridge, in the state of Ohio. From Quakerton, by Saucona, to Northampton. From Belfont, by the counties of Clearfield and Jefferson, to Venango. From Bear Gap, by Danville, to Washington. From New Alexandria to Pittsburg. From Greensburg to New Castle in the county of Mercer.

Ohio.—From New Lisbon, by Wayne Courthouse, Richland Courthouse and Knox Courthouse; returning by Coshocton Courthouse and Canton, to New Lisbon. From Chilicothe, by Fayette Courthouse, Green Courthouse and Dayton, to Eaton; returning from Green Courthouse, by Clinton Courthouse and Greenfield, to Chilicothe. From Urbana to Springfield. From Galliopolis to Athens in Ohio. From Huron to Danbury.

Maryland.—From Princess Ann to the corner where the roads from the Point and Pocomoke intersect. From Annapolis, by Broad Creek in Kent Island and Queen's town, to Centreville.

Virginia.—From Dunkirk to New Kent Courthouse. From Front Royal to Waynesborough. The post road from Stannardsville, in Orange county, to Port Republican, in Rockingham, is declared to be altered so as to pass over the South Mountain at Brown's turnpike on the same. From Paris in Fauquier county to Gibson's store. From Staunton, by Pendleton Courthouse, to Beverly. From Hallifax Courthouse to Danville, and from Beverly to Clarksburg.

Kentucky.—From Washington, by Flemingsburg, to Mount Sterling. From Grayson to Butler Courthouse. From Russellville to Isbellville in Christian county. From Nicholasville, by the mouth of Hickman and Bellises mill, to Danville, Kentucky.

Tennessee.—From Carthage to New Glasgow in Kentucky. From Hopkinsville in Kentucky, to Clarksville in Tennessee; and from thence, by Dickson Courthouse and M'Allister's cross-roads, to Columbia in Tennessee.

Post roads established.

North Carolina.—From Charlotte, by Beattysford, Lincolnton and Morgan, to Wilkesboro', and to pass by Mountmorin once in every two routes. From Staatsville to Salisbury. The mail from Fayetteville to Salisbury, shall go by Rockingham, Wardesboro', Allentown and Henderson, to Salisbury, and return by M'Cauley's store, to Fayetteville.

South Carolina.—From Charleston, by Giveham's ferry, on Edisto river; and from thence to Barnwell Courthouse, and by the White Ponds, to Edgefield Courthouse. From Wellington to Beckley's store, being an alteration of the present route past Vienna. From Cooswhatchie, by Lower Three Runs, to Augusta in Georgia. From Darlington Courthouse to Sumpter Courthouse, by Carter's crossing.

Georgia.—From Savannah to Louisville. From Milledgeville, by Twigs Courthouse, to Pulaski Courthouse. From Augusta to Campbeltown. From Louisville to Saundersville.

Mississippi Territory.—From Fort Stoddert, by Amite Courthouse, to Pinckneyville. From Natchez, by Wilkinson Courthouse, to Lake Ponchartrain.

Indiana Territory.—From Laurenceburg, by Madison and Charlestown, to Jeffersonville. From Laurenceburg, by Franklin Courthouse, to Wayne Courthouse.

Survey of the main post route from Maine to Georgia to be made.

Sec. 3. *And be it further enacted,* That the Postmaster-General cause a survey to be made of the main post road from Robinstown, in the district of Maine, to St. Mary's, in Georgia, causing the courses, distances, and all remarkable objects, to be noted, the latitude to be taken every noon and evening, and the variation of the compass every evening, when the weather is fair: and that there be not less than one surveyor, two chain carriers, and two men with object staves, employed in making the same survey, who shall be sworn to execute the work: *Provided,* that the same can be done at an expense not exceeding two dollars per mile; and the Postmaster-General is hereby authorized to procure proper instruments for the purpose: *Provided,* that the expense do not exceed three hundred dollars, and the expense both of the surveys and instruments be paid out of the monies, which may be in his hands for postage.

Proviso.

Limitation of expense.

Approved, May 11, 1812.

Statute I.

May 14, 1812.

Chap. LXXXIII.—*An Act for the better regulation of the Ordnance.*(a)

Of what officers the department to be formed.

Repealed by act of February 8, 1815, ch. 128.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is established an ordnance department, to consist of a commissary general of ordnance, an assistant commissary general, four deputy commissaries, and as many assistant deputy commissaries as the President of the United States may think necessary, not exceeding eight.

Commissary general may employ workmen.

Act of August 2, 1813, ch. 36.

Sec. 2. *And be it further enacted,* That the commissary general be authorized, from time to time, to employ as many wheelwrights, carriage-makers, blacksmiths and labourers, as the public service may in his judgment require.

(a) Acts for the regulation of the Ordnance Department:—

An act for the better regulation of the ordnance, May 14, 1812, chap. 83.

Act of August 2, 1813, chap. 49.

An act for the better organizing, paying, and supplying the army of the United States, March 30, 1814, chap. 37, sec. 16.

An act for the better regulation of the ordnance department, February 8, 1815, chap. 38.

An act for organizing the general staff, and making further provision for the army of the United States, April 24, 1816, chap. 69, sec. 11.

An act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 4.

An act providing for the organization of the ordnance department, April 5, 1832, chap. 67.

An act to increase the present military establishment of the United States, and for other purposes, July 5, 1838, chap. 16, sec. 13, 14.

An act respecting the organization of the army, and for other purposes, August 23, 1842, ch. 186, sec. 5.

Sec. 3. *And be it further enacted,* That the commissary general of ordnance shall be entitled to the rank, pay and emoluments of a colonel of infantry, and be further allowed at the rate of five hundred dollars per year, and four rations per day for clerks in his department: the assistant commissary general of ordnance shall be entitled to the rank, pay and emoluments of major of infantry, with three additional rations per day; the deputy commissaries of ordnance shall be entitled to the rank, pay and emoluments of a captain of infantry, with two additional rations per day and forage for one horse; the assistant deputies shall have the rank, pay and emoluments of a second lieutenant of infantry, with one additional ration per day.

Rank and pay of commissary general, &c.

Sec. 4. *And be it further enacted,* That a master wheelwright and carriage-maker, and a master blacksmith, be allowed thirty dollars each, per month, and one ration and one half of a ration per day; that any other wheelwrights, carriage-makers and blacksmiths, be allowed each sixteen dollars per month, and one ration and one half of a ration per day; that the labourers each be allowed nine dollars per month, and one ration per day.

Pay of the workmen.

Sec. 5. *And be it further enacted,* That it shall be the duty of the commissary general of ordnance to direct the inspection and proving of all pieces of ordnance, cannon balls, shells and shot, procured for the use of the army of the United States; and to direct the construction of all carriages, and every apparatus for ordnance, for garrison and field service, and all ammunition wagons, pontoons and travelling forges; also the direction of the laboratories, the inspection and proving the public powder, and the preparing all kinds of ammunition for garrison and field service; and shall, half yearly, examine all ordnance, carriages, ammunition and apparatus, in the respective fortresses, magazines and arsenals, and cause the same to be preserved and kept in good order.

Duties of commissary general of ordnance.

Sec. 6. *And be it further enacted,* That the commissary general of ordnance shall execute all orders issued by the Secretary for the department of War, in conveying all ordnance, ammunition and apparatus, to the respective armies, garrisons, magazines and arsenals; and in time of war he shall execute all orders of any general officer, commanding in any army or garrison, for the supply of ordnance, ammunition, carriages, pontoons, forges, furnaces or apparatus, for garrison, field or siege service, and forward the same without delay and in good condition.

To execute such orders as may be prescribed by the Secretary of War.

Sec. 7. *And be it further enacted,* That the commissary general of ordnance shall, half yearly, transmit to the department of war a correct return of all ordnance, ammunition, military stores and effects, in the respective garrisons, arsenals, magazines, posts and camps, with a statement of their order, quality and condition; and also what may be necessary to keep up an ample supply of each and every article in the ordnance department, and shall, in all things, faithfully and without delay, execute the orders of the Secretary for the department of War touching the same.

Commissary general of ordnance to make returns to the department of war.

Sec. 8. *And be it further enacted,* That the superintendents of military stores, keepers of magazines and arsenals, shall, half yearly, make correct returns to the commissary general of ordnance, of all military stores that they respectively have in charge; and that the assistant commissary general of ordnance, the deputy commissaries and assistant deputies shall faithfully, and without delay, execute all orders that shall be issued by the Secretary for the department of War, the commanding general, in time of war, of any corps, camp or garrison, or of the commissary general of ordnance, in their respective departments, by virtue of this act.

Superintendents of military stores to make returns to the commissary general, &c. &c.

Sec. 9. *And be it further enacted,* That the commissary general of ordnance shall make a correct report of the artificers and labourers,

Commissary to make a correct

report of artificers, &c. &c.

from time to time, employed by him, and transmit the same to the adjutant general.

Appropriation.

Sec. 10. *And be it further enacted,* That for defraying the expense that may be incurred in the execution of this act, the sum of twenty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved, May 14, 1812.

Statute I.

May 14, 1812.

Act of April 7, 1798, ch. 28. vol. i. 549.

Boundaries of the Mississippi territory enlarged.

Chap. LXXXIV.—*An Act to enlarge the boundaries of the Mississippi territory.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of territory lying east of Pearl river, west of the Perdido, and south of the thirty-first degree of latitude, be, and the same is hereby annexed to the Mississippi territory; to be governed by the laws now in force therein, or which may hereafter be enacted, and the laws and ordinances of the United States, relative thereto, in like manner as if the same had originally formed a part of said territory; and until otherwise provided by law, the inhabitants of the said district hereby annexed to the Mississippi territory, shall be entitled to one representative in the general assembly thereof.

Approved, May 14, 1812.

Statute I.

May 16, 1812.

[Obsolete.]

Specific appropriations.

Chap. LXXXV.—*An Act making additional appropriations for the support of Government for the year one thousand eight hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the sums appropriated by the act making appropriations for the support of government for the year one thousand eight hundred and twelve, the following sums be, and same are hereby respectively appropriated, that is to say:

For defraying the expenses of printing the subscription certificates, and issuing the same to the subscribers to the loan of eleven millions of dollars, authorized by the act of Congress passed on the fourth day of March, one thousand eight hundred and twelve, including cost of paper and other expenses incident to the receiving of the subscriptions; also for cost of paper and printing of the certificates of funded six per cent. stock to be issued for the amount of the said loan, and other expenses attending the funding of the same, five thousand dollars.

For the expenses of making a digest of the manufactures of the United States, under the joint resolution of both houses of Congress, passed at the present session, two thousand dollars.

For compensation to the marshals and assistant marshals for taking an account of the manufactures of the United States, in addition to the sum heretofore appropriated for that purpose, forty thousand dollars.

For the expense of firewood, stationery, printing and other contingent expenses of the two houses of Congress, in addition to the sum heretofore appropriated for that purpose, eight thousand eight hundred dollars.

"For paying Aaron Greely, assistant surveyor in the district of Detroit for surveying private claims in the Michigan territory, pursuant to an act of Congress, passed the twenty-fourth day of April, one thousand eight hundred and twelve, five thousand five hundred sixty-five dollars and ninety-three cents."

1812, ch. 65.

Sec. 2. *And be it further enacted,* That the several sums thus appropriated shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, May 16, 1812.

Statute I.

May 16, 1812.

Chap. LXXXVI.—*An act making further provision for the Army of the United States.*

[Obsolete.]

Act of March 3, 1815, ch. 78.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to appoint so many district paymasters as, in his judgment, the service may require; and if such paymasters are taken from the line of the army, they shall respectively receive thirty dollars per month, in addition to their pay in the line: *Provided,* the same shall in no case exceed the pay and emoluments of a major; and if not taken from the line, they shall receive the same pay and emoluments as a major of infantry.

Paymasters to be appointed by the President.

Their compensation.

Proviso.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized and empowered to appoint a paymaster to each regiment on the peace establishment, who shall receive the same pay and emoluments as a captain of the regiment to which he belongs: *Provided,* that all district and regimental paymasters shall be subject to the rules and articles of war, and give such bonds to the United States as the Secretary for the department of War may direct, for the faithful performance of their duties. And it shall be the duty of the commanding officer, when requested by the paymaster, to furnish a capable non-commissioned officer or soldier to aid him in the discharge of his duty, who, while so employed, shall receive double pay.

Paymasters to each regiment on peace establishment may be appointed.

Proviso.

Sec. 3. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to appoint, from the captains and subalterns of the line of the army, so many sub-inspectors as the service may require, not exceeding one to each brigade; and such sub-inspectors shall each receive twenty-four dollars per month in addition to his pay in the line.

Sub-inspectors from the captains and subalterns of the line.

Sec. 4. *And be it further enacted,* That each brigade major, provided by law, shall be allowed twenty-four dollars per month, in addition to his pay in the line.

Compensation of brigade majors.

Sec. 5. *And be it further enacted,* That the general, commanding the army of the United States, shall be allowed a secretary, to be taken from the line of the army, who shall receive twenty-four dollars per month in addition to his pay in the line, and shall be allowed forage for two horses.

Commanding general allowed a secretary to be taken from the line of the army.

Sec. 6. *And be it further enacted,* That in addition to the non-commissioned officers and privates allowed to the regiment of light artillery, each company shall be entitled to twelve drivers of artillery, who shall be enlisted for five years, unless sooner discharged, and receive the same pay, rations and clothing, as the privates of the army: *Provided,* such drivers of artillery shall, at all times, be liable to do duty in the ranks when the company shall not be mounted.

Drivers to the artillery allowed.

Proviso.

Sec. 7. *And be it further enacted,* That so much of the "act for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same hereby is repealed.

Corporeal punishment by whipping, done away.

Act of April 10, 1806, ch. 20.

Approved, May 16, 1812.

Statute I.

May 16, 1812.

Chap. LXXXVII.—*An Act to incorporate a Bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the subscribers to the Mechanics' Bank of Alexandria, their successors and assigns, shall be and they are hereby created and made a body politic, by the name and style of the Mechanics' Bank of Alexandria, and by that name and style shall be and are hereby made able and capable in law, to have, purchase,

Corporation established.

receive, possess, enjoy and retain to them and their successors, lands, rents, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatsoever, subject nevertheless to the rules, regulations, restrictions, limitations and provisions, herein after prescribed and declared.

Capital.

Sec. 2. *And be it further enacted,* That the capital stock of said corporation may consist of five hundred thousand dollars, divided into shares of ten dollars each, and shall be paid in manner following, that is to say: One dollar on each share at the time of subscribing, one dollar on each share at sixty days, and one dollar on each share ninety days after the time of subscribing; the remainder to be called for as the president and directors may deem proper: *Provided,* they do not call for any payment in less than thirty days, nor for more than one dollar on each share at any one time.

Proviso.

Commissioners for receiving subscriptions.

Sec. 3. *And be it further enacted,* That the subscription for filling up said stock, shall be opened at the courthouse in the town of Alexandria on the first Monday in June next, under the direction of fifteen commissioners, and that John Longden, William Veitch, James C. Deneale, Daniel M'Leod, John Cohagen, James M'Guire, Adam Lynn, Mark Butts, Joseph Dean, James Sanderson, John Young, Isaac Entwistle, Robert Young, Peter Saunders and John Gird, are hereby appointed commissioners for that purpose, which subscriptions shall be kept open for one day at least and such further time as said commissioners may direct; but in case the amount of the subscriptions shall exceed the number of shares herein before allowed to be subscribed, the excess thus created shall be reduced within the number of shares authorized to be subscribed as aforesaid in the manner following, to wit, that is to say: From the subscriptions highest in amount the commissioners shall subtract a share or shares, until the same be made equal to the subscription or subscriptions next highest in amount, and until the number of shares shall be reduced to the amount authorized to be subscribed as aforesaid: *Provided always,* that it be hereby expressly understood that all the subscriptions and shares obtained in consequence thereof, shall be deemed and held to be for the sole and exclusive use and benefit of the persons, copartnerships or bodies politic subscribing or in whose behalf the subscriptions respectively shall be declared to be made at the time of making the same, and all bargains, contracts, promises, agreements and engagements in any wise contravening this provision, shall be void, and the persons, copartnerships or bodies politic respectively, so subscribing, or for whose use the subscriptions are declared to be made as aforesaid, shall have, enjoy and receive the share or shares respectively, in consequence thereof obtained, and all the interests and emoluments thence arising, as freely, fully and absolutely as if they had severally and respectively paid the consideration therefor, any such bargains, contracts, promises, agreements, or engagements to the contrary thereof to the contrary notwithstanding.

Proviso.

Real estate, what may be held by the bank.

Sec. 4. *And be it further enacted,* That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall have been obtained for such debts; nor shall this corporation directly or indirectly deal in or trade in any thing except bills of exchange, gold or silver bullions, or in the sale of goods which shall be the produce of its land or of goods sold by virtue of an execution on a judgment obtained by them.

Directors to be appointed.

Sec. 5. *And be it further enacted*, That for the well ordering the affairs of the said corporation, there shall be fifteen directors, eight of which directors at least shall be practical mechanics, and not less than ten of said directors shall be resident in the town of Alexandria, of whom there shall be an election on the first Monday after the subscription shall be closed, and on the second Monday of March, in each year thereafter, by the stockholders or proprietors of the capital stock of the said corporation, and by a plurality of votes actually given: *Provided however*, that the eight mechanics shall first be declared elected, although they should not have the greatest number of votes; and those who shall be duly chosen at any election, shall be capable of serving as directors by virtue of such choice until the end or expiration of the second Monday in March next ensuing the time of such election, and until others shall be chosen. And the said directors, at their first meeting after each election, shall choose one of their number as president; no person, a director of another bank, or the partner in trade of a director of another bank, shall be a director in this bank: *Provided*, that in case it should at any time happen, that an election of directors should not be made upon any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day within thirty days thereafter, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of said corporation.

Proviso.

Proviso.

Directors to have no emolument but what is given by stockholders.

Sec. 6. *And be it further enacted*, That no director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting; but the directors shall make such compensation to the president for his extraordinary services and attendance at the bank as shall appear to them reasonable.

Board of directors may make by-laws.

Sec. 7. *And be it further enacted*, That the board of directors by a majority of votes shall make by-laws, determine the manner of doing business, and the rules and forms to be pursued, and dispose of the money and credit of the bank in such manner as shall seem to them best calculated to promote the interest of the stockholders.

Majority of whole number of directors necessary to a choice of president, &c. &c.

Sec. 8. *And be it further enacted*, That a majority of the whole number of directors shall be necessary in the choice of a president, cashier, and other officers of the bank; but four members, with the president, may constitute a board for transacting the ordinary business of the bank.

Limitation of discounts to the directors.

Sec. 9. *And be it further enacted*, That neither the president, nor any director shall be entitled to receive, on accommodation paper, discounts or loans, exceeding in the whole, five thousand dollars, renewable, however, from time to time, at the discretion of the president and directors.

President and directors may appoint the necessary officers.

Sec. 10. *And be it further enacted*, That the president and directors for the time being, shall have power to appoint such officers and servants under them as may be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall seem reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Punishment of the directors, &c. &c. for frauds.

Sec. 11. *And be it further enacted*, That any director, officer, or other person, holding any share or capital of the said bank stock, who shall commit any fraud or embezzlement, touching the money or property of said bank, shall be liable to be prosecuted in the name of the United States, by indictment for the same, in any court of law for the district or county wherein the offence shall be committed; and upon conviction thereof, shall, besides the remedy that may be had by action, in the name of the Mechanics' Bank of Alexandria, for the fraud aforesaid, forfeit to the company all his share and stock in the said bank.

Votes regulated.

Sec. 12. *And be it further enacted,* That every stockholder, being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders, in pursuance of this act, and shall have as many votes, in proportion to the stock he may hold, as follows: for one share, one vote; three shares, two votes; five shares, three votes; above five shares, and not exceeding fifty, for each five shares above five shares, one vote; and upwards of fifty shares, for each ten shares, one vote. No share or shares shall confer a right of suffrage which shall not have been regularly transferred on the books of the corporation two months previous to the election; and it shall be the duty of the cashier to make out a list of the stockholders, thirty days previous to an election, for their inspection. And, in choice of directors, every stockholder shall vote in person, except those who shall reside out of the town of Alexandria, who may vote either in person or by a written ballot, by him or her subscribed with his or her name, and duly acknowledged before a judge of a court, a justice of peace, or a notary public, a certificate whereof shall be made on said ballot by the said judge, justice of the peace, or notary public, before whom such acknowledgment shall be made; and said ballot shall be by him sealed up, and in his handwriting addressed to the cashier of the bank, and being transmitted to said cashier, before the time of the election of directors, said ballot shall be received and counted in the choice of directors. And every stockholder may sell and transfer his stock in the said bank, or any part thereof, at his pleasure, not being less than one complete share or shares; the transfer being made in the bank books, in the presence, and with the approbation of the proprietor or his lawful attorney.

Regulations relative to suffrage, &c.

Stockholders not to be answerable for losses, &c.

Sec. 13. *And be it further enacted,* That no stockholder or member of said corporation shall be answerable for any losses, deficiencies, or failure of the capital stock of the said bank, for any more, or larger sum or sums of money whatsoever, than the amount of stock, stocks, or shares, which shall appear by the books of said corporation, to belong to him at the time or times when such loss or losses shall be sustained, except as is hereafter excepted, that is to say: If the total amount of debts which said company shall at any time owe, whether by bond, note, bill or other contract, shall exceed twice the amount of the capital stock of the said bank, over and above the monies actually deposited in the bank for safe keeping; then, in case of such excess, the directors under whose administration it shall happen, shall be liable for such excess in their natural and private capacities; and an action or actions of debt may be brought against them, or any of their heirs, executors or administrators, in any court of record within the United States, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, or covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said body politic, or lands, tenements, goods, and chattels of the same from being also liable for, and chargeable with said excess: *Provided,* that such of the said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting which he or they shall have power to call for that purpose. And in case the directors, by whose act such excess shall be occasioned, shall not have property to pay the amount of such excess, then each and every stockholder shall be liable in their private capacities, for their deficiencies, in proportion to their respective shares in the said bank.

Exceptions with respect to directors.

Absent directors may exonerate themselves.

Stockholders eventually liable.

President or director must be a citizen.

Sec. 14. *And be it further enacted,* That none but a stockholder, being a citizen of the United States, shall be eligible as a president or director.

Sec. 15. *And be it further enacted*, That the president and directors for the time being, shall give four weeks' public notice in the newspapers of Alexandria, and in one or more newspapers in the city of Washington, of the time and place of holding the election of directors, annually.

Notice to be given of election.

Sec. 16. *And be it further enacted*, That the president, and each director, before he enters upon the duties of his office, shall take the following oath or affirmation (as the case may be): I do solemnly swear, (or affirm,) that I will impartially, faithfully, diligently and honestly, execute the duties of of the Mechanics' Bank of Alexandria, conformably to the constitution of the same, and the trust reposed in me, to the best of my skill and judgment: and the president shall give bond and security for the faithful discharge of his duties, to the satisfaction of the directors; the cashier, other officers and servants, shall also take an oath, and give bond and security to the satisfaction of the president and directors.

Oath of president and directors.

President to give bond.

Cashier and others to take an oath and give bond.

Sec. 17. *And be it further enacted*, That all bills, bonds, notes, and every other contract or engagement on behalf of the corporation, shall be signed by the president and countersigned by the cashier; and the funds of the corporation shall in no case be liable for any contract or engagement, unless the same shall be signed and countersigned as aforesaid; and the president and directors shall not issue any note for a smaller sum than five dollars.(*a*)

President and cashier to sign and countersign notes.

Smallest notes to be five dollars.

Sec. 18. *And be it further enacted*, That if the president, or any director, the cashier, or any other officer of the said bank, shall be concerned directly or indirectly, in purchasing any note or notes, bill or bills, at more than lawful discount or interest, and information thereof be given and supported to the satisfaction of a majority of the board of directors, his or their seat or seats of office shall be vacated, and the directors shall fill up such vacancy or vacancies.

Officers of the bank not to purchase bills at more than lawful discount.

Sec. 19. *And be it further enacted*, That in case of the death, disqualification or resignation of the president or any director, or any officer or servant of the said corporation, the board of directors shall, at their next meeting, fill such vacancy; and in case of sickness or necessary absence of the president, his place may be supplied by a director, to be appointed president pro tempore, by the president, and on his failing to make such appointment, by the directors.

Supply of vacancies.

Sec. 20. *And be it further enacted*, That it shall not be lawful for the president and directors to demand or receive a greater discount or interest, than at the rate of one per cent. for sixty days, upon any loans or advances of money which they may make.

Not lawful to receive more than one per cent. for sixty days.

Sec. 21. *And be it further enacted*, That the shares of the capital stock shall be transferable at any time, according to such rules as may be established by the president and directors; but no stock shall be transferred, the holder thereof being indebted to the bank, until such debt be satisfied, except the president and directors shall otherwise order it.

Shares transferable, &c.

Sec. 22. *And be it further enacted*, That a number of stockholders not less than forty, who, together, shall be proprietors of twenty thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the constitution, giving at least six weeks' notice in one or more newspapers in the town of Alexandria and city of Washington, specifying in such notice the object or objects of such meeting.

Forty stockholders may call a general meeting.

Six weeks' notice to be given.

Sec. 23. *And be it further enacted*, That on application being made,

(*a*) The 17th section of the act incorporating the Mechanics' Bank of Alexandria, passed May 16, 1812, providing that "all bills, bonds, and notes, and every other contract or engagement on behalf of the corporation, shall be signed by the president, and countersigned by the cashier, and the funds of the corporation shall in no case be liable for any contract or engagement, unless the same shall be signed as aforesaid," does not apply to contracts and undertakings implied at law. Mechanics' Bank of Alexandria *v.* The Bank of Columbia, 5 Wheat. 326; 4 Cond. Rep. 666.

May loan to the U. States.

the president and directors may loan to the United States any sum or sums, not exceeding one fourth of their capital, on such terms as may be agreed upon.

Notes negotiable at bank assimilated to bills of exchange.

Sec. 24. *And be it further enacted*, That whenever any note shall be given, containing express consent in writing that it may be negotiable at the said bank, and the same shall be endorsed, if payment be refused or neglected to be made at the time it shall have become due, the like proceedings are to be had out of court, and suit may be prosecuted against the drawer and endorser, jointly or separately, in like manner as if the same was a bill of exchange.

Forging or counterfeiting notes felony.

Sec. 25. *And be it further enacted*, That if any person or persons shall forge or counterfeit any of the notes or checks on or of the said bank, or pay or tender in payment, or in any manner pass or offer to pass such forged or counterfeited note or check, knowing the same to be forged or counterfeited, and shall thereof be convicted in any court of the United States having criminal jurisdiction, he, she or they, shall be adjudged a felon or felons.

Stockholders failing to pay.

Sec. 26. *And be it further enacted*, That if any stockholder shall fail to pay up the several instalments upon his subscription, as the same may become due, his dividends upon such instalments as he may have paid shall cease as to him and remain to the use and benefit of the other members of the corporation.

Dividends to be declared.

Not to impair capital stock.

Sec. 27. *And be it further enacted*, That the president and directors shall, as soon as they may deem it expedient, declare a dividend of profits, and every half year thereafter shall make and declare such dividends of profit as they may deem proper: *Provided*, such dividend shall not impair the capital stock; but no dividend shall be declared except by a majority of all the directors.

Secretary of the Treasury to have certain powers.

Sec. 28. *And be it further enacted*, That the Secretary of the Treasury of the United States shall be furnished, at least once in every year, and oftener if he shall require it, with statements of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation and of the cash in hand; and shall have a right to inspect such general accounts in the books of said bank as shall relate to said statements: *Provided*, that this shall not be construed to imply a right of inspecting the accounts of any private individual or individuals with the bank.

Corporation to continue till 1st January, 1822, but may be sooner dissolved.

Sec. 29. *And be it further enacted*, That this corporation shall continue until the first day of January, in the year of our Lord one thousand eight hundred and twenty-two; but nevertheless the proprietors of two thirds of the capital stock of said company may by their concurrent votes at a general meeting to be called for that purpose, dissolve the same at an earlier period: *Provided*, that notice of such meeting and its object shall be published in two or more newspapers printed within the district of Columbia, for at least three months successively, previous to the time appointed for such meeting.

On dissolution of the corporation the concerns to be closed, &c.

Sec. 30. *And be it further enacted*, That on the dissolution of this corporation, or whenever the same shall be determined on as aforesaid, effectual measures shall immediately be taken by the president and directors then in office, for closing all the concerns of the corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and so much of this act as will enable them to close the concerns of the corporation and so much as imposes a punishment or penalty for crimes, or for malfeasance, in this act described, shall remain and be in full force until all the affairs of the corporation are finally settled; but no discount shall be made by the said corporation after the first day of January, in the year of our Lord one thousand eight hundred and twenty-two.

No discount allowed after the 1st January, 1822.

Sec. 31. *And be it further enacted*, That this act shall take effect

from and after the passing thereof, and shall to all intents and purposes be a public act.

A public act.

Approved, May 16, 1812.

Statute I.

May 20, 1812.

Chap. LXXXVIII.—*An Act to authorize the President of the United States to ascertain and designate certain boundaries.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the surveyor general, under the direction of the President of the United States, be, and he is hereby authorized and required, (as soon as the consent of the Indians can be obtained,) to cause to be surveyed, marked and designated, so much of the western and northern boundaries of the state of Ohio, which have not already been ascertained, as divides said state from the territories of Indiana and Michigan, agreeably to the boundaries as established by the act, entituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," passed April thirtieth, one thousand eight hundred and two; and to cause to be made a plat or plan of so much of the boundary line as runs from the southerly extreme of Lake Michigan to Lake Erie, particularly noting the place where the said line intersects the margin of said lake, and to return the same when made to Congress: *Provided,* that the whole expense of surveying and marking the said boundary lines shall not exceed five dollars for every mile that shall be actually surveyed and marked, which shall be paid out of the monies appropriated for defraying the expense of surveying the public lands.

President to cause the surveyor-general to designate the western and northern boundaries of Ohio, &c.

Act of April 30, 1802, ch. 40.

A plat to be made of the boundary which runs southeasterly of Lake Michigan.

Expense limited, &c.

Approved, May 20, 1812.

Statute I.

May 20, 1812.

Chap. XC.—*An Act to extend the right of suffrage in the Illinois territory, and for other purposes.*(*a*)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the admission of the Illinois territory into the second grade of territorial government, in conformity with the provisions of the act, entituled "An act for dividing Indiana into two separate governments," each and every free white male person who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in said territory previous to any general election, and be at the time of any such election, a resident thereof, shall be entitled to vote for members of the legislative council and house of representatives for the said territory.

Act of Feb. 3, 1809, ch. 13, vol. ii. 514.

Persons allowed to vote for members of the legislative council and house of representatives.

Sec. 2. *And be it further enacted,* That so soon as the governor of the said territory shall divide the same into five districts, the citizens thereof, entitled by this act to vote for representatives to the general

Time of electing members of

(*a*) Illinois Territory:—

An act for dividing the Indiana territory into two separate governments, February 3, 1809, chap. 13.

An act to extend the right of suffrage in the Illinois territory, and for other purposes, May 20, 1812, chap. 90.

An act supplemental to an act entitled, "An act for dividing the Indiana territory into two governments, June 10, 1812, chap. 98.

An act regulating and defining the duties of the United States judges for the territory of Illinois, March 3, 1815, chap. 97.

An act supplemental to the act entitled, "An act regulating and defining the duties of the United States judges for the territory of Illinois, and for vesting in the courts of Indiana a jurisdiction in chancery cases arising in the said territory, April 29, 1816, chap. 154.

An act to authorize the surveying and making a road in the territory of Illinois, April 27, 1816, chap. 131.

An act to provide for the appointment of a surveyor of the public lands, in the territories of Illinois and Missouri, April 29, 1816, chap. 151.

legislative council, &c.

assembly, shall, in each of the said districts, elect one member of the legislative council, who shall possess the same powers heretofore granted to the legislative council by the ordinance for the government of the Northwestern territory, and shall hold their offices four years and no longer, any thing in the ordinance to the contrary notwithstanding.

Time of electing a delegate to Congress, and his powers.

Sec. 3. *And be it further enacted,* That the citizens of the said territory, entitled to vote for members of the territorial legislature by this act may, at the time of electing their representatives to the general assembly thereof, also elect one delegate to Congress for the said territory, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States.

Duty of sheriffs and of the governor in relation to election of delegates.

Sec. 4. *And be it further enacted,* That the sheriffs of the several counties which now are, or hereafter may be established in the said territory, respectively shall, within forty days next after an election for a delegate to Congress, transmit to the secretary of the said territory a certified copy of the returns from the several districts or townships of their respective counties; and it shall be the duty of the governor, for the time being, to give to the person having the greatest number of votes, a certificate of his election.

Penalty on the sheriff for neglect.

Sec. 5. *And be it further enacted,* That each and every sheriff, in each and every county, that now is, or hereafter may be established in said territory, who shall neglect or refuse to perform the duties required by this act, shall forfeit one thousand dollars, to be recovered by an action of debt, in any court of record within the said territory, one half to the use of the territory, and the other half to the use of the person suing for the same.

General assembly empowered to apportion representatives, &c.

Sec. 6. *And be it further enacted,* That the general assembly of the said territory shall have power to apportion the representatives of the several counties, which now are, or hereafter may be established therein, according to the number of free white male inhabitants above the age of twenty-one years, in such counties: *Provided,* that there be not more than twelve, nor less than seven of the whole number of representatives, until there shall be six thousand free male white inhabitants, above the age of twenty-one years in said territory, after which time, the number of representatives shall be regulated agreeably to the ordinance for the government of the territory northwest of the river Ohio.

Vol. i. 51.

Approved, May 20, 1812.

Statute I.

May 22, 1812.

[Obsolete.]

Act of March 28, 1812, ch. 46.

Act of March 3, 1815, ch. 78.

Private trade forbidden to the commissary general, &c.

Chap. XCII.—*An Act to amend an act entituled "An act to establish a Quartermaster's Department, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That neither the quartermaster general, the commissary general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to their respective departments, except for, and on account of the United States; nor shall they, or either of them, take or apply to his or their own use, any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Barrack-master and deputies.

Their pay.

Sec. 2. *And be it further enacted,* That the quartermaster general be, and he is hereby empowered to appoint one principal barrack master, and as many deputy barrack masters, as may from time to time be necessary, not exceeding one to each separate barrack or cantonment: which said principal barrack master shall be entitled to receive the same pay, rations and emoluments as the principal forage master; and each of his deputies, the same pay, rations and emoluments as is by law allowed to a deputy forage master.

Sec. 3. *And be it further enacted,* That in addition to the allowance made to the quartermaster general and commissary general respectively, in and by the act hereby amended, it shall and may be lawful for the Secretary for the department of War, for the time being, to allow to them respectively, such sums as in his opinion shall have been actually and necessarily expended in their several departments for office rent, fuel, candles and extra clerk hire.

Contingent expenses to be allowed by Secretary of War.

Sec. 4. *And be it further enacted,* That the quartermaster general, the deputy quartermasters, and the assistant deputy quartermasters, shall, before they or either of them enter upon the duties of their appointment respectively, enter into bond with sufficient security, to be approved of by the Secretary at War, conditioned for the faithful expenditure of all public monies, and accounting for all public property, which may come to their hands, respectively; and the quartermaster general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.

Bond and security, &c.

Sec. 5. *And be it further enacted,* That the sixth section of the act hereby amended be, and the same is hereby repealed.

Act of March 28, 1812, ch. 46.

Approved, May 22, 1812.

Statute I.

May 22, 1812.

Chap. XCIII.—*An Act supplementary to an act entituled "An act for the admission of the state of Louisiana into the Union, and to extend the laws of the United States to the said state."*

Act of April 8, 1812, ch. 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all causes, actions, indictments, libels, pleas, processes and proceedings whatsoever, returnable, commenced, depending or in any manner existing in the district court established in the territory of Orleans, in and by the act, entituled "An act erecting Louisiana into two territories and providing for the temporary government thereof," be, and the same are hereby transferred to the district court established by the act to which this is a supplement, and may be proceeded in, shall exist and have like incidents and effects as if they had been originated and been proceeded in in the court established by the act to which this is a supplement.

Judicial proceedings transferred, &c.

Act of March 26, 1804, ch. 38.

Sec. 2. *And be it further enacted,* That the dockets, books, records, papers and seal, belonging to the said district court of the Orleans territory, shall be transferred to, and become the dockets, books, records, and papers of the district court of the Louisiana district.

Dockets, records, &c. transferred.

Sec. 3. *And be it further enacted,* That the eighth section of the act aforesaid, entituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," and also, all acts within the purview of this act, and the one to which this is a supplement, be and the same are hereby repealed.

Eighth section, &c. of act of March 26, 1804, ch. 38, repealed.

Approved, May 22, 1812.

Statute I.

June 4, 1812.

[Obsolete.]

Chap. XCV.—*An Act providing for the government of 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 territory heretofore called Louisiana shall hereafter be called Missouri, and that the temporary government of the territory of Missouri shall be organized and administered in the manner herein after prescribed.

Louisiana to be called Missouri.

(a) An act to alter certain parts of the act providing for the government of the territory of Missouri, April 29, 1816, chap. 155.

An act further to regulate the territories of the United States, and their electing delegates to Congress, March 3, 1817, chap. 42.

Governor,—tenure of office, general powers, &c.

Sec. 2. *And be it further enacted,* That the executive power shall be vested in a governor, who shall reside in the said territory; he shall hold his office during the term of three years, unless sooner removed by the President of the United States; shall be commander in chief of the militia of the said territory; shall have power to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, which shall be established by law; shall take care that the laws be faithfully executed; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; shall have power on extraordinary occasions to convene the general assembly, and he shall ex officio be superintendent of Indian affairs.

Secretary.

His duty.

Sec. 3. *And be it further enacted,* That there shall be a secretary, whose commission shall continue in force for four years, unless sooner revoked by the President of the United States; he shall reside in the said territory; it shall be his duty, under the direction of the governor, to record and preserve all the proceedings and papers of the executive, and all the acts of the general assembly, and to transmit authentic copies of the same every six months to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be executed by the secretary.

Legislative power, &c.

Sec. 4. *And be it further enacted,* That the legislative power shall be vested in a general assembly, which shall consist of the governor, a legislative council and a house of representatives. The general assembly shall have power to make laws in all cases, both civil and criminal, for the good government of the people of the said territory, not repugnant to or inconsistent with the constitution and laws of the United States; and shall have power to establish inferior courts, and to prescribe their jurisdiction and duties; to define the powers and duties of justices of the peace and other civil officers in the said territory, and to regulate and fix the fees of office, and to ascertain and provide for payment of the same, and for all other services rendered to the said territory, under the authority thereof. All bills having passed by a majority in the house of representatives, and by a majority in the legislative council, shall be referred to the governor for his assent, but no bill or legislative act whatever shall be of any force without his approbation.

Governor's assent to bills indispensable.

Number of the legislative council, &c.

Mode of choosing members of the legislative council, &c.

Sec. 5. *And be it further enacted,* That the legislative council shall consist of nine members to continue in office five years, unless sooner removed by the President of the United States, any five of them shall be a quorum. The members of the legislative council shall be nominated and appointed in the manner following: as soon as representatives shall be elected, they shall be convened by the governor as hereafter prescribed, and when met, shall nominate eighteen persons, residents in the said territory one year preceding their nomination, holding no office of profit under the territory or the United States, the office of justice of the peace excepted, and each possessing in his own right two hundred acres of land therein, and return the names to the President of the United States, nine of whom the President, by and with the advice and consent of the Senate, shall appoint and commission to serve as aforesaid; and when a vacancy shall happen in the legislative council, by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid for each vacancy, and return their names to the President of the United States, one of whom he, by and with the advice and consent of the Senate, shall appoint and commission for the residue of the term: and every five years, four months at least before the expiration of the time of service of the members of the legislative council, the house of representatives shall nominate eighteen persons, qualified as aforesaid, and return their names to the President

of the United States, nine of whom shall be appointed and commissioned as aforesaid, to serve as members of the legislative council five years, if not sooner removed. No person shall be a member of the legislative council who hath not attained to the age of twenty-five years.

House of representatives.

Sec. 6. *And be it further enacted*, That the house of representatives shall be composed of members elected every second year by the people of the said territory, to serve for two years. For every five hundred free white male inhabitants there shall be one representative, and so on progressively with the number of free white male inhabitants shall the right of representation increase until the number of the representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the general assembly. No person shall be eligible or qualified to be a representative, who shall not have attained to the age of twenty-one years, and who shall not have resided in the territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States or an office of profit under the territory shall be a representative. In case of vacancy by death, resignation, removal or otherwise of a representative, the governor shall issue a writ to the county, whenever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States, above the age of twenty-one years, who have resided in said territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the general assembly of said territory.

Ratio of representation, &c.

Qualification of representatives.

Supply of vacancies.

Qualification of electors.

Governor in the first instance to cause elections and to lay out counties.

Sec. 7. *And be it further enacted*, That in order to carry the same into operation, the governor of the said territory shall cause to be elected thirteen representatives, and for that purpose shall proceed, as circumstances may require, to lay off the parts of the said territory to which the Indian title hath been extinguished, into convenient counties, on or before the first Monday in October next, and give notice thereof throughout the same, and shall appoint the most convenient time and place within each of the said counties for holding the elections, and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who shall have been elected. All subsequent elections shall be regulated by the general assembly, and the number of representatives shall be determined and the apportionment made in the manner herein before prescribed.

Subsequent elections, &c.

Meeting of general assembly, &c.

Sec. 8. *And be it further enacted*, That the representatives elected as aforesaid, shall be convened by the governor in the town of St. Louis on the first Monday in December next; and the first general assembly shall be convened by the governor, as soon as may be convenient, at St. Louis, after the members of the legislative council shall be appointed and commissioned. The general assembly shall meet once in each year, at St. Louis, and such meeting shall be on the first Monday in December annually, unless they shall by law appoint a different day. The legislative council and house of representatives, when assembled, shall each choose a speaker and its other officers, and determine the rules of its proceedings. Each house shall sit on its own adjournments from day to day. Neither house shall during the session, without consent of the other, adjourn for more than two days, nor to any other place than that where the two houses shall be sitting. The members of the general assembly shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Mode of proceeding of each branch.

Privilege from arrest, &c.

Sec. 9. *And be it further enacted*, That all and every free white

Persons entitled to vote for delegate to Congress, and for members of the general assembly, &c.

male person who, on the twentieth day of December, in the year one thousand eight hundred and three, was an inhabitant of the territory of Louisiana, and all free white male citizens of the United States, who, since the said twentieth day of December, in the year one thousand eight hundred and three emigrated, or who hereafter may emigrate to the said territory, being otherwise qualified according to the provisions of this act, shall be capable to hold any office of honour, trust or profit, in the said territory, under the United States, or under the said territory, and to vote for members of the general assembly and a delegate to Congress during the temporary government provided for by this act.

Judicial power.

Sec. 10. *And be it further enacted*, That the judicial power shall be vested in a superior court, and in inferior courts and justices of the peace. The judges of the superior court and justices of the peace shall hold their offices for the term of four years, unless sooner removed; the superior court shall consist of three judges, who shall reside in the said territory, any two of whom shall constitute a court; the superior courts shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those that are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars; the said judges shall hold their courts at such times and places as shall be prescribed by the general assembly. The sessions of the superior and inferior courts shall continue until all the business depending shall be disposed of, or for such time as shall be prescribed by the general assembly. The superior and inferior courts shall respectively appoint their clerks, who shall be commissioned by the governor, and shall hold their offices during the temporary government of the said territory, unless sooner removed by the court.

Superior court.

Act of Jan. 27, 1814, ch. 8.

Sessions.

Clerks.

Grand and petit jurors.

Sec. 11. *And be it further enacted*, That all free male white persons of the age of twenty-one years, who shall have resided one year in the said territory, and are not disqualified by any legal proceeding, shall be qualified to serve as grand or petit jurors in the courts of the said territory; and they shall, until the general assembly thereof shall otherwise direct, be selected in such manner as the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and least burthensome to the inhabitants of the said territory.

Governor, &c. to be appointed by the President.

Sec. 12. *And be it further enacted*, That the governor, secretary and judges for the territory of Missouri, authorized by this act, and all general officers of the militia, during the temporary government thereof, shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate; and the governor, secretary and judges shall respectively receive for their services the compensations established by law, to be paid quarter yearly out of the treasury of the United States; the governor, secretary, judges, members of the legislative council, members of the house of representatives, justices of the peace, and all other officers civil and military, before they enter on the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor before a judge of the supreme or a district court of the United States, or a judge of the said territory; the secretary and judges before the governor; the members of the legislative council and house of representatives before a judge of the said territory; and the justices of the peace and all other officers before such person as the governor shall appoint and direct.

How paid.

To take an oath.

Before whom.

Time of electing a delegate to Congress.

Sec. 13. *And be it further enacted*, That the citizens of the said territory entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States; and the delegate so elected, shall possess the same powers, shall have the same privileges and compensation for his attend-

ance in Congress, and for going to and returning from the same, as heretofore have been granted to and provided for a delegate from any territory of the United States.

His privileges and pay.

Sec. 14. *And be it further enacted*, That the people of the said territory shall always be entitled to a proportionate representation in the general assembly; to judicial proceedings according to the common law and the laws and usages in force in the said territory; to the benefit of the writ of habeas corpus. In all criminal cases the trial shall be by jury of good and lawful men of the vicinage. All persons shall be bailable unless for capital offences where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his life, liberty or property, but by the judgment of his peers and the law of the land. If the public exigencies make it necessary for the common preservation to take the property of any person, or to demand his particular services, full compensation shall be made for the same. No ex post facto law or law impairing the obligation of contracts shall be made. No law shall be made which shall lay any person under restraint, burthen or disability, on account of his religious opinions, professions or mode of worship, in all which he shall be free to maintain his own, and not burthened for those of another. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be encouraged and provided for from the public lands of the United States in the said territory, in such manner as Congress may deem expedient.

Rights secured to the people.

Education.

Sec. 15. *And be it further enacted*, That the general assembly shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary to make for securing the title in the bona fide purchasers: no tax shall ever be imposed on lands the property of the United States. The lands of non-resident proprietors shall never be taxed higher than those of residents. The Mississippi and Missouri rivers, and the navigable waters flowing into them, and the carrying places between the same, shall be common highways and forever free to the people of the said territory and to the citizens of the United States, without any tax, duty or impost therefor.

Limitation of the powers of the general assembly.

Mississippi and Missouri rivers, &c. to be free.

Sec. 16. *And be it further enacted*, That the laws and regulations in force in the territory of Louisiana, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force until altered, modified or repealed by the general assembly. And it is hereby declared that this act shall not be construed to vacate the commission of any officer in the said territory, acting under the authority of the United States, but that every such commission shall be and continue in full force as if this act had not been made. And so much of an act, entituled "An act further providing for the government of the territory of Louisiana," approved on the third day of March, one thousand eight hundred and five, and so much of an act, entituled "An act for erecting Louisiana into two territories and providing for the temporary government thereof," approved the twenty-sixth of March, one thousand eight hundred and four, as is repugnant to this act, shall from and after the first Monday in December next be repealed. On which first Monday in December next this act shall commence and have full force: *Provided*, so much of it as requires the governor of said territory to perform certain duties previous to the said first Monday of December next shall be in force from the passage thereof.

Laws to continue in force, &c.

This act not to vacate commissions.

Repugnant provisions of act of March 3, 1805, ch. 31, and of act of March 26, 1804, ch. 38, repealed.

This act to commence first Monday of December, 1812.

Approved, June 4, 1812.

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

claims, to town or village lots, out lots, common field lots and commons, in, adjoining and belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villago a Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, Little Prairie and Arkansas, in the territory of Missouri, which lots have been inha-

Rights to certain lots adjoining to certain towns, confirmed.

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rights, advantages and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. Delassus *v.* The United States, 9 Peters, 117.

The right of property is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana, excludes any idea of interfering with private property. *Ibid.*

On the 18th of April, 1802, the lieutenant-governor of Upper Louisiana granted sixteen hundred arpents of land near certain rivers named in the grant, with directions to survey the same in a vacant place of the royal domain; but no survey was made before the cession of Louisiana to the United States. By the Court—As the grant contained no description of the land granted, and was not located within the time prescribed by the act of Congress of the 10th of March, 1804, it comes directly within the point decided by the supreme court in the case of John Smith, T., and cannot be confirmed. Wherry *v.* The United States, 10 Peters, 338.

In repeated decisions, the supreme court have affirmed the authority of local governors, under the crown of Spain, to grant land in Louisiana, before the same was ceded by Spain to France: and the court have also affirmed the validity of descriptive grants, though not surveyed before the 11th of March, 1804, in Missouri, and the 24th of January, 1818, in Florida. Mackey *v.* The United States, 10 Peters, 340.

A grant or concession made by an officer who is by law authorized to make it, carries with it prima facie evidence that it is within his powers. No excess of them, or departure from them, is to be presumed. He violates his duty by such excess, and is responsible for it. He who alleges that an officer entrusted with an important duty has violated his instructions, must show it. Delassus *v.* The United States, 9 Peters, 117.

The instructions of governor O'Reilly, relative to granting lands in Louisiana, were considered by the court, in 8 Peters, 455. These regulations were intended for the general government of subordinate officers, and not to control and limit the power of the person from whose will they emanated. The Baron De Carondelet must be supposed to have had all the powers which had been vested in Don O'Reilly; and a concession ordered by him is as valid as a similar concession directed by governor O'Reilly would have been. *Ibid.*

A concession of land was made by the lieutenant-governor of Upper Louisiana, at the time when the power of granting lands was vested in the governors of provinces. This power was, in 1799, after the concession, transferred to the intendant-general; and after this transfer, in January, 1800, the order of survey of the land was made by the lieutenant-governor. The validity of the order of survey depends on the authority of the lieutenant-governor to make it. The lieutenant-governor was also a sub-delegate, and as such was empowered to make inchoate grants. The grant was confirmed. Chouteau's heirs *v.* The United States, 9 Peters, 137.

The transfer of the power to make concessions of lands belonging to the royal domain of Spain, from the governor-general to the intendant-general, did not affect the power of the sub-delegate, who made this concession. The order in this case is the foundation of title, and is, according to the act of Congress on the subject of confirming titles to lands in Missouri, &c., and the general understanding and usage of Louisiana and Missouri, capable of being perfected into a complete title. It is property, capable of being alienated, of being subjected to debts: and is, as such, to be held as sacred and inviolate as other property. *Ibid.*

A concession of one league square of land, in Upper Louisiana, was made by Don Zenon Trudeau, the lieutenant-governor of that province, to Auguste Chouteau, and a decree made by him directing the surveyor-general of the province to put him in possession of the land, and to survey the same, in order to enable Chouteau to solicit a complete title thereto from the governor-general, who by the said decree was informed that the circumstances of Chouteau were such as entitled him to a grant of the land. The land was surveyed, and the grantee put in full possession of it on the 20th of December, 1803. He retained possession of it until his death. The objection to the validity of the concession was, that the petitioner had not as many tame cattle as the eighth regulation of governor O'Reilly, governor-general of Louisiana, required. That regulation required that the applicant for a grant of a league square of land should make it appear that he is possessed of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them, a proportion which shall always be observed for the grants, &c. By the Court—"In the spirit of the decisions which have been heretofore made by the supreme court, and of the acts of confirmation passed by Congress, the fact that the applicant possessed the requisite amount of property to entitle him to the land he solicited, was submitted to the officer who decided on the application; and he is not bound to prove it to the court, which passes on the validity of the grant. These incomplete titles were transferable, and the assignee might not possess the means of proving the exact number of cattle in possession of the petitioner when the concession was made." The grant was confirmed. *Ibid.* 147.

If the court can trust the information received on this subject, neither the governor nor the intendant-general has ever refused to perfect an incomplete title granted by a deputy governor or a sub-delegate. *Ibid.*

The regulation made by Don O'Reilly, as to the quantity of land to be granted to an individual, is not that no individual shall receive grants for more than one league square, but that no grant shall exceed a league square. The words of the regulation do not forbid different grants to the same person; and, so far as the court are informed, it has never been so construed. *Ibid.*

The act of Congress passed 13th June, 1812, confirming the titles and claims of certain towns and villages to village lots and commons, gave a title which is paramount to a title held under an old Spanish concession confirmed by Congress in 1836. Chouteau *v.* Eckhart, 2 Howard, 344.

bited, cultivated, or possessed, prior to the twentieth day of December, one thousand eight hundred and three, shall be and the same are hereby confirmed to the inhabitants of the respective towns or villages aforesaid, according to their several right or rights in common thereto: *Provided*, that nothing herein contained shall be construed to affect the rights of any persons claiming the same lands, or any part thereof, whose claims have been confirmed by the board of commissioners for adjusting and settling claims to land in the said territory. And it shall be the duty of the principal deputy surveyor for the said territory as soon as may be, to survey, or cause to be surveyed and marked, (where the same has not already been done, according to law) the out boundary lines of the said several towns or villages so as to include the out lots, common field lots and commons, thereto respectively belonging. And he shall make out plats of the surveys, which he shall transmit to the surveyor general, who shall forward copies of the said plats to the commissioner of the general land-office, and to the recorder of land titles; the expense of surveying the said out boundary lines shall be paid by the United States out of any moneys appropriated for surveying the public lands: *Provided*, that the whole expense shall not exceed three dollars for every mile that shall be actually surveyed and marked.

But not to affect rights of others, confirmed.

Deputy surveyor to mark boundary lines, &c.

And make out plats.

Expense not to exceed three dollars per mile.

Sec. 2. *And be it further enacted*, That all town or village lots, out lots, or common field lots, included in such surveys, which are not rightfully owned or claimed by any private individuals, or held as commons belonging to such towns or villages, or that the President of the United States may not think proper to reserve for military purposes, shall be, and the same are hereby reserved for the support of schools in the respective towns or villages aforesaid: *Provided*, that the whole quantity of land contained in the lots reserved for the support of schools in any one town or village, shall not exceed one twentieth part of the whole lands included in the general survey of such town or village.

Lots to be reserved for support of schools.

Proviso.

Sec. 3. *And be it further enacted*, That every claim to a donation of lands in the said territory, in virtue of settlement and cultivation, which is embraced by the report of the commissioners, transmitted to the Secretary of the Treasury, and which by the said report, shall appear not to have been confirmed, merely because permission, by the proper Spanish officer, to settle, has not been duly proven; or because the tract claimed, although inhabited, was not cultivated on the twentieth of December, one thousand eight hundred and three, or not to have been confirmed on account of both said causes; the same shall be confirmed, in case it shall appear that the tract so claimed was inhabited by the claimant or some one for his use prior to the twentieth day of December, one thousand eight hundred and three as aforesaid, and cultivated in eight months thereafter, subject, however, to every other limitation and restriction prescribed by former laws in respect to such claims; and in all cases where it shall appear by the said report or other records of the board that claims to land have not been confirmed merely on the ground that the claim was for a greater quantity than eight hundred arpens, French measure, every such claim to the extent of eight hundred arpens, shall be confirmed.

Claims to donation lands, under certain circumstances, confirmed.

Subject to certain limitations.

Other claims to be confirmed.

Sec. 4. *And be it further enacted*, That the recorder of land titles for the said territory shall, without delay, make an extract from the books of the said board of commissioners of all the claims to land which are, by the preceding section, directed to be confirmed, a copy of which he shall transmit to the commissioner of the general land-office; and he shall furnish the principal deputy surveyor with a proper description of the tracts so to be confirmed, wherein the quantity, locality, boundaries and connexion, when practicable with each other, and those tracts that have been confirmed by the board of commissioners shall be stated. And whenever plats of the surveys as herein after directed, shall have

Recorder to make extract of claims from books.

To transmit a copy to general land-office, and furnish deputy surveyor with descriptions, &c.

been returned to the said recorder's office, it shall be his duty to issue for each tract to be confirmed, as aforesaid, to the person entitled thereto, a certificate in favour of the party, which shall be transmitted to the commissioner of the general land-office; and if it shall appear to the satisfaction of the said commissioner that such certificate has been fairly obtained, according to the true intent and meaning of this act, then, in that case, patents shall be granted in like manner as is provided by law for the other lands of the United States.

Recorder to issue certificates.

Patents to be granted.

Sec. 5. *And be it further enacted,* That the principal deputy surveyor shall survey, or cause to be surveyed, under the direction of the surveyor general, so much of the lands in the said territory, to which the Indian title has been extinguished, as the President of the United States may direct, into townships of six miles square, by lines running due north and south, and others crossing these at right angles; and also the lands, the claims to which are directed to be confirmed, by the third section of this act; and the lands, the claims to which have been confirmed by the board of commissioners, where the same has not already been surveyed under the authority of the United States. And the said principal deputy surveyor shall make out a general and connected plat of all the surveys directed by this act to be made, or which have already been made under the authority of the United States, which he shall transmit to the surveyor general, who shall transmit copies of the said plat or plats to the recorder of land titles and the commissioner of the general land-office. The expense of surveying shall be paid by the United States: *Provided,* the same shall not in the whole exceed three dollars a mile for every mile that shall be actually surveyed and marked.

Deputy surveyor to survey.

Townships to be laid off.

Plat to be made.

Expense not to exceed three dollars per mile.

Sec. 6. *And be it further enacted,* That in all cases where by reason of the indefinite description of the local situation and boundaries of any tract, the claim to which has been confirmed by the commissioners, the same cannot be ascertained by the principal deputy surveyor, it shall be the duty of the recorder of land titles, on the application of the said principal deputy, to furnish such precise description thereof, as can be obtained from the records in his office, and the books of the said board of commissioners; and for the purpose of the more correctly ascertaining the locality and boundaries of any such tracts, the said principal deputy, shall have free access at all seasonable hours to the books and papers in the recorder's office, relating to land claims, and be permitted to take copies or such extracts therefrom, or any of them, as he may think proper and necessary for the discharge of his duty in executing such surveys. And the said recorder shall be allowed twenty-five cents for the description of each tract which he shall furnish to the principal deputy surveyor as aforesaid.

Recorder to furnish descriptions.

Access to be allowed to books and papers in recorder's office.

Recorder's fee.

Sec. 7. *And be it further enacted,* That every person or persons claiming lands in the territory of Missouri, who are actual settlers on the lands which they claim, and whose claims have not been heretofore filed with the recorder of land titles for the said territory, shall be allowed until the first day of December next, to deliver notices in writing, and the written evidences of their claims to the said recorder; and the notices and evidences so delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States, against any grant derived from the United States.

Actual settlers allowed till first December, 1812, to furnish evidence of claims, &c.

Act of March 3, 1813, ch. 44.

Barred forever after.

Sec. 8. *And be it further enacted,* That the said recorder of land titles, shall have the same powers, and perform the same duties in rela-

Power and duty of recorder.

tion to the claims thus filed before the first day of December next, and the claims which have been heretofore filed, but not decided on by the commissioners, as the board of commissioners had by former laws respecting claims filed prior to the first day of July, one thousand eight hundred and eight, except that all of his decisions shall be subject to the revision of Congress. And it shall be the duty of the said recorder to make to the commissioner of the general land-office a report of all the claims which shall be thus filed before the first day of December next, and of the claims which have been already filed but not decided on by the said commissioners; together with the substance of the evidence in support thereof, with his opinion and such remarks as he may think proper, which report together with a list of the claims which, in the opinion of the said recorder, ought to be confirmed, shall be laid by the commissioner of the general land-office before Congress, at their next session, for their determination thereon. The said recorder in addition to his salary as fixed by law, shall be allowed fifty cents for each claim which has been filed, but not decided on by the commissioners; or which shall be filed according to this act, and on which he shall make a decision, whether such decision be in favour of, or against the claim, and a further allowance of five hundred dollars, which shall be paid after he shall have made his report to the commissioner of the general land-office; which allowance of fifty cents for each claim decided on, and five hundred dollars on the completion of the business, shall be in full compensation for his services, including clerk hire, respecting the claims to be decided on according to this act.

Additional fee to the recorder.

Further allowance.

Approved, June 13, 1812.

Statute I.

June 17, 1812.

Chap. C.—*An Act authorizing the remission of forfeited recognizances within the District of Columbia.*

President authorized to remit forfeitures, &c. in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall have the power to grant remissions of the forfeitures of all recognizances acknowledged and taken or to be acknowledged and taken, before any court, judge, justice of the peace, or other magistrate within the District of Columbia, either in the course of any criminal prosecution, or for surety of the peace.

Approved, June 17, 1812.

Statute I.

June 17, 1812.

Chap. CI.—*An Act authorizing the cutting and making a Canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes.*

Common council of Alexandria empowered to appoint agents to lay out and superintend cutting of canal, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the common council of Alexandria shall have power to appoint one or more agents to lay out and superintend the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island to the western shore of the said river, into that arm of said river which passes around the western side of said island, in the manner and under the restrictions herein after directed; and from the river Potomac along the west side of Alexander's peninsula into said river, below the lower end of said peninsula, and through any other points of land between Mason's island and Alexandria, which may improve the boat navigation of said river; and also that the said common council of Alexandria have power to levy a tax upon the real property of the said town, and upon the personal property and the occupations of the citizens thereof, for the purpose of defraying the expense of cutting and making said canals, and after-

May levy a tax.

wards for continuing the same in good repair; and for constructing and keeping in repair, and attending at all times during high water the guard gates or lock, herein after directed to be constructed in the canal authorized to be cut as aforesaid around the west end of the causeway from Mason's island, and of erecting the bridges herein after mentioned, and for keeping the same in repair.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the said agent or agents or a majority of them to agree with the owners of any land through which either of the said canals is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the circuit court of the District of Columbia, the said judge shall issue his warrant directed to the marshal of the district, to summon and empannel twelve able and discreet freeholders of the vicinage, noways related to either party, to meet on some certain place on the ground through which the said canal is proposed to be conducted, and on a certain day to be expressed in the warrant, of which reasonable notice shall be given by the marshal to the proprietors or tenants of said ground; and the marshal upon receiving the said warrant shall forthwith summon the said jury, and when met shall administer an oath or affirmation to every juryman, that he will faithfully, justly, and impartially value the land not exceeding the width of thirty feet, and all damages the owner thereof will sustain by cutting the canal through such land, according to the best of his skill and judgment; and the inquisition thereupon taken, shall be signed by the marshal and the jurymen present, and returned by the marshal to the clerk of the court of the county of Alexandria to be by him recorded; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the agent or agents to the owner of the land, or his or her legal representatives; and on payment thereof, said canal may be cut and made through said lands, and said described land and canal shall become an open highway for ever: *Provided*, they nor the waters of the said canals or either of them shall not be used for any other purpose than navigation, but by the consent of the owner of the lands through which said canal may pass.

Agents may agree with owners of land.

In case of disagreement a judge may issue his warrant to the marshal to summon a jury.

Notice to be given to proprietors or tenants.

Juror's oath.

Inquisition to be signed and returned by the marshal.

Valuation to be conclusive and paid to the owner, &c.

Land and canal to become an open highway.

Only used for navigation.

Sec. 3. *And be it further enacted*, That the canal authorized to be cut as aforesaid around the west end of the causeway, and not nearer than one hundred feet to the land end of the lower side of the wharf, formerly used as a ferry wharf, from Mason's island, shall commence at some point on the western shore of the Potomac river, above a high rock situated about thirty yards above the said causeway, thence to proceed, leaving the said high rock between said canal and the river, and passing at a distance of at least twenty feet from the original walls of said causeway, shall enter said river at the distance of at least twenty and not exceeding one hundred yards below said causeway; that said canal shall not be narrower than twelve feet, nor wider than twenty feet at the bottom, and shall not contain less than two feet, nor more than four feet water in depth at common low tide, and shall be substantially walled with stone on both sides throughout; and if on excavating the site for the said canal at the proper depth, it does not prove to be a bottom of solid rock, then the same shall be securely paved at bottom with heavy flat stone, well laid, for the whole or such part as may not be a bottom of natural rock. And the said canal shall be further secured by wing walls and puddle on the river side to prevent the water from undermining the causeway walls. There shall also be erected in said canal for the protection of said causeway, during the times of high freshes, two substantial guard gates, as high as the parapet wall of said causeway, one at least twenty feet above said causeway, and the other at a

Commencement of the canal.

Width.

Depth.

To be walled.

To be paved at bottom.

Wing walls and puddle.

Guard gates.

suitable distance below said causeway, which gates shall be connected by walls with said parapet wall, and of equal height, so as to form a complete lock, to be firmly secured at bottom, and with the usual apparatus for opening and shutting the same, to facilitate the passage of boats; and it shall be the duty of the said common council of Alexandria to provide, that always during the times of high freshes aforesaid, a careful person shall attend said gates to keep them shut, at which times they shall never be opened except for the passage of boats, and for ever to keep the said lock and the said canal, in all its walls, wings, pavements, gates, and other parts in complete repair; and if the said causeway should at any time be injured in consequence of the said common council having failed to take the precautionary measures aforesaid, and to keep every part of the work done by them in good repair, the said common council shall be liable to the corporation of Georgetown for all damages said corporation may sustain by such injury, to be assessed by a jury in an action on the case, to be brought by said corporation against said common council, and it shall also be the duty of the said common council of Alexandria to erect over said canal, where it shall cross the turnpike road which leads from said causeway to Alexandria, a substantial stone bridge, at least twenty feet wide, and to keep the same always in repair.

Lock.

Freshes.

Always to be kept in repair.

Common council of Alexandria liable, &c.

Damages to be assessed.

Stone bridge.

Sec. 4. *And be it further enacted*, That if any other of the said canals shall be cut across any public highway, that a good and sufficient bridge shall in such place be made over the canal at least twenty feet wide, and kept in constant repair by the said common council of Alexandria.

Good bridges to be erected over highways cut by the canal.

Sec. 5. *And be it further enacted*, That the aforesaid canal around the west end of the causeway aforesaid, shall be commenced within two years, and shall be completed in the manner herein before provided, within five years from this time, otherwise the authority herein given to cut said canal shall cease and determine.

Limitation of time.

Sec. 6. *And be it further enacted*, That in case of the death, removal, or refusal to act, of any agent, the common council of Alexandria shall appoint another, and shall, from time to time, supply vacancies that may occur, and that in all cases a majority of the agents shall be sufficient to act.

Common council to supply vacancies of agents.

Sec. 7. *And be it further enacted*, That it shall not be lawful for any boat or boats to pass the said canal around the western end of the said causeway, until the commissioners, or a majority of them herein after named, shall have certified under their hands, that according to the best of their skill and judgments, the said canal is located and cut, and the walls, wings, lock, and gates are erected and the pavement laid, and the whole work executed and completed, in every respect conformably to the directions, true intent and meaning of this act; and until the certificate signed as aforesaid shall be returned and filed in the office of the court of the county of Alexandria.

Boats not to pass the western end of the causeway before the canal is completed.

Sec. 8. *And be it further enacted*, That so soon as the common council of Alexandria shall notify the President of the United States, that the said canal round the western end of the causeway aforesaid is completed, and ready for the view and inspection of the commissioners, then it shall and may be lawful for the President of the United States, and he is hereby required to appoint without delay three disinterested and skilful persons as commissioners, to go upon, view and inspect the canal and premises last aforesaid, and thereupon, if in their judgments, and not otherwise, the said canal be in all respects executed and completed as herein directed, to certify the same and cause their certificate to be returned and filed in manner aforesaid. And that the said commissioners for so doing shall be entitled to a reasonable compensation, to be paid by the common council of Alexandria.

President to appoint commissioners to inspect the work.

Commissioners to be paid by the common council.

Sec. 9. *And be it further enacted*, That the earth or other materials

taken from the bed of the said canal, shall not be deposited to the injury of the owners of the lands through which the said canal may pass.

Owners of land not to be injured, &c.

Approved, June 17, 1812.

Statute I.

Chap. CII.—*An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.*

June 18, 1812.

[Obsolete.]

War declared.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

President authorized to employ the land and naval forces to carry on the war.

Approved, June 18, 1812.

Statute I.

Chap. CVI.—*An Act to amend the laws within the District of Columbia.*(a)

June 24, 1812.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all promissory notes for the payment of money hereafter drawn and endorsed or transferred within the county of Alexandria, in the district of Columbia, shall be governed by, and subject to, the same laws as are now in force and applicable to such notes, drawn, endorsed or transferred within the county of Washington, in the said district; and the rights, remedies and responsibility of the person or persons hereafter holding, drawing, endorsing or transferring any such promissory note, as aforesaid, shall be the same within the county of Alexandria as they now are within the said county of Washington; and all laws now in force within the said county of Alexandria, contrary to this provision, are hereby repealed.

Promissory notes subject to same laws in Alexandria and Washington, &c.

Sec. 2. *And be it further enacted,* That it shall be lawful for any creditor of any insolvent debtor, who shall hereafter apply for relief under the act of Congress, passed on the third day of March, one thousand eight hundred and three, entituled "An act for the relief of insolvent debtors within the District of Columbia," to make the same allegations in writing, at any time before the oath of insolvency shall be administered, as are now permitted by the seventh section of said act, which allegation shall be made before the judge by whom the oath of insolvency is proposed to be administered, and a copy of the same, together with a notification from such judge of the time and place at which the truth of such allegation is to be tried, shall be forthwith served on such insolvent, and any one judge of the said district shall have the same power and authority to examine the debtor or any other person, on oath, touching the substance of the said allegation, or to direct an issue or issues to be tried before him, in a summary way, to determine the truth of the same, as are now vested in the court of the said district by the seventh section of the said act; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming within twelve months next preceding his application for

Creditors of insolvent debtors may make allegations before oath of insolvency.

Act of March 3, 1803, ch. 31.

One judge may examine the debtor.

(a) See notes to an act concerning the District of Columbia, February 27, 1801, chap. 15, vol. ii. 103.

Debtors under certain circumstances precluded from the benefit of the insolvent act.

False swearing declared to be wilful and corrupt perjury, &c.

relief, more than three hundred dollars, or of having within that time assigned or conveyed any part of his property, rights or credits, with an intent to give a preference to any creditor or creditors or any surety, he shall not be permitted to take the said oath, and shall be precluded from any benefit under the said act; and in case any such debtor, or any other person, shall at any time thereafter be convicted of swearing or affirming wilfully and corruptly to any matter or thing touching the inquiry aforesaid, the person so offending shall suffer as in the case of wilful and corrupt perjury; and upon such conviction of the debtor or any other person testifying for him, such debtor shall be forever precluded from any benefit under the said act; but nothing herein contained shall be considered as in any manner impairing or repealing the provisions of the seventh section of the said act.

Benefit of prison walls not allowed to any debtor for more than one year.

Marshal to recommit to close confinement.

Sec. 3. *And be it further enacted*, That the benefit of the prison rules shall not be allowed to any debtor, hereafter taken or charged in execution within the said district, for more than one year from the date of the bond given by him or her for keeping within the said rules; after the expiration of which time, if the person so taken or charged in execution shall not be discharged by due course of law, it shall be the duty of the marshal or other officer to whose custody such person was committed, to recommit him or her to close jail and confinement, there to remain until the debt for which he or she was taken or charged in execution shall be paid, or until he or she shall be discharged under the act of Congress for the relief of insolvent debtors within the district of Columbia.

Real estate in the county of Alexandria subject to the payment of debts.

Sec. 4. *And be it further enacted*, That real estate in the county of Alexandria shall be subject to the payment of debts hereafter contracted, in the same manner, to the same extent and by the same process, as real estate in the county of Washington is subject to the payment of debts by the laws now in force in the said county of Washington, the operation of which laws is hereby extended to real estate in the said county of Alexandria for the satisfaction of debts hereafter contracted.

Writs to run from one county to another.

But returnable to the court whence they issued.

Sec. 5. *And be it further enacted*, That on any judgment or decree rendered or hereafter to be rendered by the said court in either of the said counties, any writ of execution which shall thereupon issue, may be served and carried into effect in either county in which the person or property, liable to the said judgment or decree may be found; but the writ of execution shall be returnable only to the court wherein such judgment or decree was rendered and from whence it issued: and such execution shall have the same force and effect as if it had issued from the county where such person or his property may be found.

Interest to be allowed on judgments.

Sec. 6. *And be it further enacted*, That upon all judgments rendered on the common law side of the circuit court of said district in actions founded on contracts, interest at the rate of six per centum per annum shall be awarded on the principal sum due until the said judgment shall be satisfied, and the amount which is to bear interest and the time from which it is to be paid shall be ascertained by the verdict of the jury sworn in the cause.

Damages payable on dissolution of injunction, &c.

Sec. 7. *And be it further enacted*, That when any injunction shall hereafter be obtained to stay proceedings on any judgment rendered for money in the circuit court of the said district, and such injunction shall be dissolved wholly or in part, damages, at the rate of ten per centum per annum from the time the injunction shall be awarded until dissolution, shall be paid by the party on whose behalf such injunction was obtained on such sum as appears to be due, including costs, and execution on the judgment enjoined shall be issued for the same; and in cases where a forthcoming bond shall have been executed by the complainant, and no judgment shall have been rendered thereupon, the court in which execution shall be awarded shall direct the said damages to be

included in the judgment, which damages shall in all cases be in full satisfaction of interest for the time for which they shall be allowed: *Provided*, that when the injunction shall be granted to obtain a discovery, or any part of the judgment shall remain enjoined, the court may, if it appear just, direct that such damages shall not be paid, or only such proportion thereof as they may deem expedient.

Proviso.

Sec. 8. *And be it further enacted*, That in any civil suit or action at law, or any criminal or penal prosecution by information or indictment now depending or hereafter to be commenced, the court, upon a suggestion in writing by any of the parties thereto supported by oath or affirmation, that a fair and impartial trial cannot be had in the county where such suit or action is depending, may order the same suit or action to be removed into the court holden in the other county in the said district; and the same shall be prosecuted and tried according to law, and the judgment carried into full effect; and it shall be the duty of the clerk of the one county to transmit to the clerk of the other county, a copy of the record of the proceedings, and all the original papers filed in his office in the suit or action; and in like manner in any criminal or penal prosecution aforesaid, by information or indictment, if the attorney for the United States for the district of Columbia shall suggest in writing, under his signature, to the court of the county, before whom any such information or indictment is or may be depending, that the United States cannot have a fair and impartial trial in such county, the court may order the trial to be prosecuted and had in the other county, for which purpose the proceedings and all original papers filed in said cause shall be transmitted to the court of such other county, where the same shall be tried and prosecuted to final judgment and execution.

Suit or action may be removed from one county to another.

Prosecution by information or indictment may also be removed, on suggestion of the district attorney.

Sec. 9. *And be it further enacted*, That hereafter it shall be lawful for any inhabitant or inhabitants in either of the said counties owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise freely and fully all the rights of property in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made, any thing in any legislative act in force at this time in either of the said counties, to the contrary notwithstanding. (*a*)

Slaves may be removed from one county to another.

(*a*) Slavery in the District of Columbia:—

The plaintiffs in error filed a petition for freedom in the circuit court of the United States for the county of Washington, and they proved that they were born in the state of Virginia, as slaves of Richard B. Lee, now deceased, who moved with his family into the county of Washington, in the District of Columbia, about the year 1816, leaving the petitioners residing in Virginia as his slaves, until the year 1820, when the petitioner Barbara was removed to the county of Alexandria, in the District of Columbia, where she was hired to Mrs. Muir, and continued with her thus hired for the period of one year. That the petitioner, Sam, was in like manner removed to the county of Alexandria, and was hired to General Walter Jones, for a period of about five or six months. That after the expiration of the said periods of hiring, the petitioners were removed to the said county of Washington, where they continued to reside as the slaves of the said Richard B. Lee until his death, and since, as the slaves of his widow, the defendant. On the part of the defendant in error, a preliminary objection was made to the jurisdiction of the supreme court, growing out of the act of Congress of the 2d of April, 1816, which declares that no cause shall be removed from the circuit court for the District of Columbia, to the supreme court, by appeal or writ of error, unless the matter in dispute shall be of the value of one thousand dollars, or upwards. By the Court—The matter in dispute in this case, is the freedom of the petitioners. The judgment of the court below is against their claims to freedom; the matter in dispute, is, therefore, to the plaintiffs in error, the value of their freedom, and this is not susceptible of a pecuniary valuation. Had the judgment been in favour of the petitioners, and the writ of error brought by the party claiming to be the owner, the value of the slaves as property, would have been the matter in dispute, and affidavits might be admitted to ascertain such value. But affidavits, estimating the value of freedom, are entirely inadmissible, and no doubt is entertained of the jurisdiction of the court. Lee *v.* Lee, 8 Peters, 44.

The circuit court refused to instruct the jury that if they should believe, from the evidence, that bringing the petitioners from Virginia to Alexandria, by their owner, and hiring them there, was merely colourable, with intent to evade the law, that then the petitioners are entitled to their freedom. By the Maryland law, of 1796, it was declared, that it shall not be lawful to import or bring into this state, by land or water, any negro, mulatto, or other slave, for sale, or to reside within this state; and any person brought into this state as a slave, contrary to this act, if a slave before, shall thereupon cease to be the property of the person so importing, and shall be free. And by the act of Congress of the 27th of February, 1801, it is provided, that the laws of the state of Maryland, as they then existed, should be, and continue in force in that part of the district which was ceded by that state to the United States. The

Rules for paying the debts of deceased persons.

Sec. 10. *And be it further enacted*, That in paying the debts of any deceased person, the executor or administrator, who shall hereafter qualify and obtain letters testamentary or of administration in the orphans' court in the county of Alexandria, shall observe the following rules; funeral expenses shall be first paid, next judgments and decrees against the deceased obtained in his lifetime in the said district shall be wholly discharged before any other claims; after such funeral expenses, judgments and decrees within the said district shall be satisfied, all other just claims shall be admitted to payment on an equal footing, without priority or preference, and in equal proportion; if there be not sufficient to discharge all such judgments and decrees, a proportionable dividend shall be made among the judgment and decree creditors aforesaid. In no case shall an executor or administrator aforesaid, be allowed to retain for his own claim against the deceased, unless the same be passed by the orphans' court, and when passed it shall stand on an equal footing with other claims of like nature; and it shall be the duty of every executor or administrator aforesaid to give in a claim against himself, and no executor or administrator shall discharge any claim against the deceased, otherwise than at his own risk, unless the same shall be first passed by the orphans' court granting the administration.

Persons obtaining letters testamentary, or of administration out of the district of Columbia, may prosecute claims within it.

Certified copies of letters testamentary, &c. to be evidence.

Sec. 11. *And be it further enacted*, That it shall be lawful for any person or persons to whom letters testamentary or of administration hath been or may hereafter be granted by the proper authority in any of the United States or the territories thereof, to maintain any suit or action and to prosecute and recover any claim in the district of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said district; and the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration.

Sessions of the courts of Alexandria, to be held in April and November.

Sec. 12. *And be it further enacted*, That instead of the sessions as heretofore by law directed, the courts for the county of Alexandria shall, after this act goes into operation, commence on the third Monday in April, and on the fourth Monday in November in every year; and all cases, motions, process, causes, matters and things pending in or returnable to the sessions as heretofore fixed by law, shall be continued and returned respectively to the sessions of the said court hereby appointed to be holden.

Sec. 13. *And be it further enacted*, That it shall be the duty of the constables of the county of Washington in the district of Columbia, upon a capias ad satisfaciendum issuing out of the clerk's office of the said

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Maryland law of 1796 is, therefore, in force in the county of Washington; and the petitioners, if brought directly from the state of Virginia into the county of Washington, would, under the provisions of that law, be entitled to their freedom. By the act of Congress of the 24th of June, 1812, it was declared, "that hereafter it shall be lawful for any inhabitant or inhabitants, in either of the said counties, (Washington and Alexandria,) owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise, freely and fully, all the rights of property, in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made." *Ibid.*

The court erred in refusing to give the fourth instruction prayed on the part of the petitioner, which asked that it should be submitted to the jury whether, from the evidence, the bringing of the petitioners from Virginia to Alexandria, and the hiring them there, was not merely colourable, with intent to evade the law. *Ibid.*

A wife having separated herself from her husband, for ill-treatment by him, applied to the county court of Prince George, Maryland, for alimony, which was allowed to her, pendente lite. The husband gave the wife a female negro slave, and some other property, in discharge of the alimony. She removed to Washington, hired out the slave, and afterwards, in consideration of a sum of money, and for other considerations, she manumitted, by deed, the slave, and her two infant children, the eldest not three years old. Some time after the arrangement between the husband and wife, a final separation took place between them, by a verbal agreement; each to retain "the property each had, and to be quits for ever," and the wife relinquished all further claim for alimony. After the death of the wife, the husband claimed the female and her children as his slaves. Held, that they were free by virtue of the deed of manumission executed by the wife. Wallingsford *v.* Allen, 10 Peters, 583.

county, in conformity with the provisions of the act entituled "An act concerning the district of Columbia," to take the defendant into custody, on his failure to pay the debt and costs in such capias ad satisfaciendum mentioned, forthwith, upon the application of the plaintiff, to deliver into the prison of the said county such defendant, to be held in the said prison by the marshal of the district of Columbia until he shall be released by due course of law.

Act of May 27, 1801, ch. 79.

Debtors may be imprisoned for small debts.

Sec. 14. *And be it further enacted,* That the said marshal shall be entitled to the same fee for commitment and releasement of said debtor committed as aforesaid, and the same allowance for his maintenance, and to be paid in the same manner, as are already provided by law.

Marshal entitled to fee.

Sec. 15. *And be it further enacted,* That upon a fieri facias issuing out of the office of the clerk of the county of Washington, upon the judgment of a magistrate, the plaintiff upon such fieri facias shall be entitled to have his execution against the goods and chattels, lands and tenements, rights and credits of the defendant.

Execution upon fieri facias.

Sec. 16. *And be it further enacted,* That this act shall commence and be in force from and after the first day of September next.

Act to commence September 1st, 1812.

Approved, June 24, 1812.

Statute I.

June 26, 1812.

[Obsolete.]

Act of Jan. 27, 1813, ch. 13.

President authorized to revoke letters of marque, &c.

1812, ch. 102.

Chap. CVII.—*An Act concerning Letters of Marque, Prizes, and Prize Goods.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized and empowered to revoke and annul at pleasure all letters of marque and reprisal which he shall or may at any time grant pursuant to an act entituled "An act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories."

Sec. 2. *And be it further enacted,* That all persons applying for letters of marque and reprisal, pursuant to the act aforesaid, shall state in writing the name and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Formalities required from persons applying for letters of marque, &c.

Sec. 3. *And be it further enacted,* That before any commission of letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of five thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars; with condition that the owners, officers, and crew, who shall be employed on board such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them according to law for the regulation of their conduct; and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

Bonds to be given with surety.

Condition.

Sec. 4. *And be it further enacted,* That all captures and prizes of vessels and property, shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall

Captured property to be forfeited.

Distribution of prize money, &c.

be made; and on due condemnation had, shall be distributed according to any written agreement which shall be made between them; and if there be no such agreement, then one moiety to the owners, and the other moiety to the officers and crew, to be distributed between the officers and crew as nearly as may be, according to the rules prescribed for the distribution of prize money, by the act entituled "An act for the better government of the navy of the United States," passed the twenty-third day of April, one thousand eight hundred.(*a*)

1800, ch. 33.

Recaptures of property of citizens, &c. to be restored on payment of salvage.

Sec. 5. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or of persons resident within and under the protection of the United States, or of persons permanently resident within and under the protection of any foreign prince, government or state, in amity with the United States, which shall have been captured by the enemy and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having competent jurisdiction, according to the nature of each case, agreeably to the provisions heretofore established by law. And such salvage shall be distributed among the owners, officers and crews of the vessels commissioned as aforesaid, and making such recaptures according to any written agreement which shall be between them; and in case of no such agreement, then in the same manner and upon the principles herein before provided in case of capture.(*b*)

Distribution of salvage.

(*a*) The prize act of June 26th, 1812, chap. 107, operates as a grant from the United States to the captors, of all property rightfully captured by commissioned privateers, as prize of war. The Sally, 8 Cranch, 382; 3 Cond. Rep. 177.

Prize money must be distributed according to some written agreement of the parties, otherwise it is distributable according to the 4th sec. of the prize act of the 26th of June, 1812, chap. 107. A parol agreement as to distribution is void. The Dash, 1 Mason's C. C. R. 4.

If the shipping articles omit to state the shares, to which some of the officers and crew are entitled, they are still entitled to claim their shares under the prize act. *Ibid.*

A parol assignment of a share in prizes is void. *Ibid.*

All captures, made by non-commissioned captors, are made for the government: and since the provisions in the prize acts as to the distribution of prize proceeds, are confined to public and private armed vessels, cruising under regular commissions; the only claim which can be sustained by such non-commissioned captors must be in the nature of salvage, for bringing in and preserving the property. The Dos Hermanos, 10 Wheat. 306; 6 Cond. Rep. 109.

The commander of a squadron, to whose command a ship of war is attached, and under whose orders she sails, is entitled to the flag-twentieth of all prizes made by such ship, although the other part of the squadron may never have sailed on the cruise, in consequence of a blockade by a superior force. Decatur *v.* Chew, 1 Gallis. C. C. R. 506.

To deprive such commander of his flag-twentieth, on account of his having left his station, under the sixth section of the act of April 23d, 1800, chap. 33, it is indispensable that some local station should have been assigned him. *Ibid.*

Where no grant is made, all captures made under the authority of the executive, inure to the use of the government. The Emulous, 1 Gallis. C. C. R. 563.

As between public ships, the rule for the distribution of prizes is settled by the seventh article of the sixth section in the act of April 23d, 1800, chap. 33, which provides that, in cases of joint capture, the capturing ships shall share "according to the number of men and guns on board each ship in sight." The Despatch, 2 Gallis. C. C. R. 1.

As to privateers, no statute regulation exists, and therefore their claims are settled by the general law of relative strength, which is to be measured by the number of men on board each ship. *Ibid.*

(*b*) *Salvage in Prize Causes.*—On a 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 vessel recaptured 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. Talbot *v.* Seeman, 1 Cranch, 1; 1 Cond. Rep. 229.

When a belligerent permits her cruisers to capture neutral vessels, and carry them in for adjudication, and thus subjects such vessels to perils, almost equal to those of absolute capture, salvage for a recapture of such a neutral vessel will be allowed. *Ibid.*

American property recaptured, was restored on payment of salvage; the libel having prayed a 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.

A merchant ship, the property of subjects of the king of Great Britain, was captured on the high seas by a French squadron, a prize master and crew put on board of her, and she remained in company with the captors upwards of twenty-four hours, when she was left by the prize master and the crew; frequent

Prizes to be brought in for adjudication.

Sec. 6. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods or effects, shall be brought into some port of the United States, or into some port of a nation in amity with the United States, and shall be proceeded against, before a competent tribunal; and after condemnation and forfeiture thereof, shall belong to the owners and captors thereof, and be distributed as aforesaid: and in the case of all captured vessels, goods and effects which shall be brought within the jurisdiction of the United States, the district courts of the United States shall have exclusive original cognizance thereof, as in civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the United States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution, in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

Into ports of the U. States or a friendly nation.

District courts of the United States to have original exclusive jurisdiction of prizes brought into the United States.

Regulations concerning prisoners found on board prize vessels.

Sec. 7. *And be it further enacted*, That all prisoners found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the United States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district or some civil or military officer of the United States, or of any state in or near such port, who shall take charge of their safe keeping and support, at the expense of the United States.

President to prescribe instructions for privateers.

Sec. 8. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels, so commissioned, their officers and crews, copies of which shall be delivered, by the collector of the customs, to the commanders when they shall give bond as aforesaid.

Bounty for destroying enemy vessels.

Act of August 2, 1813, ch. 55.

Act of March 19, 1814, ch. 27.

Sec. 9. *And be it further enacted*, That a bounty shall be paid by the United States of twenty dollars for each person on board any armed ship or vessel, belonging to the enemy, at the commencement of an engagement, which shall be burnt, sunk or destroyed, by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money.

Commanding officers of pri-

Sec. 10. *And be it further enacted*, That the commanding officer of every vessel having a commission, or letters of marque and reprisal,

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ineffectual attempts having been made to set her on fire. She was found deserted and abandoned, by an American vessel, bound on a European voyage, and by the mate and part of the crew brought into Boston. A claim was made to her by the British consul for the original owners, and by the French consul for the captors. Salvage, amounting to one third of the gross proceeds of the sales of the ship and cargo, were decreed to the owners, masters and crew of the American ship; and the residue of the proceeds were ordered to be paid to the French republic, or those concerned in the capture. M'Donough *v.* Danery, and the Ship Mary Ford, 3 Dall. 188; 1 Cond. Rep. 94.

One half of the whole value of an American vessel and cargo, recaptured by a vessel of war of the United States, after she had been captured by a French privateer, on the 31st of March, 1799, was allowed as salvage. Bas, Plaintiff in Error *v.* Tingy, 4 Dall. 37; 1 Cond. Rep. 221.

An American vessel was captured by the enemy, and after condemnation and sale to a subject of the enemy, was recaptured by an American privateer. Held, that the original owner was not entitled to restitution on payment of salvage, under the salvage act of the 3d of March, 1800, chap. 14, and the prize act of 26th June, 1812, chap. 107. The Star, 3 Wheat. 78; 4 Cond. Rep. 198.

In order to entitle to salvage, as upon a recapture or rescue, the property must have been in the possession, either actual or constructive, of the enemy. The Ann Green, 1 Gallis. C. C. R. 274, 289.

Salvage allowed upon a recapture of a ransomed ship, the ransom bill declaring that the sum agreed upon therein, should be payable only upon the arrival of the vessel at her port of destination, which she never reached. The Harriet, Bee's D. C. R. 128.

In case of a recapture by a public vessel of war, the salvage can be ascertained only by a sale of the property, unless both parties consent to an appraisement. The Dolphin, Bee's D. C. R. 152.

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

vateers to keep journals.

during the present hostilities between the United States and Great Britain, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take; the nature and probable value of such prizes; the times and places, when and where taken, and how and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places, when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him or any of his officers or mariners, or be discovered and found out by examination or conference with any mariners or passengers of, or in any other ships and vessels, or by any other ways or means whatsoever, touching or concerning the fleets, vessels and forces of the enemy, their posts and places of station and destination, strength, numbers, intents and designs: and such commanding officer shall, immediately on his arrival in any port of the United States or the territories thereof, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and handwriting, to the collector or other chief officer of the customs, at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being, and such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known; and no such vessel shall be permitted to sail out of port again, after such arrival, until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs, that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature, which shall have been obtained by the commander of such vessel, shall be delivered up.

Journals to be reported to the collectors, &c.

Commanding officers of privateers to exhibit their journals, &c. &c. to public vessels of the U. States.

Sec. 11. *And be it further enacted,* That captains and commanders of vessels having letters of marque and reprisal, in case of falling in with any of the vessels of war or revenue of the United States, shall produce to the commanding officer of such vessels their journals, commissions and certificates as aforesaid; and the commanding officers of such ships of war or revenue, shall make, respectively, a memorandum in such journal of the day on which it was so produced to him, and shall subscribe his name to it: and in case such vessel, having letters of marque as aforesaid, shall put into any foreign port where there is an American consul or other public agent of the United States, the commander shall produce his journal, commission and certificate aforesaid, to such consul or agent, who may go on board and number the officers and crew and examine the guns, and if the same shall not correspond with the commission and certificate respectively, such consul or agent shall forthwith communicate the same to the Secretary of the Navy.

Penalties for neglecting to keep journals, or keeping untrue ones.

Sec. 12. *And be it further enacted,* That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating any material transactions therein, where the interest of the United States is in any manner concerned, or refusing to produce such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases, the commissions or letters of marque and reprisal of such vessels, shall be liable to be revoked; and such commanders, respectively shall forfeit for every such offence the sum of one thousand dollars, one moiety thereof to the use of the United States, and the other to the informer.

Sec. 13. *And be it further enacted*, That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the United States and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them, shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

Owners of privateers, how punishable for violating revenue laws of the United States.

Sec. 14. *And be it further enacted*, That so much of any act or acts as prohibits the importation of goods, wares and merchandise, of the growth, produce and manufacture of the dominions, colonies and dependencies of the United Kingdom of Great Britain and Ireland, or of goods, wares and merchandise imported from the dominions, colonies, and dependencies of the United Kingdom of Great Britain and Ireland, be, and the same is hereby repealed, so far as the same may prohibit the importation or introduction into the United States and their territories of such goods, wares and merchandise as may be captured from the enemy and made good and lawful prize of war, either by vessels having letters of marque and reprisal or by the vessels of war and revenue of the United States. And all such goods, wares and merchandise, when imported or brought into the United States or their territories, shall pay the same duties, to be secured and collected in the same manner and under the same regulations, as the like goods, wares and merchandise, if imported in vessels of the United States from any foreign port or place, in the ordinary course of trade, are now or may at the time be liable to pay.

Non-importation law, so far as it concerns prize goods, dispensed with.

Act of August 2, 1813, ch. 49.

Sec. 15. *And be it further enacted*, That all offences committed by any officer or seaman on board any such vessel, having letters of marque and reprisal, during the present hostilities against Great Britain, shall be tried and punished in such manner as the like offences are or may be tried and punished when committed by any person belonging to the public ships of war of the United States: *Provided always*, that all offenders who shall be accused of such crimes as are cognizable by a court martial, shall be confined on board the vessel in which such offence is alleged to have been committed, until her arrival at some port in the United States or their territories; or until she shall meet with one or more of the public armed vessels of the United States abroad, the officers whereof shall be sufficient to make a court martial for the trial of the accused; and upon application made, by the commander of such vessel, on board of which the offence is alleged to have been committed, to the Secretary of the Navy, or to the commander or senior officer of the ship or ships of war of the United States abroad as aforesaid, the Secretary of the Navy, or such commander or officer, is hereby authorized to order a court martial of the officers of the navy of the United States, for the trial of the accused, who shall be tried by the said court.

Offences on board private armed vessels, how punishable.

Proviso.

Sec. 16. *And be it further enacted*, That an act, entituled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," passed the fourth day of April, one thousand eight hundred and twelve; and an act, entituled "An act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time," passed April fourteenth, one thousand eight hundred and twelve, so far as they relate to ships and vessels having commissions or letters of marque and reprisal, or sailing under the same, be, and they hereby are respectively repealed.

Parts of embargo and non-exportation laws repealed, so far as they relate to private armed vessels.

Act of April 4, 1812, ch. 49.

Act of April 14, 1812, ch. 56.

Sec. 17. *And be it further enacted*, That two per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United

Commissions to the collectors and consuls upon prize goods: to what uses to be applied.

States, at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the monies arising therefrom, shall be held and hereby is pledged by the government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain; and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter by law be provided.

Approved, June 26, 1812.

Statute I.

June 26, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Organization of the army.

Infantry to consist of twenty-five regiments.

Chap. CVIII.—*An Act for the more perfect organization of the Army of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the infantry of the army of the United States shall consist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant major, one quartermaster's sergeant, two principal musicians, and ten companies.

What each company is to consist of.

Sec. 2. *And be it further enacted,* That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates.

Act of Jan. 11, 1812, ch. 14.

Riding master.

Sec. 3. *And be it further enacted,* That to the regiment of cavalry, authorized by the act passed January eleventh, one thousand eight hundred and twelve, entituled "An act to raise an additional military force," there shall be added one riding master; and to the regiment of light dragoons, authorized by the act passed April twelfth, one thousand eight hundred and eight, entituled "An act to raise, for a limited time, an additional military force," one surgeon's mate.

Act of April 12, 1808, ch. 43.

Surgeon's mate.

What each troop of cavalry, &c. shall consist of, &c.

Sec. 4. *And be it further enacted,* That each troop of cavalry or light dragoons shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates, and the pay and emolument of a master of the sword shall be the same as those of a riding master, and the pay and emolument of a blacksmith shall be the same as those of a farrier.

Several military establishments incorporated.

Act of April 12, 1808, ch. 43.

Sec. 5. *And be it further enacted,* That the military establishment authorized by law previous to the twelfth day of April, one thousand eight hundred and eight, and the additional military force raised by virtue of the act of the twelfth of April, one thousand eight hundred and eight, be and the same are hereby incorporated, and that from and after the passing of this act the promotions shall be made through the lines of artillerists, light artillery, dragoons, riflemen and infantry respectively, according to established rule.

Approved, June 26, 1812.

Statute I.

June 26, 1812.

Chap. CIX.—*An Act to ascertain the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia Line on Continental Establishment.*

President of the U. States and the state of Virginia to appoint commissioners, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint three commissioners on the

part of the United States, to act with such commissioners as may be appointed by the state of Virginia, and the commissioners thus appointed shall have full power and authority to ascertain, survey and mark, according to the true intent and meaning of the condition, touching the military reservation, in the deed of cession from the state of Virginia to the United States, of the land northwest of the river Ohio, the westwardly boundary line of said reservation between the Little Miami and Scioto rivers.

Commissioners to meet at Xenia.

Sec. 2. *And be it further enacted*, That the commissioners appointed by the United States shall meet at Xenia in the state of Ohio, on the fifth day of October next, for the purpose of ascertaining the said line, unless otherwise directed by the President of the United States; and in case they shall not be met by commissioners appointed on the part of the state of Virginia, within six days after the said fifth day of October next, the commissioners appointed on the part of the United States shall proceed to ascertain, survey and distinctly mark the said boundary line, according to the true intent and meaning of the said act of cession; in measuring the said line, whether accompanied by the commissioners on the part of Virginia or not, or in case of disagreement, they shall note the intersections, if any, of said line with any surveys heretofore authorized by the United States, all water courses, the quality of the land over which the line passes and any other matter which in their opinion requires notice. The said commissioners shall make a plat of said line, its intersections, with notes and references, which shall be signed and returned by the said commissioners to the commissioner of the general land-office, accompanied by a written report, on or before the fifth day of January next, unless the time of meeting shall have been prolonged by the President of the United States, who shall lay copies of the same before both houses of Congress at their next session.

Duty of commissioners.

A plat to be made and returned to the commissioners of the general land-office.

Surveyor, &c. to be engaged.

Sec. 3. *And be it further enacted*, That the commissioners aforesaid shall have power to engage a skilful surveyor, who shall employ chain carriers and a marker, and shall be allowed four dollars for every mile actually surveyed and marked under direction of the said commissioners, in performance of the duties assigned them; and the commissioners appointed on the part of the United States shall each receive five dollars for each day he shall be necessarily employed in performance of the duties required of them by this act, which compensation to the surveyor and commissioners shall be paid out of any monies in the treasury not otherwise appropriated by law.

Pay of the commissioners.

Temporary boundary line.

Sec. 4. *And be it further enacted*, That until the westwardly boundary line of the said reservation shall be finally established by the agreement and consent of the United States and the state of Virginia, the boundary line designated by an act of Congress passed on the 23d day of March, one thousand eight hundred and four, shall be considered and held as the proper boundary line of the aforesaid reservation.

March 23, 1804, ch. 33.

A copy of this act to be transmitted to the governor of Virginia.

Sec. 5. *And be it further enacted*, That it shall be the duty of the Secretary of State to transmit an authenticated copy of this act to the governor of Virginia within twenty days after its passage.

Approved, June 26, 1812.

Statute I.

June 30, 1812.

Act of March 3, 1803, ch. 27.

Chap. CX.—*An Act confirming claims to lands in the Mississippi territory, founded on warrants of survey granted by the British or Spanish government.*(a)

Certain claims confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person, and the legal representative of every person claiming lands in the Mississippi

(a) See notes to the act of March 3, 1803, chap. 27.

territory by virtue of a British or Spanish warrant or order of survey, granted prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, who were on that day actually resident in the said territory, and whose claims have been regularly filed with the proper register of the land-office east and west of Pearl river, according to law, and reported to Congress, agreeably to the fourth section of the act entituled "An act concerning the sale of the lands of the United States, and for other purposes," passed on the thirty-first day of March, one thousand eight hundred and eight, be and they are hereby confirmed in their rights to land so claimed. And the register and receiver of public monies for the district within which the lands may lie, are authorized and required to make out to such claimant or claimants, entitled thereto by the provisions of this act, a certificate of confirmation, for each of which certificates the register and receiver shall each receive one dollar, directed to the commissioner of the general land-office; and if it shall appear to the satisfaction of the said commissioner that such certificates have been fairly obtained, according to the true intent and meaning of this act, then and in that case patents shall be granted in like manner as is provided by law for the other lands of the United States: *Provided*, that no person shall be entitled to the benefit of this act who shall not appear by the report made to Congress as aforesaid or by the records of the boards of commissioners for the said territory to have been a resident of said territory on the twenty-seventh day of October one thousand seven hundred and ninety-five; nor shall any person be entitled to the benefit thereof who has received a donation grant from the United States: *Provided also*, that not more than six hundred and forty acres shall by virtue of this act be granted to any one claim.

Act of March 31, 1808, ch. 40.

Register and receiver to make out certificates of confirmation.

Patents to be granted on such certificates.

Proviso.

Proviso.

This act not to affect judicial decisions of a certain kind.

Sec. 2. *And be it further enacted*, That nothing in this act contained shall be construed to affect the decisions of the courts of justice in the said territory, heretofore made respecting the claims, or any part thereof, embraced by the preceding section, or to prevent a judicial decision between the holder of a British patent, legally and fully executed and recorded with the register of the land-office east or west of Pearl river, and the persons whose claims are confirmed by the preceding section where such claims interfere.

Approved, June 30, 1812.

Statute I.

June 30, 1812.

[Obsolete.]

Chap. CXI.—*An Act to authorize the issuing of Treasury Notes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause treasury notes

(a) Treasury notes. Acts which have been passed relating to the issue and reimbursement of Treasury notes:—

An act to authorize the issuing of treasury notes, June 30, 1812, chap. 111.

An act authorizing the issuing of treasury notes for the service of the year 1813, February 25, 1813, chap. 27.

An act to authorize the issuing of treasury notes for the service of the year 1814, March 4, 1814, chap. 18.

An act supplemental to the act authorizing a loan for the several sums of twenty-five millions of dollars, and three millions of dollars, December 26, 1814, chap. 17.

An act to authorize a loan for a sum not exceeding eighteen million five hundred and fifty-two dollars, March 3, 1815, chap. 86, sec. 7.

An act to authorize the payment in certain cases on account of treasury notes which have been lost or destroyed, February 4, 1819, chap. 13.

An act to authorize the issuing of treasury notes, October 12, 1837, chap. 2.

An act additional to the act on the subject of treasury notes, March 31, 1840, chap. 5.

An act to authorize the issuing of treasury notes, February 15, 1841, chap. 4.

An act to authorize an issue of treasury notes, January 31, 1842, chap. 2.

An act for the extension of the loan of one thousand eight hundred and forty-one, and for an addition of five million of dollars on treasury notes due, April 15, 1842, chap. 14.

An act to limit the sale of public stock at par, and to authorize the issue of treasury notes in lieu thereof, August 31, 1842, chap. 287.

An act authorizing the re-issuing of treasury notes, and for other purposes, March 3, 1843, chap. 81.

Civil and diplomatic appropriation act of June 17, 1844.

for such sum or sums as he may think expedient, but not exceeding in the whole the sum of five millions of dollars, to be prepared, signed and issued in the manner herein after provided.

President to cause treasury notes to issue.

Sec. 2. *And be it further enacted,* That the said treasury notes shall be reimbursed by the United States, at such places, respectively, as may be expressed on the face of the said notes, one year, respectively, after the day on which the same shall have been issued: from which day of issue they shall bear interest, at the rate of five and two-fifths per centum a year, payable to the owner and owners of such notes, at the treasury, or by the proper commissioner of loans, at the places and times respectively designated on the face of said notes for the payment of principal.

Said notes to be reimbursed.

Sec. 3. *And be it further enacted,* That the said treasury notes shall be respectively signed, in behalf of the United States, by persons to be appointed for that purpose by the President of the United States: two of which persons shall sign each note, and shall each receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by them respectively; and the said notes shall likewise be countersigned by the commissioner of loans for that state where the notes may respectively be made payable.

Notes to be signed.

To be countersigned.

Sec. 4. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said treasury notes as the President may think expedient in payment of supplies, or debts due by the United States, to such public creditors, or other persons, as may choose to receive such notes in payment, as aforesaid, at par: and the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes. And it shall be a good execution of this provision to pay such notes to such bank or banks as will receive the same at par and give credit to the treasurer of the United States for the amount thereof, on the day on which the said notes shall thus be issued and paid to such bank or banks respectively.

Secretary of the Treasury, under the direction of the President, to cause a portion of said notes to be issued, &c.

Sec. 5. *And be it further enacted,* That the said treasury notes shall be transferable by delivery and assignment endorsed thereon by the person to whose order the same shall, on the face thereof, have been made payable.

The notes transferable by delivery and assignment.

Sec. 6. *And be it further enacted,* That the said treasury notes, wherever made payable, shall be every where received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority. On every such payment, credit shall be given for the amount of both the principal and the interest which, on the day of such payment, may appear due on the note or notes thus given in payment. And the said interest shall, on such payments, be computed at the rate of one cent and one half of a cent per day on every hundred dollars of principal, and each month shall be computed as containing thirty days.

To be received in payment of duties and taxes.

Sec. 7. *And be it further enacted,* That any person making payment to the United States in the said treasury notes into the hands of any collector, receiver of public monies, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every treasury note thus paid by such person; and every collector, receiver of public monies, or other public officer, or agent, who shall thus receive any of the said treasury notes in payment, shall, on payment of the same into the treasury, or into one of the banks where the public monies are, or may be deposited, receive credit both for the principal and for the interest, computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in. And he

Payment of treasury notes to collectors, &c. or into banks to the credit of the United States.

shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment, as aforesaid, to the day on which the same shall be paid by him as aforesaid: *Provided always*, that no such charge or deduction shall be made with respect to any bank into which payments as aforesaid may be made to the United States, either by individuals or by collectors, receivers or other public officers or agents, and which shall receive the same as specie, and give credit to the treasurer of the United States for the amount thereof, including the interest accrued and due on such notes on the day on which the same shall have been thus paid into such bank on account of the United States.

Commissioners of sinking fund to reimburse principal and interest of said notes.

Sec. 8. *And be it further enacted*, That the commissioners of the sinking fund be, and they are hereby authorized and directed to cause to be reimbursed and paid the principal and interest of the treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. And the said commissioners are further authorized to make purchases of the said notes, in the same manner as of other evidences of the public debt, and at a price not exceeding par, for the amount of the principal and interest due at the time of purchase on such notes. So much of the funds constituting the annual appropriation of eight millions of dollars, for the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt as the United States are now pledged annually to pay and reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement or purchase of the principal of the said notes. And so much of any monies in the treasury not otherwise appropriated as may be necessary for that purpose, is hereby appropriated for making up any deficiency in the funds thus pledged and appropriated for paying the principal and interest as aforesaid.

Appropriation for said reimbursement.

Appropriation for expenses.

Sec. 9. *And be it further enacted*, That a sum of twenty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the treasury notes authorized by this act.

Punishment for counterfeiting, &c.

Sec. 10. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note in imitation of or purporting to be a treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered; every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Approved, June 30, 1812.

Statute I.

July 1, 1812.

[Expired.]

Act of March 3, 1815, ch. 99.

Chap. CXII.—*An Act for imposing additional duties upon all goods, wares, and merchandise imported from any foreign port or place, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an additional duty of one

hundred per centum upon the permanent duties now imposed by law, upon goods, wares and merchandise imported into the United States, shall be levied and collected upon all goods, wares and merchandise, which shall, from and after the passing of this act, be imported into the United States from any foreign port or place.

Act of April 27, 1816, ch. 107.
Additional duty of 100 per cent. on foreign goods.

Sec. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several duties imposed by this act, in respect to all such goods, wares and merchandise, as shall, from and after the passing of this act, be imported in ships or vessels not of the United States.

Additional duty of ten per cent. on goods imported in foreign vessels.

Sec. 3. *And be it further enacted*, That on all ships or vessels belonging wholly or in part to the subjects of foreign powers, which shall be entered in the United States, or the territories thereof, there shall be paid an additional duty at the rate of one dollar and fifty cents per ton.

Additional duty on tonnage.

Sec. 4. *And be it further enacted*, That the additional duties laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances, as to drawbacks, mode of security, and time of payment respectively, as are prescribed by law in relation to the duties now in force, on the articles on which the said additional duties are laid by this act.

Collection of duties.
Act of March 2, 1799, ch. 22.

Sec. 5. *And be it further enacted*, That this act shall continue in force so long as the United States shall be engaged in war with Great Britain, and until the expiration of one year after the conclusion of peace, and no longer: *Provided however*, that the additional duties laid by this act shall be collected on all such goods, wares and merchandise, as shall have been previously imported.

Continuance of this act.
Proviso.

Approved, July 1, 1812.

Statute I.

Chap. CXIII.—*An Act supplementary to an act entituled "An act more effectually to provide for the organization of the Militia of the District of Columbia."*

July 1, 1812.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the muster of each legion, required to be held by the act to which this is a supplement, in each year, may be held in either the month of October or November, as the commanding officer of the brigade may appoint.

Act of March 3, 1803, ch. 20.
Legionary musters.

Sec. 2. *And be it further enacted*, That so much of the eleventh section of the act to which this is a supplement, as requires that there shall be a muster of each troop of cavalry and company of militia comprehending the companies made up by voluntary enrolment, in the months of July, August and November, and all the twenty-second section of the said act, be, and the same are hereby repealed.

Part of former act repealed.
Ante, page 218.

Sec. 3. *And be it further enacted*, That the battalion courts of inquiry, mentioned in the eighth section of said act, shall be held in the months only of July and November in each year; and the legionary courts of inquiry, mentioned in the said section, shall be respectively held in not less than ten nor more than twenty days after each battalion court of inquiry: *Provided however*, that the commanding officer of each legion shall be and is hereby empowered to appoint and convene legionary courts extraordinary, which may exercise all or any of the powers, and perform all or any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

Battalion courts of inquiry.
Ante, page 218.

Sec. 4. *And be it further enacted*, That all fines to be assessed under the authority of the act last aforesaid, shall be certified by the clerks of the legionary and battalion courts of inquiry respectively, by which the same shall be assessed, to the marshal of the district of Columbia, and

Collection of fines.

Collection of fines.

so certified, shall be delivered to the marshal within fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor. The said marshal shall forthwith proceed to collect the said fines, and (should any person fail to make payment when called on) to levy the amount with costs by distress and sale of the goods and chattels of the delinquent; which costs and manner of proceeding shall be the same as in other cases of distresses. And where there are no goods or chattels to be found whereof to levy the said fines, the marshal shall commit such delinquent to jail, and hold him in close confinement during the term of twenty-four hours, for each and every fine by him payable (unless the same shall be sooner paid) in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed; and the marshal shall account for all the fines, and pay such as have been by him levied, to the paymaster of the legion, from which he shall have received the certified lists, within six months after said lists may have been delivered to him respectively, deducting from the amount so to be paid, twelve and an half per centum as a compensation for his trouble; and, in case of failure, the same shall be recovered by motion in the circuit court of the district of Columbia, in either county of said district, in the name of the paymaster of said legion, with twelve and an half per centum damages, and legal interest on the amount from the time it ought to have been paid, and costs of suit: *Provided*, the marshal shall have had ten days' notice of such motion. And should it happen in any case, during the pendency of proceedings and before payment is made by the marshal, that the paymaster in whose name the proceedings are going on, should be removed from his office or station, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

Sec. 5. *And be it further enacted*, That where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is hereby empowered to make such order in the case as may seem to them or a majority of them, to be right and just.

Squadron courts of inquiry.

Cavalry to be subject to legionary courts, &c.

Proviso.

Sec. 6. *And be it further enacted*, That squadron courts of inquiry, for the squadron of cavalry within the district of Columbia, shall be separately held within the said district; but whenever a legionary court of inquiry, as heretofore by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held shall be within and subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry, shall be members of such legionary court for the legion within which they shall respectively reside: *Provided however*, that when the cavalry shall have been established or formed into a separate legion, there shall be separate legionary courts held by and for them, at some place within the district; both the squadron and legionary courts of cavalry to be respectively for similar purposes, to be appointed and constituted in a similar manner, and to be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by the act to which this is a supplement.

Orders in relation to uniform issued through the brigadier general to be obeyed.

Ante, page 224.

Sec. 7. *And be it further enacted*, That all orders in relation to the procuring or wearing of such uniform and equipments, or either of them, as shall have been previously determined on, which shall be issued and communicated by the brigadier general to the officers of the brigade, or any of them, shall be forthwith obeyed; and for every disobedience of any such order, the delinquent shall be subject to the penalty or fine prescribed in the twenty-seventh section of the said act to which this is a supplement, besides being subject to arrest.

Sec. 8. *And be it further enacted*, That the arms and other equipments belonging to an officer, non-commissioned officer or private, be exempt from taxation or execution.

Arms exempt from taxation or execution.

Approved, July 1, 1812.

Statute I.

July 1, 1812.

Chap. CXV.—*An Act to facilitate the transfer of the stock created under an act passed on the tenth of November, one thousand eight hundred and three.*

Act of Nov. 10, 1803, ch. 2.

Stock transferable as other stock, from the books of the treasury to those of any commissioner, and from the books of one commissioner to those of another &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the stock created under the act, entitled "An act authorizing the creation of a stock to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic, and making provision for the payment of the same," from and after the passing of this act shall be transferable in the same manner as the other stocks of the United States are or shall be transferable from the books of the treasury to the books of any commissioner, and from the books of one commissioner to those of another commissioner or to those of the treasury.

Approved, July 1, 1812.

Statute I.

July 1, 1812.

Chap. CXVII.—*An Act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia.*

Empowered to erect a penitentiary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of commissioners or levy court for the county of Washington, in the district of Columbia, be, and hereby are empowered to erect and maintain a penitentiary, to be erected in such place as the mayor, aldermen and common council of the city of Washington shall designate.

Vested with power to lay out, straighten, and repair public roads.

Sec. 2. *And be it further enacted*, That the board of commissioners or levy court for the said county be vested with full power to lay out, straighten and repair public roads within the said county, except within the corporate limits of the city of Washington and Georgetown, under the conditions herein after prescribed.

Proviso.

Sec. 3. *And be it further enacted*, That the said board or levy court be empowered to lay out and mark roads through any such part of the said county: *Provided*, they shall not exceed one hundred feet in width, and shall not pass through any building, garden or yard, without the consent of the owner; and a reasonable compensation, if required by the owner, shall be made for the land thus marked and laid out, which shall be fixed in the following manner: On laying out and marking any road, six weeks' notice thereof shall be given in some public print, published in the county. In case any owner of land, through which the said road passes, shall require compensation therefor, he shall within two weeks thereafter apply to the levy court, who may agree with him for the purchase thereof; and in case of disagreement, or in case the owner shall be a feme covert, under age, or non compos, or out of the county, on application to any justice of the county, to be made within two weeks after the expiration of the aforesaid two weeks, the said justice shall issue his warrant, under his hand, to the marshal of the district of Columbia, commissioning him to summon twelve freeholders, inhabitants of the county, not related to the said owner, nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, of which ten days' notice shall be given by the marshal to the levy court, and to the owner of the said land, or left at his, or her

Formalities to be observed in exercising the power of laying out roads.

place of abode, or given to his or her guardian, if an infant, or if out of the county, by publishing notice thereof, for six weeks in some public print of the county; and the marshal, on receiving the said warrant, shall summon the said jury, and when met, shall administer an oath or affirmation to every juryman, who shall swear or affirm, as the case may be, that he will justly, faithfully, and impartially, value the land, and all damages the owner thereto will sustain by the road passing through the same, having regard to all circumstances of convenience, benefit or disadvantage, according to the best of his skill and judgment; and the inquisition thereupon taken shall be signed by the marshal and seven or more of the said jury, and shall be conclusive; and the same shall be returned to the clerk of the county, to be by him recorded at the expense of the levy court; and the valuation expressed in such inquisition shall be paid by the said levy court to the owner of the land, or his legal representative, before the levy court proceed to open the said road: in case no such application shall be made within the aforesaid periods, the land thus appropriated shall be adjudged to be conclusively condemned, and no compensation be hereafter required therefor.

Jury to assess damages.

Oath.

Marshal and seven or more of the jury to sign the inquisition, &c.

Valuation to be paid by the levy court, &c.

Courses, bounds and plat of the road to be returned to the county clerks, &c.

Sec. 4. *And be it further enacted*, That the board of commissioners or levy court, as soon as they shall have laid out, marked and opened a road, and complied with the foregoing provisions, shall return the courses, bounds and plat thereof to the clerk of the county, to be by him recorded at the expense of the said court; and the said road, so laid out and returned, as aforesaid, shall be thereafter taken, held and adjudged, a public road and common highway.

Stone, gravel, or other materials for making or repairing a road, may be condemned on valuation.

Sec. 5. *And be it further enacted*, That in all cases, where stone, gravel or other material, shall be necessary for making or repairing a road, the levy court may agree with the owner for the purchase thereof, or with the owner of the land on which the same may be, for the purchase of the said land; and in case of disagreement, or in case the owner should be a feme covert, under age, or non compos, or out of the county, on application to a justice of the county, may proceed, in all respects, in the same manner for condemning the said materials for the use of said road, as in like cases where lands are directed to be taken and condemned as aforesaid, for making the said road: and the said parties respectively, shall have the same benefit and advantage of the said proceedings as they have under, and in virtue of the said provision for condemning land herein before mentioned.

Ante, sec. 3.

Growing crops not to be injured.

Sec. 6. *And be it further enacted*, That if a road shall be carried through any fields of ground in actual cultivation, such fields shall not be laid open, or used as a public road, until after the usual time of taking off crops then growing thereon.

Persons altering, obstructing, or injuring a public road, liable to indictment, fine, or imprisonment.

Sec. 7. *And be it further enacted*, That if any person shall alter or change, or in any manner obstruct or encroach on a public road, or cut, destroy, deface or remove any mile stones set up on said road, or put or place any rubbish, dirt, logs, or make any pit or hole therein, such person may be indicted in the circuit court for the district of Columbia, and being convicted thereof shall be fined or imprisoned in the discretion of the court, according to the nature of the offence.

Levy court may lay taxes, except within the limits of the city of Washington, &c.

Sec. 8. *And be it further enacted*, That the board of commissioners or levy court may, for the aforesaid and all other general county purposes, annually lay a tax on all the real and personal property in the said county, except within the limits of the city of Washington, any existing law to the contrary notwithstanding, not exceeding twenty-five cents in the hundred dollars value of said property, for the collection, safe keeping and disbursement of which they are hereby empowered to appoint the necessary officers, and to use all the means now in force and necessary for the assessment and collection of taxes in the said county, and to insure a due and regular accountability for the same, and all existing

laws, so far as they vest in the said levy court a power to lay taxes, shall be, and the same are hereby repealed.

Levy court released from any obligation to provide for a certain part of the poor.

Sec. 9. *And be it further enacted,* That the board of commissioners or levy court shall be, and hereby are released from any obligation to provide for the support of the poor of any other part of the county of Washington, other than that part without the limits of the city of Washington, to provide for whom they are hereby authorized to lay and collect a special tax, to be imposed on said part of the county.

Board of commissioners or levy court, how composed and designated.

Sec. 10. *And be it further enacted,* That the board of commissioners or levy court of the county of Washington shall be hereafter composed of seven members, to be designated immediately after the passing of this act, by the President of the United States, from among the existing magistrates of the county, and annually afterwards on the first Monday in May, that is to say, there shall be two members designated from among the magistrates residing in that part of the county lying eastward of Rock creek, and without the limits of the city of Washington; two from among the magistrates residing in that part of the county lying westward of Rock creek, and without the limits of Georgetown; and three from among the magistrates residing within the limits of Georgetown. A majority of the members so designated shall constitute a quorum to do business.

How the general and particular expenses of the county are to be defrayed.

Sec. 11. *And be it further enacted,* That the general county expenses and charges, other than for the expenses of roads and bridges out of the limits of Washington and Georgetown, respectively, shall be borne and defrayed by the said city of Washington, and the other parts of the county equally, that is to say; one moiety of said expenses and charges shall be borne by the city, and paid over to whomsoever the board of commissioners or levy court may appoint as treasurer of the court; and the other moiety, by the other parts of the county: which said general expenses shall be ascertained annually by the said board of commissioners or levy court and the corporation of the said city. And in case of any difference of opinion as to what are or may be properly called general expenses, and applicable to the whole county, agreeably to the provisions of this and other acts relating to the subject, it shall be the duty of the circuit court for the said county, upon joint application, or upon the application of either party, and due notice to the other party; to inquire, determine and settle in a summary way the matter in difference.

Bridges over Rock creek to be rebuilt and kept in repair at the joint expense of the city of Washington and Georgetown.

Sec. 12. *And be it further enacted,* That the two bridges over Rock creek, immediately between the city of Washington and Georgetown, shall be kept in repair and rebuilt, in like manner as at present, at the joint expense and cost of the said city and Georgetown; and the sums required for such repairs or rebuildings shall from time to time be ascertained by the said board of commissioners or levy court for the county, and the amount required from each corporation shall be paid over, after sixty days' notice, to the treasurer of the county.

The two corporations authorized to erect a permanent bridge.

Sec. 13. *And be it further enacted,* That it shall and may be lawful at any time hereafter for the corporation of the city of Washington, and the corporation of Georgetown, jointly or separately, and at their joint or separate expense, as the case may be, to erect a permanent bridge across Rock creek, and between the two places, at such sites as the corporation first choosing to build shall determine and fix upon; and if it should be necessary to obtain private property on which to fix either or both the abutments of the said permanent bridge or bridges, or for other purposes connected with the work, the said corporation so choosing to build shall have power to agree with the owner or owners for the purchase of such property; and in case of disagreement, or in case the owner shall be a feme covert, under age or non compos, or out of the county, the mayor of the said corporation shall thereupon summon a jury to be composed of twelve freeholders, inhabitants of the said county,

The two corporations authorized to erect a permanent bridge.

not related to the said owner, nor in any manner interested, who shall meet on the ground to be valued, at a day to be expressed by the mayor in the said summons, of which ten days' notice shall be given by the mayor to the owner or owners of the said ground, or left at his, her or their place of abode, or given to his, her or their guardian, if an infant, or if out of the county, by publishing notice thereof for six weeks in some newspaper printed in the county, and when the jury shall have met pursuant to the aforesaid summons, each juryman shall swear or affirm, that he will justly, faithfully and impartially value all the ground held as private property and intended and required to be used or occupied by reason of the contemplated erection of the permanent bridge, and the amount of damages the proprietor or proprietors of said ground will sustain (taking into view at the same time the benefits which the said proprietor or proprietors will derive from the erection of the said bridge) according to the best of his skill and judgment. And the inquisition and valuation thereupon taken, shall be signed by the mayor and seven or more of the said jury, and shall be binding and conclusive upon all parties concerned; and the same shall be transmitted to the clerk of the county, to be by him recorded: and the valuation expressed in the aforesaid inquisition shall be paid or tendered to the owner or owners of the ground so condemned, or his or their legal representatives, by the corporation intending to build such bridge, within thirty days after such valuation shall have been made, and before any work is commenced on the grounds so valued.

Proceedings to pay for property taken for the bridge.

Approved, July 1, 1812.

Statute I.

July 1, 1812.

Chap. CXVIII.—*An Act giving validity to the sale of certain tracts of Public Lands sold in the western District of the territory of Orleans, now state of Louisiana.*

Sales of lands in the month of January, 1812, made valid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sale of the several tracts of public lands sold in the month of January, one thousand eight hundred and twelve, at the public sales held under the superintendence of the register of the land-office, and the principal deputy surveyor of the western district of the territory of Orleans (now state of Louisiana,) be, and the same is hereby made good and valid, to all intents and purposes, any law to the contrary notwithstanding: and the purchasers of the said tracts shall severally, on completing the payment of the purchase money, according to law, be entitled to receive a patent or patents for the lands so purchased and paid for, as in case of other lands sold by the United States; the first instalment of the purchase money shall be considered as due and payable at ten days after the receiver of public monies, for the district within which the lands lie, shall have entered on the discharge of the duties of his office.

Purchasers on complying with the terms of sale to have patents.

Approved, July 1, 1812.

Statute I.

July 1, 1812.

[Obsolete.]

Act of Jan. 2, 1812, ch. 11.

Chap. CXIX.—*An Act supplementary to "An Act authorizing the President of the United States to raise certain companies of Rangers for the protection of the frontier of the United States."*

President authorized to raise an additional company of rangers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to raise one additional company of rangers, when he may deem it necessary for the public service under the same provisions, conditions and restrictions of the act to which this is a supplement.

Appropriation.

Sec. 2. *And be it further enacted,* That for defraying the expenses

thereof, the sum of eleven thousand two hundred and fifty dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved, July 1, 1812.

Statute I.

Chap. CXX.—*An Act authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington.*

July 5, 1812.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to take possession of the whole of the reservations of public grounds in the city of Washington, and lease them out for a term not exceeding ten years, on such terms and conditions as in his judgment may best effect the improvement of the said grounds, for public walks, botanic gardens, or other public purposes.

President to take possession of the public grounds and lease the same.

Approved, July 5, 1812.

Statute I.

Chap. CXXI.—*An Act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's House; for the compensation of the late Surveyor of the Public Buildings, and for furniture for the different apartments of the Capitol, and for other purposes.*

July 5, 1812.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of satisfying all outstanding claims for services performed and materials furnished for the construction and repair of the capitol and President's house, including therein the sum of two thousand five hundred dollars for the compensation of the late surveyor of the public buildings, to the first day of July, one thousand eight hundred and eleven, when his duties in that capacity ceased; for furniture for the different apartments of the capitol, and for contingent expenses relating thereto, the sum of fourteen thousand five hundred and seventy-three dollars be, and the same is hereby appropriated to be applied to the discharge of the claims before mentioned, and to no other purpose whatsoever.

Specific appropriations.

Sec. 2. *And be it further enacted,* That a sum not exceeding one thousand dollars be, and the same is hereby appropriated for the purpose of enabling the President of the United States to return to their native country, the two Italian sculptors lately employed on the public buildings, and to close the original contract made with them on behalf of the United States.

Appropriation to pay the expenses of certain Italian sculptors.

Sec. 3. *And be it further enacted,* That the superintendent of the city of Washington be authorized to contract for the completion of the sculpture in the south wing of the capitol, under the direction of the President of the United States, and that the sum of four thousand dollars be appropriated towards defraying the expense of the same.

Contract for the completion of the sculpture.

Sec. 4. *And be it further enacted,* That a sum not exceeding four thousand dollars be, and the same is hereby appropriated for the completing the sculpture and the work on the galleries of the Senate chamber, the railing of the stairs and minor works, deficient in the east part of the north wing of the capitol, and for temporary repairs to the roof.

Galleries of the Senate.

Sec. 5. *And be it further enacted,* That the aforesaid sums shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, July 5, 1812.

Statute I.

July 5, 1812.

[Obsolete.]

Chap. CXXIII.—*An Act confirming grants to lands in the Mississippi territory derived from the British government of West Florida, not subsequently regranted by the government of Spain or of the United States.*

Certain claims to land in Mississippi territory confirmed which have been derived from the British government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That citizens of the United States, claiming lands in the Mississippi territory, by virtue of grants legally and fully executed, derived from the British government of West Florida, whose lands have not been subsequently regranted by the Spanish government or claimed in right of donation or pre-emption certificates granted by the boards of commissioners east and west of Pearl river, and whose claims have been regularly filed according to law, with the proper register of the land-office in the said territory, and are embraced in the report of the commissioners laid before Congress, according to law, be and they are hereby confirmed in their respective claims, according to the said grants: *Provided,* that nothing in any law of the United States shall be construed to prevent a judicial decision of controversies under the respective claims aforesaid.

Proviso.

Approved, July 5, 1812.

Statute I.

July 5, 1812.

[Obsolete.]

Chap. CXXIV.—*An Act to admit the entry of vessels of the United States on certain conditions.*

Vessels from India in certain cases to be admitted to entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful to admit to entry any vessel or vessels of the United States which may have been laden in any of the ports of India, and whose master, supercargo or owner may have been compelled to give bond under penalty, that their respective cargoes shall be landed in some port of the United States: *Provided,* that the duties on such cargoes be secured or paid agreeably to law, and their cargoes be deposited in public stores under the care of the collector of the port where such vessel or vessels may arrive, there to remain at the risk and charge of the owner or owners thereof, subject to the future disposition of government in relation to the said vessels and cargoes.

Proviso.

See act of April 14, 1814, ch. 56.

Approved, July 5, 1812.

Statute I.

July 5, 1812.

Chap. CXXV.—*An Act making a further appropriation for the defence of the Maritime frontier and for the support of the Navy of the United States.*

Specific appropriations.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five hundred thousand dollars be, and the same is hereby appropriated, in addition to the sums already appropriated, for the purposes of fortifying and defending the ports, harbors and maritime frontier of the United States.

Navy.

Sec. 2. *And be it further enacted,* That for the support of the navy of the United States, that the following sums, in addition to the sums heretofore appropriated for that object, be, and the same is hereby appropriated, that is to say:

Frigates.

For the purpose of putting and keeping in service, when repaired, the frigates Constellation, Chesapeake and Adams, seventy-one thousand two hundred and fifty dollars.

Vessels damaged in action.

For the repairs of vessels which may be damaged in action with the enemy, or by the other operations of war, four hundred thousand dollars.

Purchasing and equipping vessels captured.

For the purpose of purchasing, equipping and putting into service and keeping and employing therein, such vessels of war, as may be captured from the enemy by the vessels of war of the United States, as in the opinion of the President of the United States shall be calculated for the

public service, four hundred and twenty-eight thousand seven hundred and fifty dollars.

Specific appropriations.

Sec. 3. *And be it further enacted,* That no part of the several sums hereby appropriated shall be applied to any other purpose than those above specified, any thing contained in any act of Congress to the contrary notwithstanding.

Sec. 4. *And be it further enacted,* That the several sums hereby appropriated shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, July 5, 1812.

Statute I.

July 6, 1812.

Chap. CXXVI.—*An Act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late minister of the United States at the Court of France, upon the Treasury of the United States.*

Secretary of the Treasury may suspend the payment of certain bills under Louisiana convention drawn by John Armstrong.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required to cause to be suspended the payment at the treasury of the United States, of certain bills drawn by John Armstrong, late minister of the United States at the court of France, in favour of the cashier of the French treasury, amounting to one hundred and fifteen thousand five hundred and thirty-four francs and forty-one hundredths of a franc, for certain claims arising under the Louisiana convention in favour of citizens of the United States, which the French government, by virtue of an agreement entered into with said minister, had assumed to pay, until satisfactory proof shall have been exhibited to the accounting officers of the treasury, that the said bills or a sum equal thereto, have been applied for the purpose of discharging the claims of citizens of the United States against the government of France, which have been liquidated and awarded to them under the provisions of the convention of the thirtieth day of April, in the year of our Lord one thousand eight hundred and three, between the United States and the French republic.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXVII.—*An Act to compensate for his services the President pro tempore of the Senate, acting as such when the office of Vice President of the United States shall be vacant.*

President pro tempore of the Senate to have the same compensation as the speaker of the House of Representatives during the period of his services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the president pro tempore of the Senate who has acted, or may hereafter act as such when the office of Vice President shall be vacant, shall receive, during the period of his services, the same compensation as is allowed by law to the speaker of the House of Representatives.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXVIII.—*An Act for the safe keeping and accommodation of prisoners of war.*

Repealed by act of March 3, 1817, ch. 34.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to make such regulations and arrangements for the safe keeping, support and exchange of prisoners of war as he may deem expedient, until the same shall be otherwise provided for by law; and to carry this act into effect, one hundred thousand dollars be, and the same are hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated.

Specific appropriations.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXIX.—*An Act to prohibit American vessels from proceeding to or trading with the enemies of the United States, and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel, owned

(a) The decisions of the Courts of the United States, on "Trading with the Enemy," have been:—

Action of assumpsit to recover the balance of an account current for merchandise purchased in England by order of the defendants. The defence was, that the contract was made during the war, and therefore void. By the Court—The doctrine is not to be questioned at this day, that, during a state of hostility, the citizens of the hostile states are incapable of contracting with each other. Scholefield *v.* Eichelberger, 7 Peters, 586.

To say that this rule is without exception, would be assuming too great latitude. The question has never yet been examined whether a contract for necessaries, or even for money to enable the individual to get home, could not be enforced; and analogies familiar to the law, as well as the influence of the general rule, in international law, that the severities of war are to be diminished by all safe and practical means, might be appealed to in support of such an exception. But at present, it may be safely affirmed that there is no recognized exception, but permission of a state to its own citizens; which is also implied in any treaty stipulation to that effect, entered into with a belligerent. *Ibid.*

Property engaged in illicit trade with the enemy, must be condemned to the captors, not to the United States. The Sally, Porter, Master, 8 Cranch, 382; 3 Cond. Rep. 177.

A vessel owned by citizens of the United States, sailed from Naples in the year 1812, for the United States, with a cargo, and a British license to carry the same to England. On her passage, hearing of the war, she altered her course for England, was captured by the British, carried into Ireland, libelled and acquitted, sold her cargo, and after a detention of seven months in Ireland, purchased a return cargo in England, sailed for the United States, and was captured by an American privateer. The vessel and cargo were condemned as prize to the captors. The Alexander, 8 Cranch, 169; 3 Cond. Rep. 72.

If a citizen of the United States establishes his domicil in a foreign country, between which and the United States hostilities afterwards break out, any property shipped by him before knowledge of the war, and captured by an American cruiser after the declaration of war, will be condemned as prize. The Venus, 8 Cranch, 253; 3 Cond. Rep. 109.

Illegal traffic stamps a hostile character on the property, and attaches to it all the penal consequences of enemy ownership. The Sally, 8 Cranch, 382; 3 Cond. Rep. 177.

The property of a citizen does not become divested, ipso facto, by the mere act of illicit intercourse with the enemy; the property is only liable to be condemned as enemy's property, or as adhering to the enemy, if rightfully captured during the voyage. The Thomas Gibbons, 8 Cranch, 421; 3 Cond. Rep. 193.

A vessel sailing to an enemy port, after knowledge of the war, and captured, bringing thence a cargo consisting chiefly of enemy goods, is liable to confiscation as prize of war. The St. Lawrence, 8 Cranch, 434; 3 Cond. Rep. 202.

Trading with the enemy is not excused by the necessity of obtaining funds to pay the expenses of the ship; nor by the opinion of an American minister expressed to the master, that by undertaking the voyage he would violate no law of the United States. The Joseph, 8 Cranch, 451; 3 Cond. Rep. 212.

If, upon the breaking out of a war, a citizen has a right to withdraw his property from the enemy's country, it is necessary it should be exercised with due diligence, and within a reasonable time after the knowledge of hostilities. The St. Lawrence, 9 Cranch, 120; 3 Cond. Rep. 301.

If a cargo be innocently put on board in an enemy's country, if at that time the importation be lawful, it cannot be rendered unlawful by a detention, occasioned in the course of the voyage, either by the perils of the sea or the act of the enemy; unless this effect be produced by some positive act of the legislature. The Mary, 9 Cranch, 126; 3 Cond. Rep. 306.

An American citizen is equally guilty of trading with the enemy, whether that trade is carried on between a hostile port and the United States, or between such port and any foreign nation. The Rugen, 1 Wheat. 62; 3 Cond. Rep. 485.

The offence of trading with the enemy is complete, the moment a vessel sails with intention to carry her cargo to a hostile port. *Ibid.*

A subject of a state at war cannot, under cover of neutral muniments, however regularly procured, or formal, violate with impunity his duty and allegiance to his own country. *Ibid.*

All trade with the enemy, unless with the permission of the sovereign, is interdicted; and subjects the property engaged in it to the penalty of confiscation. The Rapid, 1 Gallis. C. C. R. 295.

All communication and intercourse with the enemy is prohibited, and it is in nowise important, whether the property engaged in the inimical communication be bought and sold, or merely transported and shipped. *Ibid.*

A citizen of the United States cannot lawfully withdraw his property, acquired before the war, from the enemy's country, after he has knowledge of the war, without permission of government. The St. Lawrence, 1 Gallis. C. C. R. 467.

If a vessel be sent from the United States, after knowledge of the war, to the enemy's country to withdraw such property, the vessel and cargo are subject to capture and condemnation, jure belli. 1 Gallis. C. C. R. 295.

The property of citizens taken trading with the enemy, is considered as quasi enemy's property. *Ibid.*

A trade to a neutral port, during war, is not rendered illegal from the mere circumstance that the interests of the enemy are thereby aided, or his policy enforced: it must, before it can be liable to condemnation on that ground, be carried on, on account of the enemy, under contract with him, destined for his use, or voluntarily incorporated into his service by licenses. The Liverpool Packet, 1 Gallis. C. C. R. 513.

The circumstance that a neutral is engaged in enemy navigation does not subject all his trade from the neutral country, on neutral voyages, to the enemy character. *Ibid.*

in whole or in part by a citizen or citizens of the United States, shall be permitted to clear out or depart from any port or place within the limits of the United States or territories thereof, to any foreign port or place, till the owner or owners, agent, factor, freighter, master or commander, shall have given bond, with sufficient security, in the amount of such ship or vessel and cargo, not to proceed to or trade with the enemies of the United States. And if any ship or vessel owned as aforesaid, shall depart from any port or place within the limits of the United States or territories thereof, for any foreign port or place without giving bond with security aforesaid, such ship or vessel, and cargo, shall be forfeited to the use of the United States; and the owner or owners, freighter, factor or agent, master or commander, shall severally forfeit and pay a sum equal to the value of such ship or vessel and cargo; and the said master or commander, if privy thereto, and being thereof convicted, shall be liable to a fine not exceeding one thousand dollars, and imprisoned for a term not exceeding twelve months, in the discretion of the court.

Owners of vessels to give bonds, upon clearing out, not to trade with the enemy.

Penalty for so doing.

Sec. 2. *And be it further enacted*, That if any citizen or citizens of the United States, or person inhabiting the same, shall transport or attempt to transport, over land or otherwise, in any wagon, cart, sleigh, boat, or otherwise, naval or military stores, arms or the munitions of war, or any article of provision, from any place of the United States, to any place in Upper or Lower Canada, Nova Scotia or New Brunswick, the wagon, cart, sleigh, boat, or the thing by which the said naval or military stores, arms, or munitions of war or articles of provision are transported or attempted to be transported, together with such naval or

Trade with the enemy by land interdicted.

Every voyage from an enemy port, especially with a cargo on board, and without the license of the government, carries with it a presumption of illegal traffic and hostile interests, from which nothing but the most explicit proofs by the claimants can relieve the cause. The presumption of illegal traffic arises, notwithstanding any papers or any explanation of the persons found on board: the captors have a right to bring the property in, and subject the whole to the adjudication of a competent tribunal. In such case, damages and costs are never to be adjudged as against the captors. *Ibid.*

If, after a knowledge of the war, an American vessel go to an enemy port, and take in a cargo there, the vessel and cargo are liable to confiscation for trading with the enemy. The Alexander, 1 Gallis. C. C. R. 532.

If an American vessel, after knowledge of the war, proceed from a neutral to a hostile port on freight, it is a trading with the enemy, which subjects the vessel to forfeiture; and she is liable therefore on her return voyage to the United States. The Joseph, 1 Gallis. C. C. R. 545.

In cases of trading with the enemy, the property is deemed quasi enemy's property, and it is condemned to the captors and not to the United States. *Ibid.*

No principle of national or municipal law is better settled than that all contracts with an enemy, made during war, are utterly void. The Emulous, 1 Gallis. C. C. R. 563.

A shipment made from the enemy's country, after a knowledge of the war, by an American citizen, subjects the property to condemnation as prize of war. The Mary, 1 Gallis. C. C. R. 620.

A shipment made, after a known war, by an American citizen, subjects the property to condemnation as prize of war. The Diana, 2 Gallis. C. C. R. 93.

If an American vessel take on board a cargo from an enemy's ship, under the pretence that it is ransomed, it is an illegal traffic, for which, by the law of war, she is liable to condemnation as prize of war; and may be seized on the return voyage. The Lord Wellington, 2 Gallis. C. C. R. 103.

A citizen of the United States may lawfully draw a bill on a subject of a foreign power, with whom we are at war; such an act not leading to any injurious intercourse, nor amounting to a trading with the enemy. United States *v.* Barker, Paine's C. C. R. 156.

An American vessel, after the commencement of hostilities with Great Britain, sailed, having on board a messenger from the British minister in the United States, with despatches for his government, and a letter of protection from British capture; this is a sufficient cause of condemnation. The Tulip, 3 Wash. C. C. R. 181.

All contracts with an enemy are not necessarily void. Cases of extreme necessity, form exceptions to the rule. Contracts made under license of the government, whether they arise directly or collaterally, out of the licensed trade; or if the enemy, with whom the contract is made, be in the hostile country, by license of that government, (cases of ransom bonds,) so contracts made by prisoners of war, for their subsistence, are also exceptions. The William Penn, 3 Wash. C. C. R. 484.

A voyage from an enemy port with a cargo on board, without the license of the government, is of itself a probable cause for capture. The Liverpool Packet, 1 Gallis. C. C. R. 513.

A trade to a neutral port is not illegal, although the public enemy derive benefit thereby, unless such trade be considered in connexion with, or subservient to, hostile interests and policy. *Ibid.*

The United States may proceed against property found engaged in trade with the enemy, as prize of war. The Eliza, 2 Gallis. C. C. R. 4.

At common law, any individual might seize for the king; and upon this ground it has been held, that public or private armed ships may seize for violation of a statute. But, in such case, it is at the peril of the party making the seizure. The Rover, 2 Gallis. C. C. R. 240.

Forfeitures and penalties.

military stores, arms, or munitions of war or provisions, shall be forfeited to the use of the United States, and the person or persons aiding or privy to the same shall severally forfeit and pay to the use of the United States a sum equal in value to the wagon, cart, sleigh, boat, or thing by which the said naval or military stores, arms, or munitions of war or articles of provision, are transported, or are attempted to be transported; and shall moreover be considered as guilty of a misdemeanor, and be liable to be fined in a sum not exceeding five hundred dollars, and imprisoned for a term not exceeding six months, in the discretion of the court: *Provided*, that nothing herein contained shall extend to any transportation for the use or on account of the United States or the supply of its troops or armed force.(*a*)

Proviso.

Collectors authorized to seize naval and military stores, &c.

Sec. 3. *And be it further enacted*, That the collectors of the several ports of the United States be, and the same are hereby authorized to seize and stop naval or military stores, arms, or the munitions of war, or any articles of provision, and ship or vessel, wagon, cart, sleigh, boat, or thing by which any article prohibited as aforesaid is shipped or transported, or attempted to be shipped or transported, contrary to the provisions of this act.

None but vessels belonging to citizens of the United States or inhabitants of countries in amity with them, to be admitted to entry.

Sec. 4. *And be it further enacted*, That no ship or vessel belonging to any citizen or citizens, subject or subjects of any state or kingdom in amity with the United States, except such as at the passage of this act shall belong to the citizen or citizens, subject or subjects of such state or kingdom, or which shall hereafter be built in the limits of a state or kingdom in amity with the United States, or purchased by a citizen or citizens, subject or subjects of a state or kingdom in amity with the United States aforesaid, from a citizen or citizens of the United States, shall be admitted into any port or place of the United States, unless forced by stress of weather, or for necessary repairs; and any ship or vessel, belonging to a citizen or citizens, subject or subjects of any state or kingdom in amity with the United States, as aforesaid, except such ships and vessels as are above excepted, which shall, from and after the first day of November next, enter, or attempt to enter any port or place aforesaid, the same, with her cargo, shall be forfeited to the use of the United States.

Exceptions.

British packets, &c. &c. may enter till September.

Sec. 5. *And be it further enacted*, That any British packet or vessel with despatches destined for the United States, and which shall have departed from any port or place in the United Kingdom of Great Britain and Ireland or its dependencies, on or before the first day of September next, shall not be liable to be captured or condemned, but the same shall be permitted to enter and depart from any port or place in the United States: *Provided*, that nothing herein contained shall be construed to affect any cartel, or vessel with flag of truce.

Cartels and flags of truce.

Passports may be given for six months for British property.

Sec. 6. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to give, at any time within six months after the passage of this act, passports for the safe transportation of any ship or other property belonging to British subjects, and which is now within the limits of the United States.

Penalties for taking licenses to trade with British ports.

Sec. 7. *And be it further enacted*, That every person being a citizen of the United States, or residing therein, who shall receive, accept, or obtain a license from the government of Great Britain, or any officer thereof, for leave to carry any merchandise, or send any vessel into any port or place within the dominions of Great Britain, or to trade with

(*a*) Fat cattle are provisions, or munitions of war within the meaning of the act of Congress of July 6, 1812, to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes. United States *v.* Job L. Barber, 9 Cranch, 243; 3 Cond. Rep. 405. United States *v.* Sheldon, 2 Wheat. 119; 4 Cond. Rep. 62.

The sending of armed vessels, or munitions of war from a neutral country to a belligerent port, for sale as articles of commerce, is unlawful only as it subjects the property to capture by other belligerents. The Santissima Trinidad, 7 Wheat. 283; 5 Cond. Rep. 284.

any such port or place, shall, on conviction for every such offence, forfeit a sum equal to twice the value of any such ship, merchandise or articles of trade, and shall moreover be deemed guilty of a misdemeanor, and be liable to be imprisoned not exceeding twelve months, and to be fined not exceeding one thousand dollars.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXX.—*An Act supplementary to the act entitled "An act respecting alien enemies."*

Proviso in the act of July 6, 1798, ch. 66, sec. 1, not to extend to any treaty which has expired, or is not in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the proviso contained in the act, entitled "An act respecting alien enemies," approved on the sixth day of July, one thousand seven hundred and ninety-eight, shall be extended or construed to extend to any treaty, or to any article of any treaty, which shall have expired, or which shall not be in force, at the time when the proclamation of the President shall issue.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXXI.—*An Act making additional appropriations for the Military Establishment and for the Indian Department for the year one thousand eight hundred and twelve.*

Specific appropriations.

Act of March 28, 1812, ch. 46.
Act of May 22, 1812, ch. 92.
Act of April 29, 1812, ch. 72.
May 16, 1812, ch. 86.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses incurred and to be incurred under the several acts, entitled "An act to establish a quartermaster's department and for other purposes," and an act to amend the same, "An act making further provision for the corps of engineers," and "An act making further provision for the army of the United States," for the Indian department and for satisfying certain outstanding claims, there be, and hereby is appropriated, to be paid out of any monies in the treasury not otherwise appropriated, in addition to the sums already appropriated for the said objects respectively, the following sums, that is to say:

For the pay of the army, seventy-two thousand five hundred and ninety-six dollars.

For forage, four thousand seven hundred and twenty-two dollars.

For subsistence, six thousand two hundred and fifty dollars.

For clothing, three thousand seven hundred and forty-five dollars.

For clerk hire and stationery, in the offices of the quartermaster general and commissary general of purchases, three thousand one hundred and fifty dollars.

For the salary of the commissary general of purchases and compensations of the deputy commissaries, six thousand five hundred dollars.

For contingent expenses of the Indian department, comprising the employment of temporary agents, presents to the Indians, and transportation, twenty thousand dollars.

For the payment of such balances as have been or may be ascertained from actual settlements made by the accountant of the department of war, and which cannot be discharged out of any existing appropriations, five thousand dollars.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXXII.—*An Act fixing the time for the next meeting of Congress.*

Congress to meet first Mon-

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

day in November, 1812.

the present session, the next meeting of Congress shall be on the first Monday of November next.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Pay of the army fixed.

Act of April 12, 1808, ch. 43.

Chap. CXXXIII.—*An Act respecting the pay of the Army of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers, non-commissioned officers, musicians, and privates of the army of the United States shall receive the same pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, are entitled to by the act, entitled "An act to raise for a limited time an additional military force," passed April twelfth, one thousand eight hundred and eight; and to the aid-de-camp of a brigadier, to a brigade quartermaster, brigade inspector and adjutant, there shall be allowed forage for one horse only, or in lieu thereof ten dollars per month; and to the brigade majors, under the act passed January the eleventh, one thousand eight hundred and twelve, there shall be allowed forage for one horse, or in lieu thereof ten dollars per month; and the pay of a quartermaster sergeant shall be nine dollars per month.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

[Obsolete.]

Act of April 23, 1812, ch. 64.

Provisions of the act to which this is a supplement extended to purchasers of certain fractional townships, without reservation.

Act of March 26, 1804, ch. 35.

Chap. CXXXIV.—*An Act supplementary to the act entitled "An [act] giving further time to purchasers of public lands northwest of the river Ohio, to complete their payments."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act to which this act is a supplement shall be, and they are hereby extended to the several purchasers of the fractional sections, which were by the direction of the Secretary of the Treasury, classed together for sale, according to the ninth section of an act, entitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," passed on the twentieth of March, one thousand eight hundred and four, notwithstanding the quantity of land contained in any one tract, composed of such fractional sections, so classed together, and purchased by a single contract, shall exceed six hundred and forty acres.

Assignee or assignees of original purchasers of land from the United States entitled to the benefits of this act.

Sec. 2. *And be it further enacted,* That the assignee or assignees of any original purchaser of land from the United States, the lands being purchased prior to the first day of April, one thousand eight hundred and eight, shall be entitled to the benefit of the provisions of the act, to which this act is a supplement, and the last preceding section, in every case where it shall appear to the satisfaction of the register and receiver of public monies of the district within which the land may lie, that the assignment by which he or they so claim was bona fide made prior to the passing of the aforesaid act, that the whole lands claimed by virtue of such assignment does not exceed six hundred and forty acres, unless it comes within the provision of the preceding section, and that the lands or some one tract thereof is inhabited and cultivated by or for the use of the assignee or assignees.

Original purchasers or their assignees may in certain cases where their lands have reverted to the

Sec. 3. *And be it further enacted,* That in every case where any tract or tracts of land purchased prior to the first day of April, one thousand eight hundred and eight, not exceeding six hundred and forty acres, unless such tract shall come within the provision of the first section of this act, has since the first day of April last, reverted, or that may before the first day of August next, revert to the United States, for default of

payment: the person or persons claiming such tract or tracts, whether as an assignee or an original purchaser, may again re-enter the same: and all monies which such assignee or original purchaser may have paid shall be replaced to his credit, by the register and receiver of public monies of the district in which the lands may lie, and such repurchaser or repurchasers shall be allowed the same benefit of the extension of the time of payment, provided by the act to which this is a supplement, as though no such reversion had occurred; provided such assignee or assignees, original purchaser or purchasers shall make to the proper land-officer application for such re-entry on or before the first day of September next, and that the lands so re-entered shall not have been re-sold previous to such application.

United States re-enter upon the same.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

Chap. CXXXV.—*An Act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a subscription to the full amount of the old six per cent. and deferred stocks be, and the same is hereby proposed to the proprietors thereof; for which purpose books shall be opened at the treasury of the United States and by the several commissioners of loans, on the first day of October next, to continue open till the seventeenth day of March ensuing inclusively, the fourteen last days of each quarter excepted, for such part of the above mentioned stocks as shall, on the day of subscription, stand on the books of the treasury and of the several commissioners of loans respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

Books to be opened at the treasury for a subscription to the old six per cent. stock of the U. States.

Sec. 2. *And be it further enacted,* That for such part of the amount of old six per cent. or deferred stock, thus subscribed, as shall remain unredeemed on the day of such subscription, credits shall be entered to the respective subscribers, on the books of the treasury or of the commissioners of loans where such subscription shall have been made, and the subscriber or subscribers shall be entitled to receive a certificate or certificates purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the unredeemed amount of the principal of the old six per cent. or deferred stocks, subscribed as aforesaid, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the stock subscribed, and subject to redemption at the pleasure of the United States at any time after the thirty-first day of December, one thousand eight hundred and twenty-four: *Provided,* that no reimbursement shall be made except for the whole amount of the stock standing at the time, to the credit of any proprietor, on the books of the treasury or of the commissioners of loans respectively, nor till after at least six months' previous public notice of such intended reimbursement.

Terms upon which subscriptions may be made.

Proviso.

Sec. 3. *And be it further enacted,* That the same funds which heretofore have been, and now are pledged by law for the payment of the interest and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of

Funds to be pledged.

the sinking fund, to cause to be applied and paid out of the said fund, yearly and every year, such sum and sums as may be annually wanted to discharge the annual interest accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums out of the said fund as they may think proper, towards redeeming by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And such part of the annual sum of eight millions of dollars, vested by law in the said commissioners, as may be necessary and wanting for the above purposes, shall be and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act shall have been redeemed or reimbursed.

Sec. 4. *And be it further enacted,* That nothing in this act contained shall be construed in anywise to alter, abridge or impair the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

[Obsolete.]

Agents may be appointed by the Secretary of the Treasury for the sale of stock of the United States.

Act of March 14, 1812, ch. 41.

Chap. CXXXVI.—*An Act supplementary to the act entitled "An act authorizing a Loan for a sum not exceeding eleven millions of dollars."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to employ, with the approbation of the President of the United States, an agent or agents for the purpose of selling, in conformity with the provisions of the act, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars," any part of the stock created by virtue of the said act. A commission not exceeding one eighth of one per cent. on the amount thus sold, may by the Secretary of the Treasury be allowed to such agent or agents; and a sum not exceeding five thousand five hundred dollars, to be paid out of any monies in the treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions as may be thus allowed.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Two additional brigadier generals may be appointed by the President.

1812, ch. 14.

Chap. CXXXVII.—*An Act making further provision for the Army of the United States, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint two brigadier generals, in addition to those already authorized by law, who shall each be entitled to the same number of aids and brigade majors as are allowed to a brigadier general under the act of Congress passed the eleventh of January, one thousand eight hundred and twelve. And the said brigadier generals, aids and brigade majors, shall be entitled to receive the same pay and emoluments as are by law allowed to officers of the same grade.

Additional deputy adjutant generals, &c. may be appointed from the line of the army.

Sec. 2. *And be it further enacted,* That to any army of the United States, other than that in which the adjutant general, inspector general, quartermaster general and paymaster of the army, shall serve, it shall be lawful for the President to appoint one deputy adjutant general, one deputy inspector general, one deputy quartermaster general, and one deputy paymaster general, who shall be taken from the line of the army, and who shall each, in addition to his pay and other emoluments, be entitled to fifty dollars per month, which shall be in full compensation for his

extra services. And that there shall be to each of the foregoing deputies such number of assistant deputies (not exceeding three to each department) as the public service may require, who shall in like manner be taken from the line, and who shall each be entitled to thirty dollars per month, in addition to his pay and other emoluments, which shall be in full compensation for his extra services: *And provided also*, that the President of the United States be, and he is hereby authorized to appoint any of the officers named in this act during the recess of the Senate, to be submitted to the Senate at their next meeting, for their advice and consent.

President may appoint during the recess of the Senate.

Sec. 3. *And be it further enacted*, That all letters and packages to and from the adjutant general and inspector general shall be free from postage.

Sec. 4. *And be it further enacted*, That the President is hereby authorized to confer brevet rank on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any one grade: *Provided*, that nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate posts, districts or detachments, when they shall be entitled to, and receive the same pay and emoluments to which officers of the same grades are now or hereafter may be allowed by law.

Brevet rank may be conferred by the President in certain cases.

No additional pay, &c., to be allowed, unless commanding separate posts, &c.

Sec. 5. *And be it further enacted*, That the officers who shall not take waiters from the line of the army, shall receive the pay, clothing and subsistence allowed to a private soldier, for as many waiters as they may actually keep, not exceeding the number allowed by existing regulations.

Officers may have private waiters.

Approved, July 6, 1812.

Statute I.

July 6, 1812.

[Repealed.]

Act of Feb. 6, 1812, ch. 21.

Act of January 29, 1813, ch. 15, sec. 13.

Act of March 3, 1815, ch. 78.

Chap. CXXXVIII.—*An Act supplementary to the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where volunteers have offered or hereafter shall offer their services to the United States, under the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," it shall be lawful for the President of the United States to appoint and commission officers thereto, by and with the advice and consent of the Senate, any thing in the said act to the contrary notwithstanding: *Provided*, that prior to the issuing of such commissions, the volunteers aforesaid shall have signed an enrolment binding themselves to service, conformably to the provisions of the act to which this is a supplement.

President may appoint officers to volunteer corps.

Proviso.

Sec. 2. *And be it further enacted*, That the President be, and he is hereby authorized to form the corps of volunteers into battalions, squadrons, regiments, brigades and divisions, and to appoint thereto, by and with the advice and consent of the Senate, general, field and staff officers conformably with the military establishment of the United States, and who shall be entitled to the pay and emoluments of officers of a similar grade and corps in the army of the United States.

Corps of volunteers to be formed into battalions, &c.

Sec. 3. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all the officers authorized by this act; which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

President may appoint the officers in the recess of the Senate.

Sec. 4. *And be it further enacted*, That in case the volunteers when their term of service shall have expired, shall deliver their stand of arms and accoutrements, in good order, to the proper officer, they shall be

Volunteers to be paid for delivering up their arms at the ex-

piration of their term of service.

entitled to receive in lieu thereof ten dollars for every stand of arms so delivered.

Approved, July 6, 1812.

RESOLUTIONS.

March 2, 1812.

I. Resolution *granting permission to the Judges of the Supreme Court of the United States to use the books in the Library of Congress.*

Judges of the Supreme Court of the United States to be allowed to use books in the library of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the president of the Senate and the speaker of the House of Representatives for the time being be, and they are hereby authorized to grant the use of the books in the library of Congress to the judges of the supreme court of the United States, at the times, and on the same terms, conditions and restrictions, as members of Congress are allowed to use said books.

Approved, March 2, 1812.

March 19, 1812.

II. Resolution *on the subject of Arts and Manufactures.*

Information obtained under the act of May 1, 1810, ch. 38, to be digested.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be directed to employ a person to digest and reduce to such form, as shall be deemed most conducive to the interests of the United States, a statement of the number, nature, extent, situation and value of the arts and manufactures of the United States, together with such other details, connected with these subjects, as can be made from the abstracts and other documents and returns, reported to him by the marshals and other persons employed to collect information in conformity to the second section of the act of the first of May, one thousand eight hundred and ten, and such other information as has been or may be obtained, which the subject will admit of; and that he report the same to Congress.

Approved, March 19, 1812.

June 17, 1812.

III. Resolution *requesting the state of Georgia to assent to the formation of two States of the Mississippi territory.*

Legislature of Georgia requested to consent to the formation of two states in the territory of Mississippi.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislature of the state of Georgia be, and they are hereby requested to give their assent by law to the formation of two states of the Mississippi territory: *Provided,* in the opinion of Congress a division of said territory for that purpose should hereafter be expedient.

Approved, June 17, 1812.

IV. Resolution *requesting the President of the United States to recommend a day of public humiliation and prayer.*

It being a duty peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection:

Therefore,

Resolution requesting the President to recommend a day of public humiliation and prayer.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of public humiliation and prayer to be observed by the people of the United States, with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, his blessing on their arms, and the speedy restoration of peace.

ACTS OF THE TWELFTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of November, 1812, *and ended on the third day of March,* 1813.

JAMES MADISON, President of the United States; WILLIAM H. CRAWFORD, President of the Senate pro tempore; HENRY CLAY, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An act to authorize the transportation of certain documents free of postage.*

Nov. 12, 1812.

[Obsolete.]

The message of the President and documents to be transmitted free of postage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress, the secretary of the Senate, and clerk of the House of Representatives be, and they are hereby respectively authorized to transmit, free of postage, the message of the President of the United States, of the fourth of November, one thousand eight hundred and twelve, and the documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may direct, any law to the contrary notwithstanding.

APPROVED, November 12, 1812.

STATUTE II.

CHAP. II.—*An Act further to prolong the continuance of the Mint at Philadelphia.*

Dec. 2, 1812.

[Obsolete.]

The mint continued in Philadelphia until March 4, 1813.

Act of March 3, 1801, ch. 21, revived.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act concerning the mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation, for the further term of five years, after the fourth day of March, one thousand eight hundred and thirteen.

APPROVED, December 2, 1812.

STATUTE II.

CHAP. III.—*An Act making an appropriation to defray expenses incurred, or to be incurred, under an act entitled "An act to authorize a detachment from the militia of the United States;" and the act, entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five."*

Dec. 12, 1812.

[Obsolete.]

Specific appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million of dollars be, and the same is hereby appropriated towards defraying any

Act of April 10, 1812, ch. 55.

Act of Feb. 28, 1795, ch. 36.

expense incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States," passed the tenth day of April, one thousand eight hundred and twelve: and also, under an act, entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes," passed the twenty-eighth day of February, one thousand seven hundred and ninety-five, to be paid out of any monies in the treasury not otherwise appropriated.

Approved, December 12, 1812.

Statute II.

Dec. 12, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Chap. IV.—*An Act increasing the pay of the non-commissioned officers, musicians, privates, and others of the Army, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, eighteen hundred and twelve, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted or shall hereafter enlist in the service of the United States, shall, during the continuance of the war between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof, be as follows, to wit: To each sergeant major and quartermaster sergeant, twelve dollars: to each sergeant and principal musician, eleven dollars; to each corporal, ten dollars; to each musician, nine dollars; to each private, driver, bombardier, matross, sapper, and miner, eight dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quartermaster general's and ordnance department, thirteen dollars.

Monthly pay after Dec. 31, 1812.

Sec. 2. *And be it further enacted,* That during the continuance of the war with Great Britain, no non-commissioned officer, musician, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, during his continuance in service shall be arrested, or subject to arrest, or to be taken in execution for any debt contracted before or after enlistment.

Non-commissioned officers, soldiers, &c. &c. free from arrest for debt.

Sec. 3. *And be it further enacted,* That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years.

Recruits to have an option to serve till the end of the war, or for five years.

Approved, December 12, 1812.

Statute II.

Dec. 18, 1812.

Chap. V. *An Act concerning the District and Territorial Judges of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter it shall be incumbent upon the district and territorial judges of the United States, to reside within the districts and territories respectively for which they are appointed, and that it shall not be lawful for any judge appointed under the authority of the United States, to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the injunction or prohibition of this act, shall be deemed guilty of a high misdemeanor.

District and territorial judges to reside within their districts and not to exercise the profession of counsel or attorney, or to be engaged in the practice of the law.

Approved, December 18, 1812.

Statute II.
Jan. 2, 1813.

Chap. VI.—*An Act to increase the Navy of the United States.*

[Obsolete.]

Act of March 3, 1813, ch. 54.
Act of Feb. 27, 1815, ch. 62.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he hereby is authorized, as soon as suitable materials can be procured therefor, to cause to be built, equipped and employed, four ships to rate not less than seventy-four guns, and six ships to rate forty-four guns each.

Ships of war to be built.

Sec. 2. *And be it further enacted,* That there shall be employed on board each of the said ships of seventy-four guns each, one captain, six lieutenants, one captain, one first lieutenant and one second lieutenant of marines, one surgeon, one chaplain, one purser and three surgeons' mates.

Complement of officers on board the seventy-fours.

Sec. 3. *And be it further enacted,* That there shall be employed in each of the said ships, carrying seventy-four guns, the following warrant officers, who shall be appointed by the President of the United States: one master, one second master, three masters' mates, one boatswain, one gunner, one carpenter, one sail-maker, and twenty midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively in which they are to be employed, viz. one armorer, six boatswains' mates, three gunners' mates, two carpenters' mates, one sail-maker's mate, one cooper, one steward, one master at arms, one cook, one coxswain, one boatswains' yeoman, one gunner's yeoman, one carpenter's yeoman, ten quarter gunners, eight quarter masters, and one clerk; and one schoolmaster, also to be appointed by the captain.

Warrant officers on board the seventy-fours.

Petty officers.

One schoolmaster.

Sec. 4. *And be it further enacted,* That the crews of each of the said ships of seventy-four guns, shall consist of two hundred able seamen, three hundred ordinary seamen and boys, three sergeants, three corporals, one drummer, one fifer, and sixty marines.

Complements of men on board the seventy-four gun ships.

Sec. 5. *And be it further enacted,* That the pay of the schoolmaster shall be twenty-five dollars per month and two rations per day.

Pay of the schoolmaster.

Sec. 6. *And be it further enacted,* That the sum of two millions five hundred thousand dollars be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the building and equipping of the aforesaid ships of war.

Specific appropriation of 2,500,000 dollars.

Approved, January 2, 1813.

Statute II.
Jan. 2, 1813.

Chap. VII.—*An Act directing the Secretary of the Treasury to remit fines, forfeitures and penalties in certain cases.*

[Obsolete.]

Secretary of the Treasury authorized to remit certain fines incurred upon the importation of goods from Great Britain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where goods, wares and merchandise, owned by a citizen or citizens of the United States, have been imported into the United States from the United Kingdom of Great Britain and Ireland, which goods, wares and merchandise were shipped on board vessels which departed therefrom between the twenty-third day of June last, and the fifteenth day of September last, and the person or persons interested in such goods, wares or merchandise, or concerned in the importation thereof, have thereby incurred any fine, penalty and forfeiture, under an act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain, and France, and their dependencies, and for other purposes," and an act, entitled "An act concerning the commercial intercourse between the United States and Great Britain, and France, and their dependencies, and for other purposes," and the act supplementary to the act last mentioned, on such person or persons petitioning for relief to any judge or court proper to hear the same, in pursuance

Act of March 1, 1809, ch. 24.

Act of May 1, 1810, ch. 39.
1811, ch. 29.

Act of March 3, 1797, ch. 13.

of the provisions of the act, entitled "An act to provide for mitigating or remitting the fines, forfeitures and penalties, in certain cases therein mentioned;" and on the facts being shown, on inquiry had by said judge or court, stated and transmitted, as by said act is required, to the Secretary of the Treasury; in all such cases wherein it shall be proved to his satisfaction that said goods, wares and merchandise, at the time of their shipment, were bona fide owned by a citizen or citizens of the United States, and shipped and did depart from some port or place in the United Kingdom of Great Britain and Ireland, owned as aforesaid, between the twenty-third day of June last and the fifteenth day of September last, the Secretary of the Treasury is hereby directed to remit all fines, penalties and forfeitures, that may have been incurred under the said acts, in consequence of such shipment, importation or importations, upon the costs and charges that have arisen or may arise being paid, and on payment of the duties which would have been payable by law on such goods, wares and merchandise, if legally imported; and also to direct the prosecution or prosecutions, if any shall have been instituted for the recovery thereof, to cease and be discontinued: *Provided nevertheless*, that no case in which the purchase of such goods, wares and merchandise was made, after war was known to exist between the United States and Great Britain, at the port or place where such purchase was made, shall be entitled to the benefits of this act.

Conditions.

Costs and charges and duties to be paid.

Proviso as to goods purchased after the war was known to exist.

Approved, January 2, 1813.

Statute II.

Jan. 5, 1813.

Act of Jan. 22, 1811, ch. 7.

Report of the commissioners adopted and approved of.

Chap. VIII.—*An Act approving the Report of the Commissioners appointed by the Secretary at War, to ascertain and settle the exterior line of the public land at West Point, in the state of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the report of the commissioners appointed by the Secretary at War to settle the exterior line of the public land at West Point, in the state of New York, with the adjoining proprietor, conformably to an act to authorize the Secretary at War to ascertain and settle, by the appointment of commissioners, the exterior line of the public land at West Point with the adjoining proprietor, be and the same is hereby approved.

Approved, January 5, 1813.

Statute II.

Jan. 14, 1813.

[Obsolete.]

President may direct a mail to be carried from the head quarters of any army of the United States to the nearest post.

Chap. IX.—*An Act authorizing the President of the United States to establish post routes, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, during the existence of the war in which the United States are engaged, or of any war in which they may be engaged, shall be, and is hereby authorized to direct the Postmaster-General to send a mail between the head quarters of any army of the United States, and such post-office as he may think proper; and the route or road on which the same shall be conveyed, shall, to all intents and purposes be an established post road, so long as the mail shall be sent on the same, conformably to the authority hereby given.

Approved, January 14, 1813.

Statute II.

Jan. 20, 1813.

[Obsolete.]

Officers of the navy and ma-

Chap. X.—*An Act providing Navy Pensions in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any officer of the navy or marines shall be killed or die, by reason of a wound received in the

line of his duty, leaving a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five years: but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder shall go to the child or children of the said deceased officer: *Provided*, that such half pay shall cease on the death of such child or children: and the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

rines to be placed, in certain cases, on the navy pension list.

Act of March 4, 1814, ch. 20.

Approved, January 20, 1813.

Statute II.

Jan. 20, 1813.

[Obsolete.]

Chap. XI.—*An Act making certain partial appropriations for the year one thousand eight hundred and thirteen.*

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million of dollars be, and the same is hereby appropriated towards defraying the expenses of the military establishment of the United States, during the year one thousand eight hundred and thirteen; and that the sum of one million of dollars be, and the same is hereby appropriated towards defraying the expenses of the navy during the year one thousand eight hundred and thirteen.

Sec. 2. *And be it further enacted*, That the following sums be appropriated for the purposes herein recited, that is to say: Towards defraying the compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, during the year one thousand eight hundred and thirteen, fifty thousand dollars.

Towards defraying the contingent expenses of the House of Representatives, during the year one thousand eight hundred and thirteen, ten thousand dollars.

Sec. 3. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged out of any monies in the treasury, not otherwise appropriated.

Approved, January 20, 1813.

Statute II.

Jan. 20, 1813.

[Obsolete.]

Chap. XII.—*An Act supplementary to the act entitled "An act for the more perfect organization of the Army of the United States."*

One additional major to be appointed for each regiment of the army of the United States.

Act of June 26, 1812, ch. 108.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment, in the army of the United States, who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present military establishment.

Sec. 2. *And be it further enacted*, That there be appointed, in manner aforesaid, one third lieutenant to each troop or company, in the army of the United States, who, if of cavalry or light dragoons, shall receive the monthly pay of thirty dollars, and of other corps, twenty-three dollars, and be allowed the same forage, rations, and other emoluments, as second lieutenants of the same corps to which they belong.

A third lieutenant to each company.

Sec. 3. *And be it further enacted*, That there be allowed to each troop or company, in the army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present military establishment.

An additional sergeant to be also allowed.

An additional advance to be made to recruits.

Sec. 4. *And be it further enacted*, That in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective able bodied man, who shall be duly enlisted into the service of the United States, after the first day of February next, to serve for the term of five years, or during the war, an advance of twenty-four dollars, on account of his pay, in addition to the existing bounty, one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.

Bounty of 160 acres.

Additional premium to recruiting officers.

Sec. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted after the first day of February next, by them, for the term of five years or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of four dollars: *Provided nevertheless*, that this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, that no person under the age of twenty-one years, shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Proviso.

Proviso.

Persons performing a tour of militia duty may be absolved from the balance of their term of service by enlisting in the army.

Sec. 6. *And be it further enacted*, That it shall be lawful for any person during the time he may be performing a tour of militia duty to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

Approved, January 20, 1813.

Statute II.

Jan. 27, 1813.

Chap. XIII.—*An Act in addition to the act concerning letters of marque, prizes, and prize goods.*(a)

Prize made by private armed ships to be sold by marshals of the districts wherein they are condemned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all prizes of vessels and property, captured by private armed ships, commissioned under the authority of the United States, which may be condemned in any district or circuit court of the United States, shall be sold at public auction, by the marshal of the district, in which the same shall be condemned, within sixty days after the condemnation thereof, sufficient notice of the time and place, and conditions of sale being first given, on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners of the privateer which may have captured the same: *Provided*, that the term of such credit shall not exceed ninety days; and the said marshal is hereby directed, to take and receive, from the purchaser or purchasers of such prize vessel and property, the money therefor, or his, her, or their promissory notes with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.

Proviso.

(a) See notes to act of June 26, 1812, chap. 107.

Sec. 2. *And be it further enacted*, That upon all duties, costs, and charges, being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer, which may have captured such prize vessel and property, a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled, according to the articles of agreement between the said owner or owners, and the officers and crew of the said privateer: and a just and equal proportion of the proceeds of the sale as aforesaid, shall, on demand, be also paid over, by the said marshal, to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property, to the owner or owners, agent or agents of the owner or owners of the privateer, which may have captured the same; and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law, or to any agreement by them made: *Provided*, the said officers and crew, or their agent or agents, shall have first refunded, to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer, to the officers and crew thereof.

Marshals to pay over the proceeds, &c. &c.

If no written agreement, how proceeds of prizes are to be paid over by the marshal.

Proviso.

Sec. 3. *And be it further enacted*, That for the selling prize property, and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent. and no more, first deducting all duties, costs, and charges, which may have accrued on said property: *Provided*, that on no case of condemnation and sale of any one prize vessel and cargo, shall the commissions of the marshal exceed two hundred and fifty dollars.

Commission to the marshals for this service.

Proviso.

Sec. 4. *And be it further enacted*, That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court, of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect, or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars, for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

Marshals to file accounts of sales, &c. &c. in the clerk's office.

Penalties for not doing so.

Sec. 5. *And be it further enacted*, That the owner or owners of any private armed vessel or vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the United States, to be designated at the time of the removal as aforesaid, subject to the same restrictions and complying with the same regulations with respect to the payment of duties, which are provided by law, in relation to other vessels arriving in port with cargoes subject to the payment of duties: *Provided*, that, before such removal, the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the United States.

Captured vessels before libels filed may be removed.

Proviso.

Approved, January 27, 1813.

Statute II.
Jan. 27, 1813.

[Obsolete.]

Goods imported into the United States from British ports beyond the Cape of Good Hope exempt from fine.

Chap. XIV.—*An Act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where goods, wares and merchandise, bona fide the property of a citizen or citizens of the United States, have been imported into the United States from British ports beyond the Cape of Good Hope, for the cargoes of which vessels' bonds have been required, at the port or place of shipment from, and have been given by the owners, agents, consignees, or supercargoes of such vessels, that the cargoes thereof shall be delivered or landed at some port or place in the United States; and the person or persons interested in such goods, wares or merchandise, or concerned in the importation thereof, have incurred thereby any fine, penalty and forfeiture, or have delivered the same into the possession or custody of the United States, on such person petitioning for relief to any judge or court proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating and remitting the fines, forfeitures and penalties, in certain cases therein mentioned;" and on the facts being shown, on inquiry had by said judge or court, stated and transmitted as by said act is required, to the Secretary of the Treasury; in all such cases wherein it shall be proved, to his satisfaction, that said goods, wares and merchandise, at the time of their shipment, were bona fide owned by a citizen or citizens of the United States, and for the landing or delivery of which, at some port or place in the United States, bonds were required and given as aforesaid, the Secretary of the Treasury is hereby directed to remit all fines, penalties and forfeitures, which may have been incurred in consequence of such shipment, importation or importations, to deliver up possession of the said vessels, goods, wares and merchandise, to the owner or owners thereof, upon the costs and charges that have arisen or may arise being paid, and the duties payable on such goods, wares and merchandise, or which would have been payable if they had been legally imported, being paid or secured to be paid according to law, as if the same had been imported and entered at the time of the release thereof; and also to direct the prosecution or prosecutions, if any shall have been instituted for the recovery of such fines, penalties, and forfeitures, to cease and be discontinued: *Provided,* that nothing in this act contained shall extend or be construed to extend to a remission of or exemption from any fine, penalty or forfeiture which has been or may be incurred for a breach of any law or laws of the United States other than such as prohibit the admission into the United States of goods, wares and merchandise, imported as aforesaid.

See act of April 14, 1814, ch. 56.

1797, ch. 13.

When to be released.

Proviso.

Approved, January 27, 1813.

Statute II.
Jan. 29, 1813.

[Obsolete.]

Additional regiments to be raised.

Act of January 11, 1812, ch. 14.

Act of January 14, 1812, ch. 16.

Constituent parts of the regiments.

Chap. XVI.—*An Act in addition to the act entitled "An act to raise an additional military force," and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the present military establishment of the United States, there be raised such number of regiments of infantry, not exceeding twenty, as in the opinion of the President may be necessary for the public service, to be enlisted for the term of one year, unless sooner discharged.

Sec. 2. *And be it further enacted,* That each of the said regiments shall consist of one colonel, one lieutenant colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeons' mates, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies.

Sec. 3. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and ninety privates.

Of companies.

Sec. 4. *And be it further enacted*, That it shall be lawful for the President of the United States in the recess of the Senate to appoint such of the officers authorized by this act, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session for their advice and consent.

President may appoint the officers during the recess.

Sec. 5. *And be it further enacted*, That all the officers, non-commissioned officers, musicians, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments (the land and bounty excepted) as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, of the present military establishment.

Pay, &c. &c. of the officers, &c. &c.

Sec. 6. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the regiments hereby authorized to be raised, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established.

To be governed by the rules and articles of war.

Sec. 7. *And be it further enacted*, That the commissioned officers who shall be employed in recruiting the force authorized by this act, shall be entitled to receive, for every person enlisted by them into this service, for the term specified, and approved by the commanding officer of the regiment, and between the ages of eighteen and forty-five years, the sum of two dollars: *Provided nevertheless*, that this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, that no person under the age of twenty-one years, shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing, which the persons so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Premium to the officers for enlisting men.

Proviso.

No person under twenty-one to be enlisted, without consent of parent, &c.

Sec. 8. *And be it further enacted*, That there shall be allowed and paid to each man recruited as aforesaid, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States.

Sixteen dollars bounty to each man.

Sec. 9. *And be it further enacted*, That the said regiments shall be paid in such manner, that the arrears shall at no time exceed two months, unless the circumstances of the case shall render it unavoidable.

Arrears never to exceed two months.

Sec. 10. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians and privates shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Disabled officers, musicians, and privates, to be placed on the list of invalids.

Proviso.

Proviso.

Sec. 11. *And be it further enacted*, That if any commissioned officer

Widows or children of commissioned officers dying from wounds received in actual service, entitled to half the monthly pay for five years.

shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years: but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the decease of such child or children.

Proviso.

Non-commissioned officers, musicians, or privates, deserting the service, to make good the time of enlistment, &c.

Sec. 12. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Oath to be taken by officers, musicians, and privates.

Form of the oath.

Sec. 13. *And be it further enacted*, That every officer, non-commissioned officer, musician and private, shall take and subscribe the following oath or affirmation, to wit: "I, *A. B.* do solemnly swear or affirm (as the case may be) that I will bear true faith and allegiance to the United States of America; and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Extra expenses incurred by commissioned officers to be allowed, &c.

Sec. 14. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense, in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Officers and soldiers discharged from service to be allowed travelling expenses.

Sec. 15. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

A chaplain to be appointed to each brigade, &c.

Sec. 16. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

No field or staff officer entitled to receive pay or emolument till called into actual service.

Sec 17. *And be it further enacted*, That no field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

Certain acts relating to volunteer military corps repealed.

Act of Feb. 6, 1812, ch. 21.

Act of July 6, 1812, ch. 138.

Proviso.

Sec. 18. *And be it further* [*enacted*,] That the act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," and the act, entitled "An act supplementary to the act, entitled, An act authorizing the President of the United States, to accept and organize certain volunteer military corps," be, and the same are hereby repealed, from and after the first day of February next: *Provided*, that nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges therein secured, or the United [States] of the services of such volunteers, agreeably to the provisions of said acts.

Approved, January 29, 1813.

Statute II.

Feb. 2, 1813.

Chap. XVIII.—*An Act supplementary to an act entitled "An act to provide for calling forth the militia to execute the laws, suppress insurrections, and repel invasions," and to repeal the act now in force for those purposes, and to increase the pay of volunteer and militia corps.*

Act of Feb. 28, 1795, ch. 36.

Fines imposed by courts martial to be certified to the comptroller of the treasury.

Act of April 18, 1806, ch. 32.

Act of April 10, 1812, ch. 55.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case in which a court martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act, entitled "An act to authorize a detachment from the militia of the United States;" all such fines so assessed, shall be certified to the comptroller of the treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

Marshals to pay fines within two months after collection into the treasury, deducting five per cent.

Sec. 2. *And be it further enacted,* That the marshals shall pay all fines which have been levied and collected by them or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure, it shall be the duty of the comptroller of the treasury to give notice to the district attorney of the United States, who shall proceed against the said marshal in the district court by attachment for the recovery of the same.

Non-commissioned officers, musicians, and privates of volunteer and militia corps entitled to the same monthly pay, rations, and forage, &c. as those of the army of the United States.

Sec. 3. *And be it further enacted,* That the non-commissioned officers, musicians, and privates of volunteer and militia corps, who, subsequent to the thirty-first day of December, one thousand eight hundred and twelve, shall have been or may hereafter be called out, while in the service of the United States, shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage as are or may be provided by law for the non-commissioned officers, musicians, and privates of the army of the United States.

Approved, February 2, 1813.

Statute II.

Feb. 5, 1813.

Chap. XX.—*An Act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois territory.*

Act of April 29, 1816, ch. 162.

Inhabitants and cultivators of land lying in districts established for the sale thereof, entitled to preference in purchasing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person, or legal representative of every person, who has actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of public lands, in the Illinois territory, which tract is not rightfully claimed by any other person, and who shall not have removed from said territory; every such person and his legal representatives shall be entitled to a preference in becoming the purchaser from the United States of such tract of land at private sale, at the same price and on the same terms and conditions in every respect, as are or may be provided by law for the sale of other lands sold at private sale in said territory, at the time of making such purchase: *Provided,* that no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sectional and divisional lines run, or to be run, under the direction of the surveyor general for the division of the public lands: *Provided also,* that no lands reserved from sale by former acts, or lands which have been directed to be sold in town lots, and out lots, shall be sold under this act.

No more than one quarter section to be sold to any individual.

No lands to be sold which were reserved by former acts.

Persons claiming a preference in purchasing to deliver notice in writing to the register of the land-office, &c.

Sec. 2. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall make known his claim, by delivering a notice in writing, to the register of the land-office, for the district in which the land may lie, wherein he shall particularly designate the quarter section he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same. And in every case where it shall appear to the satisfaction of the register and receiver of public monies of the land-office, that any person, who has delivered his notice of claim, is entitled, according to the provisions of this act, to a preference in becoming the purchaser of a quarter section of land, such person so entitled shall have a right to enter the same, with the register of the land-office, on producing his receipt from the receiver of public monies for at least one twentieth part of the purchase money, as in case of other public lands sold at private sale: *Provided*, that all lands to be sold under this act shall be entered with the register, at least two weeks before the time of the commencement of the public sales, in the district wherein the land lies: and every person having a right of preference in becoming the purchaser of a tract of land, who shall fail so to make his entry with the register, within the time prescribed, his right shall be forfeited, and the land by him claimed shall be offered at public sale, with the other public lands in the district to which it belongs.

If a person is entitled to a preference he may enter the same.

Proviso.

How the preference may be forfeited.

Approved, February 5, 1813.

Statute II.

Feb. 8, 1813.

Chap. XXI.—*An Act authorizing a Loan for a sum not exceeding sixteen millions of dollars.*

President authorized to borrow, on the credit of the United States, a sum not exceeding sixteen millions of dollars.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to borrow, on the credit of the United States, a sum not exceeding sixteen millions of dollars, to be applied, in addition to the monies now in the treasury, or which may be received from other sources, to defray any of the expenses which have been, or, during the present session of Congress, may be authorized by law, and for which appropriations have been, or, during the present session of Congress, may be made by law: *Provided*, that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed, at any time after the expiration of twelve years, from the first day of January next: *And it is hereby further declared*, That it shall be deemed a good execution of the said power to borrow, for the President of the United States to cause to be sold the whole or any part of the certificates of stock issued for the sums to be borrowed by virtue of this act.

Reimbursable in twelve years from the first of January, 1814.

Sale of the certificates of stock a good execution of power to borrow.

President to cause to be laid before Congress an account of all the monies obtained by sale of certificates, &c.

Sec. 2. *And be it further enacted*, That the President of the United States do cause to be laid before Congress, on the first Monday in February, eighteen hundred and fourteen, or as soon thereafter as Congress may be in session, an account of all the monies obtained by the sale of the certificates of stock, by virtue of the power given him by the preceding section, together with a statement of the rate at which the same may have been sold.

Secretary of the Treasury, with the approbation of the President, to employ agents to obtain subscriptions to the loan.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized to employ, with the approbation of the President of the United States, an agent or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock created by virtue thereof. A commission not exceeding one quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum

not exceeding forty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions, as may be thus allowed, and also for defraying the expenses of printing and issuing the subscription certificates and certificates of stock and other expenses incident to the receiving of subscriptions, and completing the loan authorized by this act.

Commission to agents.

Forty thousand dollars appropriated to pay commissions and defray other expenses.

Sec. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest, and such part of the principal of said debt, as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act: it shall accordingly be the duty of the commissioners of the sinking fund, to cause to be applied and paid out of the said fund yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged, to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest, and principal sums, or any of them, in manner aforesaid.

Surplus funds of the annual appropriation of eight millions of dollars for the payment of the public debt, pledged for the redemption of the present loan.

Commissioners of the sinking fund to act accordingly.

The faith of the U. States pledged to establish sufficient revenues to make up deficiencies.

Sec. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the district of Columbia, to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incorporation to the contrary notwithstanding.

Banks in the District of Columbia authorized to lend money under this act.

Approved, February 8, 1813.

Statute II.

Feb. 13, 1813.

Chap. XXII.—*An Act regulating pensions to persons on board private armed ships.*

1812, ch. 107.
1813, ch. 58.
Act of March 4, 1814. ch. 20.
Act of March 3, 1817, ch. 60.
Act of April 16, 1818, ch. 60.
Act of Jan. 22, 1824, ch. 15.
Act of June 30, 1834, ch. 134.
Act of March 3, 1837, ch. 40.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two per centum reserved in the hands of the collectors and consuls by the act of June, eighteen hundred and twelve, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid to the treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by the seventeenth section of the before mentioned act.

The two per cent. reserved in the hands of the collectors and consuls, to be paid into the treasury, to constitute a fund, &c.

Sec. 2. *And be it further enacted*, That the Secretary of the Navy be authorized and required to place on the pension list, under the like regulations and restrictions, as are used in relation to the navy of the United States, any officer, seaman or marine, who, on board of any private armed ship or vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate and prize masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for

Secretary of the Navy to place certain persons on the pension list.

For act of Feb. 12, 1813, See Vol. 3, p. 472.

the highest rate of disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided, and from no other.

Commanding officers to enter the names, &c. of wounded persons in a journal.

Sec. 3. *And be it further enacted*, That the commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, shall have been wounded or disabled as aforesaid, describing the manner and extent, as far as practicable, of such wound or disability.

Collectors to transmit a transcript of such journals to the Secretary of the Navy, &c.

Sec. 4. *And be it further enacted*, That every collector shall transmit quarterly to the Secretary of the Navy, a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the secretary to decide on claims for pensions.

Approved, February 13, 1813.

Statute II.

Feb. 13, 1813.

Act of April 21, 1806, ch 40.
Act of March 3, 1807, ch. 47.
Act of Feb. 19, 1814, ch. 14.
Act of April 16, 1816, ch. 52.
Certain decisions of the register and receiver of public monies confirmed.
1810, ch. 35.

Chap. XXIII.—*An Act confirming certain claims to lands in the district of Vincennes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the decisions of the register and receiver of public monies for the district of Vincennes, made in favour of persons claiming donation lands in said district, as entered in a list of claims which in the opinion of the said register and receiver ought to be confirmed in pursuance of the act, entitled "An act providing for the sale of certain lands in the Indiana territory, and for other purposes," passed on the thirtieth day of April, one thousand eight hundred and ten, which list is a part of their report to the Secretary of the Treasury, bearing date of the twenty-seventh day of May, one thousand eight hundred and twelve, be, and the same are hereby confirmed.

Claims of certain persons confirmed.

Sec. 2. *And be it further enacted*, That the following persons whose claims, according to the aforesaid report, are not embraced by the provisions of the above recited act, but which nevertheless in the opinion of the register and receiver ought to be confirmed, shall be, and their claims are hereby confirmed respectively, to the following quantities of land, that is to say: the heirs of Francis Peltier, the heirs of Bernice Lefevre, and the heirs of Jean Btt. Valecour, respectively, four hundred acres; Rene Campeau, Francois Cardinal, the heirs of Joseph Pancake, the heirs of Jacob Howell, the heirs of Alexander Wilson, the heirs of Daniel Sullivan, and the heirs of Jacob Tevebaugh, respectively, one hundred acres.

Locations to be entered accordingly.

1806, ch. 40.
1814, ch. 18.

Sec. 3. *And be it further enacted*, That the several persons whose claims are confirmed by this act, are hereby authorized to enter their locations with the register of the land-office at Vincennes, on any part of the tract set apart for that purpose in said district, by virtue of the act, entitled "An act respecting claims to lands in the Indiana territory and state of Ohio," and in conformity to the provisions of that act: *Provided*, that such locations shall be made prior to the first day of October next; and the right of any person who shall neglect to locate prior to that day shall become void and for ever be barred.

Persons entitled to land to receive certificates authorizing the granting of patents.

Sec. 4. *And be it further enacted*, That every person, or the legal representative of every person, whose claim to a tract of land is confirmed by this act, shall, whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land-office at Vincennes a certificate, stating that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle

the party to a patent for the said tract of land, which shall issue in like manner as is provided by law for the other lands of the United States.

Approved, February 13, 1813.

Statute II.

Feb. 24, 1813.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Six major generals to be appointed.

Two aids-de-camp allowed to each.

Six brigadier generals to be also appointed.

Aids, &c. &c.

Their pay, &c. &c.

Chap. XXIV.—*An Act making provision for an additional number of general officers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint six major generals, in addition to those already authorized by law; each of whom shall be allowed two aids-de-camp to be taken from the officers of the line, and six brigadier generals, who shall be allowed a brigade major, and one aid-de-camp, each to be taken also from the officers of the line.

Sec. 2. *And be it further enacted,* That the officers authorized by this act shall receive the same pay, forage, rations, and other emoluments, as the officers of the same grade of the present military establishment.

Approved, February 24, 1813.

Statute II.

Feb. 25, 1813.

[Obsolete.]

Act of May 3, 1822, ch. 47.

Treasury notes for five millions of dollars to be prepared and issued.

Additional sum of five millions of dollars to be borrowed upon treasury notes.

Proviso.

1813, ch. 21.

Terms and places of reimbursement.

By whom the notes are to be signed.

Their compensation.

Chap. XXVII.—*An Act authorizing the issuing of Treasury notes for the service of the year one thousand eight hundred and thirteen.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to cause treasury notes for such sum or sums as he may think expedient, but not exceeding in the whole the sum of five millions of dollars, to be prepared, signed, and issued, in the manner herein after provided.

Sec. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, in addition to the amount authorized by the next preceding section of this act, to cause treasury notes, for such sum or sums as he may think expedient, but not exceeding in the whole the further sum of five millions of dollars, to be prepared, signed, and issued in the manner herein after provided: *Provided,* that the amount of money borrowed or obtained, by virtue of the notes which may be issued by virtue of this section, shall be deemed and held to be in part of the sum of sixteen millions of dollars, authorized to be borrowed by virtue of the act to that effect, passed during the present session of Congress.

Sec. 3. *And be it further enacted,* That the said treasury notes shall be reimbursed by the United States, at such places respectively as may be expressed on the face of the said notes, one year respectively after the day on which the same shall have been issued; from which day of issue they shall bear interest, at the rate of five and two-fifths per centum a year, payable to the owner and owners of such notes, at the treasury, or by the proper commissioner of loans, or by the officer designated for that purpose, at the places and times respectively designated on the face of said notes, for the payment of principal.

Sec. 4. *And be it further enacted,* That the said treasury notes shall be respectively signed, in behalf of the United States, by persons to be appointed for that purpose by the President of the United States, two of which persons shall sign each note, and shall each receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by them respectively; and the said

(a) See notes to act of June 30, 1812, chap. 111.

notes shall likewise be countersigned by the commissioner of loans for that state where the notes may respectively be made payable, or by the register of the treasury, if made payable in the district of Columbia, or by a person to be appointed for that purpose by the President of the United States, if made payable in a state for which there is no commissioner of loans; which person or persons thus appointed shall also receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by him or them respectively.

Secretary of the Treasury may pay the notes for supplies, &c. &c.

Sec. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said treasury notes as the President may think expedient, in payment of supplies, or debts due by the United States, to such public creditors or other persons as may choose to receive such notes in payment, as aforesaid, at par: and the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow from time to time, not under par, such sums as the President may think expedient on the credit of such notes; or to sell, not under par, such portion of the said notes as the President may think expedient. And it shall be a good execution of this provision to pay such notes to such bank or banks as will receive the same at par, and give credit to the treasurer of the United States for the amount thereof, on the day on which the said notes shall thus be issued, and paid to such bank or banks respectively.

Sums may be borrowed on the credit of the notes.

Secretary of the Treasury may employ agents for selling the stock.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of selling any portion of the notes which may be issued by virtue of this act: a commission not exceeding one quarter of one per cent. on the amount thus sold, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding twenty-five thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, is hereby appropriated, for paying such commission or commissions as may be thus allowed.

At what commission.

How transferable.

Sec. 7. *And be it further enacted*, That the said treasury notes shall be transferable by delivery and assignment, endorsed thereon by the person to whose order the same shall, on the face thereof, have been made payable.

Treasury notes receivable for all public dues.

Sec. 8. *And be it further enacted*, That the said treasury notes, wherever made payable, shall be every where received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority: on every such payment credit shall be given for the amount of both the principal and the interest, which, on the day of such payment, may appear due on the note or notes thus given in payment: and the said interest shall on such payments be computed at the rate of one cent and one half of a cent per day, on every hundred dollars of principal, and each month shall be computed as containing thirty days.

Interest to be computed upon treasury notes received in payment for public dues and charged to and credited in the accounts of the officers so paying.

Sec. 9. *And be it further enacted*, That any person making payment to the United States, in the said treasury notes, into the hands of any collector, receiver of public monies, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every treasury note thus paid by such person; and every collector, receiver of public monies, or other public officer or agent, who shall thus receive any of the said treasury notes in payment, shall, on payment of the same into the treasury, or into one of the banks where the public monies are

or may be deposited, receive credit both for the principal and for the interest computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in; and he shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment as aforesaid, to the day on which the same shall be paid by him as aforesaid: *Provided always*, that no such charge or deduction shall be made with respect to any bank into which payments as aforesaid may be made to the United States, either by individuals or by collectors, receivers, or other public officers or agents, and which shall receive the same as specie, and give credit to the treasurer of the United States for the amount thereof, including the interest accrued and due on such notes on the day on which the same shall have been thus paid into such bank, on account of the United States.

No charge of interest to be made against any bank which shall receive the notes as agent, &c.

Sec. 10. *And be it further enacted*, That the commissioners of the sinking fund be, and they are hereby authorized and directed to cause to be reimbursed and paid the principal and interest of the treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid; and the said commissioners are further authorized to make purchases of the said notes, in the same manner as of other evidences of the public debt, and at a price not exceeding par, for the amount of the principal and interest due at the time of purchase of such notes. So much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt, as the United States are now pledged annually to pay and reimburse, including therein the interest and principal which may become payable upon any loan or loans which may be contracted by virtue of any law passed during the present session of Congress, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement or purchase of the principal of the said notes; and so much of any monies in the treasury not otherwise appropriated, as may be necessary for that purpose, is hereby appropriated for making up any deficiency in the funds thus pledged and appropriated, for paying the principal and interest as aforesaid; and the Secretary of the Treasury is hereby authorized and directed for that purpose to cause to be paid to the commissioners of the sinking fund such sum or sums of money, and at such time and times as will enable the said commissioners faithfully and punctually to pay the principal and interest of the said notes.

Commissioners of the sinking fund may cause the reimbursement to be made, and purchases of the treasury notes to be effected.

Sec. 11. *And be it further enacted*, That a sum of forty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the treasury notes authorized by this act.

Specific appropriation.

Sec. 12. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of, or purporting to be, a treasury note aforesaid; or shall falsely alter, or cause, or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false, forged, or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered treasury note issued as aforesaid, knowing the same to be falsely altered, every

Penalties for counterfeiting or forging treasury notes, &c.

such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Approved, February 25, 1813.

Statute II.

Feb. 25, 1813.

[Repealed.]

Act of March 3, 1815, ch. 76.

Act of Feb. 5, 1816, ch. 10.

Duties upon iron wire.

Additional duty imposed on wire imported in vessels of the United States.

How collected, &c. &c.

Chap. XXX.—*An Act to impose a duty on the importation of Iron wire.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That iron wire, which, from and after the passage of this act, shall be imported into the United States and the territories thereof, shall be subject to the same duty as is paid on the importation of iron, steel, or brass locks, hinges, hoes, anvils, and vices.

Sec. 2. *And be it further enacted,* That an addition of ten per centum shall be made on the rate of duty hereby directed to be collected on the importation of iron wire as aforesaid, in ships or vessels not of the United States.

Sec. 3. *And be it further enacted,* That the duty laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, as the duties now in force on the articles herein before enumerated.

Approved, February 25, 1813.

Statute II.

Feb. 25, 1813.

[Obsolete.]

Act of Jan. 2, 1812, ch. 11.

Act of Jan. 29, 1813, ch. 15.

Chap. XXXI.—*An Act to raise ten additional companies of Rangers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, to raise ten additional companies of rangers, on the same provisions, conditions, and restrictions as those authorized to be raised by "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," which said companies shall be in lieu of one of the regiments authorized to be raised by the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes," passed the twenty-ninth day of January, one thousand eight hundred and thirteen.

Approved, February 25, 1813.

Statute II.

Feb. 27, 1813.

Congress to meet on the fourth Monday in May, 1813.

Chap. XXXII.—*An Act to alter the time for the next meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

[Obsolete.]

Remission of certain fines, &c. &c. authorized.

Chap. XXXIII.—*An Act directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where goods, wares, and merchandise have been imported or introduced into the United States (the same not having been clandestinely imported or introduced) from the dependencies of the United Kingdom of Great Britain and Ireland, since the declaration of war by the United States

against the said kingdom, or which were shipped from the said kingdom prior to the second day of February, one thousand eight hundred and eleven, whereby the person or persons interested in such goods, wares, or merchandise, or concerned in the importation or introduction thereof, into the United States, hath or have incurred any fine, penalty, or forfeiture, under an act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and an act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and the act supplementary to the act last mentioned; on such person or persons petitioning for relief to any judge or court, proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" and on the facts being shown, on inquiry had by the said judge or court, stated and transmitted, as by the said act is required, to the Secretary of the Treasury; in all such cases wherein it shall be proved to his satisfaction, that the said goods, wares, and merchandise, at the time of their importation or introduction into the United States were *bona fide* American property, that they were not clandestinely imported or introduced, and that they were imported or introduced since the declaration of war aforesaid, the Secretary of the Treasury is hereby directed to remit all fines, penalties, and forfeitures that may have been incurred under the said acts, in consequence of such importation or introduction into the United States, upon the costs and charges that have arisen, or may arise, being paid, and on payment of the duties that would have been payable by law, on such goods, wares, and merchandise, if legally imported, and also, to direct the prosecution or prosecutions, if any shall have been instituted for the recovery of the said fines, penalties, and forfeitures, to cease and be discontinued.

Act of March 1, 1809, ch. 24. 1810, ch. 39.

Act of March 2, 1811, ch. 29.

Act of March 3, 1797, ch. 13.

Duties to be paid, and also all costs, &c.

Sec. 2. *And be it further enacted*, That the duties payable on the goods, wares, and merchandise embraced by the provisions of the act, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," shall not, in any case, be paid, or secured to be paid, in such manner as to postpone the payment of such duties beyond the time and times at which the said duties should have become payable, if the goods, wares, and merchandise had been imported and entered at the time of passing this act, any thing in the act above mentioned to the contrary notwithstanding.

Time of paying duties upon goods imported from beyond the Cape of Good Hope not altered.

Act of Jan. 27, 1813, ch. 14.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXIV.—*An Act in addition to an act regulating the Post-office establishment.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby authorized to contract for carrying mails of the United States in any steamboat or boats, which are or may be established to ply between one post town and another post town: *Provided*, that such contract shall not be made for a longer period than four years: *And provided also*, that the pay for such service, shall not be at a greater rate, taking into consideration distance, expedition, and frequency, than is paid for carrying the mail by stages on the post road, or roads, adjacent to the course of such steamboats, and that such contract shall secure the regular transportation of the mail throughout each year.

Act of Feb. 27, 1815, ch. 65, sec. 3, 4.
Act of March 3, 1819, ch. 106.
Steamboats may carry the mail.
Terms.
Proviso.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXV.—*An Act authorizing the appointment of additional officers in the respective territories of the United States.*

Attorneys and marshals to be appointed in the territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed in the respective territories of the United States, a person learned in the law, to act as attorney of the United States, who shall, besides the usual fees of office, receive an annual salary of two hundred and fifty dollars, payable quarter yearly, at the treasury of the United States; and there shall also be appointed, in each of said territories, a marshal, who shall receive the same fees and compensation as is allowed by law to the marshal of the district of Kentucky.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXVI.—*An Act to establish certain post roads in the State of Louisiana.*

Post roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads be established; from Natchez, in the Mississippi territory, by Concordia to Catahoula, and from thence, by Rapids to Nachitoches; from St. Francisville, by St. Helena and St. Tammany to Madisonville.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXVII.—*An Act to encourage Vaccination.*

Repealed by Act of May 4, 1822, ch. 50.

Agent to be appointed for preserving the genuine vaccine matter.

It may be sent through the medium of the post-office.

Oath or affirmation to be taken by agent.

He must write to the postmasters and send a copy of this act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to appoint an agent to preserve the genuine vaccine matter, and to furnish the same to any citizen of the United States, whenever it may be applied for, through the medium of the post-office; and such agent shall, previous to his entering upon the execution of the duties assigned to him by this act, and before he shall be entitled to the privilege of franking any letter or package as herein allowed, take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the general post-office: "I, A. B. do swear (or affirm, as the case may be) that I will faithfully use my best exertions to preserve the genuine vaccine matter, and to furnish the same to the citizens of the United States; and also, that I will abstain from every thing prohibited in relation to the establishment of the post-office of the United States." And it shall be the duty of the said agent to transmit to the several postmasters in the United States a copy of this act: and he shall also forward to them a public notice, directing how and where all application shall be made to him for vaccine matter.

Packets not exceeding half an ounce and relating to vaccination, to go free of postage to and from the agent.

Proviso.

Sec. 2. *And be it further enacted,* That all letters or packages not exceeding half an ounce in weight, containing vaccine matter, or relating to the subject of vaccination, and that alone, shall be carried by the United States' mail free of any postage, either to or from the agent who may be appointed to carry the provisions of this act into effect: *Provided always,* that the said agent before he delivers any letter for transmission by the mail, shall in his own proper handwriting, on the outside thereof, endorse the word "*Vaccination,*" and thereto subscribe his name, and shall previously furnish the postmaster of the office where he shall deposit the same with a specimen of his signature; and if said agent shall frank any letter or package, in which shall be contained any thing relative to any subject other than vaccination, he shall, on conviction of every such offence, forfeit and pay a fine of fifty dollars, to be recovered in the same manner as other fines or violations of law establishing the post-office:

Provided also, that the discharge of any agent, and the appointment of another in his stead, be at the discretion of the President of the United States.

Removal from office to be at the discretion of the President.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXVIII.—*An Act giving further time for registering claims to lands in the eastern and western districts of the territory of Orleans, now state of Louisiana.*(a)

Actual settlers allowed a further time for filing their claims to the register of the land-office at New Orleans and Opelousas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or persons claiming lands in the eastern or western district of the territory of Orleans, now state of Louisiana, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land-office for the district wherein the lands lie, shall be allowed until the first day of January next, to deliver notices in writing, and the written evidences of their claims, in the said districts respectively, to the register of the land-office at New Orleans and Opelousas; and the notices and evidences so delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

Claims forfeited that are not thus entered.

Sec. 2. *And be it further enacted*, That every person or persons who had filed his or their notice of claim to lands lying within either of the said districts with the proper register of the land-office, according to former laws, but have not exhibited any testimony or written evidence in support of the same, and whose claim has not been confirmed by the commissioners appointed to ascertain and settle claims to lands in the said districts, shall be allowed until the first day of January next, to deliver the written evidence or other testimony in support of his or their claim, the notice of which had been filed as aforesaid, to the register of the land-office at New Orleans, for lands lying in the eastern district, and the register of the land-office at Opelousas, for lands lying in the western district; and every written evidence of claim, the notice whereof had been filed as aforesaid, for lands lying in the said districts, delivered, within the time limited by this section, to the said registers, shall by them respectively be recorded in the same manner as was directed, and on receiving the same fees allowed by former acts for recording evidence of claim to lands in the same districts; and the right of any such persons neglecting to deliver the evidence of their claims as above mentioned, shall become barred and void in so far as the same is derived from the United States, and the evidence thereof be incapable of being admitted in any court whatsoever against any grant derived from the United States.

Claims barred, if not entered.

Same powers given to the register and receiver of public monies at the land-offices of New Orleans and Opelousas as if the claims had been filed before first July, one thousand

Sec. 3. *And be it further enacted*, That the register and receiver of public monies of the said respective land-offices at New Orleans and Opelousas, shall have the same powers and perform the same duties in every respect in relation to the claims that may be filed according to the first section of this act, and the claims, notice of which had been given under former acts, and the evidence in support thereof shall have been delivered, according to the second section of this act, as the board of commissioners, for ascertaining and adjusting claims to lands in the same districts, would have had or should have performed, if such notice

(a) See notes to act of March 2, 1805, chap. 26, page 324.

eight hundred and eight.

had been filed, and such evidence delivered before the first day of July, one thousand eight hundred and eight, except, that their decisions shall be subject to the revision of Congress.

Register, &c. &c. to report to the commissioner of the general land office, &c. &c.

Sec. 4. *And be it further enacted,* That it shall be the duty of the register and receiver of each of the said land-offices respectively, to make to the commissioner of the general land-office, a report of all the claims filed with the register as aforesaid, with the substance of the evidence in support thereof, and of the claims formally filed, in support of which evidence shall have been received, with the substance of such evidence, and also their opinion and such remarks respecting the claims as they may think proper to make; which report, together with a list of the claims, which in the opinion of the register and receiver ought to be confirmed, shall be laid by the commissioner of the general land-office before Congress, at their next session, for their determination thereon.

Register and receiver may appoint a clerk.

Sec. 5. *And be it further enacted,* That the register and receiver for each of the aforesaid land-offices shall have power to appoint a clerk, whose duties shall be the same, in relation to the aforesaid claims, as were required of the clerk to the board of commissioners for the same districts; and the said registers, receivers, and clerks, shall each be allowed fifty cents for each claim on which a decision shall be made, in their respective districts, whether such decision be in favour or against the claims; which allowance of fifty cents shall be in full compensation for their services under this act. And a further sum of fifty cents shall be allowed on each claim decided as aforesaid, to defray the expense of making translations from the French and Spanish languages.

Compensation.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

Chap. XXXIX.—*An Act to authorize and empower the president and managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown in the District of Columbia, through the said district to the line thereof.*

Law of the state of Maryland declared to be in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the law of the state of Maryland, entitled "An act to incorporate a company to make a turnpike road from the line of the district of Columbia where it crosses the post road leading from Georgetown to Fredericktown, through Montgomery and Frederick counties to Fredericktown," passed in the year one thousand eight hundred and five, and the supplement thereto, be, and they are hereby declared to be in full force, within the district of Columbia.

Turnpike road in what route to be made.

Sec. 2. *And be it further enacted,* That the president and managers of said company when organized according to law, shall be, and they are hereby authorized and empowered to make said turnpike road from Georgetown in the district of Columbia, through Tennallytown to the line of said district, in the same manner and upon the same terms and conditions, as by law they are authorized to make the said turnpike, within the limits of the state of Maryland.

Turnpike gate where to be erected in District of Columbia.

Sec. 3. *And be it further enacted,* That when and so soon as the said turnpike road shall be completed from Georgetown in the district of Columbia to Montgomery Courthouse, in the state of Maryland, it shall and may be lawful for the said president and managers of said company, to erect a toll gate on this side of, and near to Tennallytown, and there to demand and receive such tolls, and on such terms and conditions as by the law of the state of Maryland they are authorized to demand and receive, at any toll gate erected on said road within the limits of the state of Maryland.

Approved, February 27, 1813.

Statute II.

Feb. 27, 1813.

[Obsolete.]

Chap. XL.—*An Act to continue in force, for a limited time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers."*

March 26, 1804, ch. 46.

First section of the act continued in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers," as is contained in the first section of the said act, and which was continued in force for the time therein mentioned, by an act, entitled "An act to continue in force for a further time the first section of the act, entitled An act further to protect the commerce and seamen of the United States against the Barbary powers," passed on the thirty-first day of January, one thousand eight hundred and twelve, be, and the same is hereby continued in force until the first day of April, one thousand eight hundred and fourteen, and thence to the end of the next ensuing session of Congress: *Provided however*, that the additional duty laid by said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to the end of that session of Congress.

1812, ch. 18.

Proviso.

Approved, February 27, 1813.

Statute II.

March 3, 1813.

Chap. XLII.—*An Act for the regulation of seamen on board the public and private vessels of the United States.*

After the war citizens of the United States only to be employed in the public or private vessels of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States, or persons of colour, natives of the United States.

Naturalized citizens when they may be employed.

Sec. 2. *And be it further enacted,* That from and after the time when this act shall take effect, it shall not be lawful to employ as aforesaid, any naturalized citizen of the United States, unless such citizen shall produce to the commander of the public vessel, if to be employed on board such vessel, or to a collector of the customs, a certified copy of the act by which he shall have been naturalized, setting forth such naturalization and the time thereof.

Lists of the crews to be furnished and certified previously to the sailing of vessels on foreign voyages.

Sec. 3. *And be it further enacted,* That in all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew, made as heretofore directed by law, shall be examined by the collector for the district from which the vessel shall clear out, and, if approved of by him, shall be certified accordingly. And no person shall be admitted or employed as aforesaid, on board of any vessel aforesaid, unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear out as aforesaid. And the said collector, before he delivers the list of the crew, approved and certified as aforesaid, to the captain, master, or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the said record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise, under any of the provisions of this act.

Supplemental directions may

Sec. 4. *And be it further enacted,* That the President of the United States be, and he hereby is authorized from time to time to make such

be given by the President with respect to the seamen employed in the United States.

Proviso.

further regulations, and to give such directions to the several commanders of public vessels, and to the several collectors, as may be proper and necessary respecting the proofs of citizenship, to be exhibited to the commanders or collectors aforesaid: *Provided*, that nothing contained in such regulations or directions shall be repugnant to any of the provisions of this act.

Seamen or seafaring persons not citizens of the U. States only admitted as passengers in American vessels upon certain conditions.

Sec. 5. *And be it further enacted*, That from and after the time when this act shall take effect, no seaman or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on board of any public or private vessel of the United States, in a foreign port, without permission in writing from the proper officers of the country of which such seaman or seafaring man may be subject or citizen.

Interference of consuls and commercial agents admissible in certain cases.

Sec. 6. *And be it further enacted*, That from and after the time when this act shall take effect, the consuls or commercial agents of any nation at peace with the United States shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their objections to the proper commander or collector as aforesaid, against the employment of any seaman or sea-faring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may be lawfully employed, according to the provisions of this act; and the said consuls or commercial agents shall also be admitted under the said regulations, to be present at the time when the proofs of citizenship of the persons against whom such objections may have been made, shall be investigated by such commander or collector.

Penalty for admitting persons not qualified according to this act into the service of the United States.

Sec. 7. *And be it further enacted*, That if any commander of a public vessel of the United States, shall knowingly employ or permit to be employed, or shall admit or receive, or permit to be admitted or received, on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall on conviction thereof forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed or admitted on board such vessel.

Commanders or owners of private armed vessels subjected to penalties for admitting persons contrary to this act.

Sec. 8. *And be it further enacted*, That if any person shall, contrary to the prohibitions of this act, be employed, or be received on board of any private vessel, the master or commander, and the owner or owners of such vessel, knowing thereof, shall respectively forfeit and pay five hundred dollars for each person thus unlawfully employed or received in any one voyage; which sum or sums shall be recovered, although such seaman or person shall have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong: and all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for, prosecuted, and recovered, with costs of suit by action of debt, and shall accrue and be one moiety thereof to the use of the person who shall sue for the same, and the other moiety thereof to the use of the United States.

Recovery of penalties.

Foreign seamen may be employed in American vessels in foreign ports.

Conditions.

Sec. 9. *And be it further enacted*, That nothing in this act contained shall be construed to prohibit any commander or master of a public or private vessel of the United States, whilst in a foreign port or place, from receiving any American seamen in conformity to law, or supplying any deficiency of seamen on board such vessel, by employing American seamen, or subjects of such foreign country, the employment of whom shall not be prohibited by the laws thereof.

Provisions of this act not to be extended to the citizens or subjects of nations which have

Sec. 10. *And be it further enacted*, That the provisions of this act shall have no effect or operation with respect to the employment as seamen of the subjects or citizens of any foreign nation which shall not, by treaty or special convention with the government of the United States, have prohibited on board of her public and private vessels the employ-

ment of native citizens of the United States, who have not become a citizen or subject of such nation.

not adopted its principles.

Sec. 11. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any arrangement between the United States and any foreign nation, which may take place under any treaty or convention, made and ratified in the manner prescribed by the constitution of the United States.

Not to be a bar to any treaty.

Sec. 12. *And be it further enacted*, That no person who shall arrive in the United States, from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not for the continued term of five years next preceding his admission as aforesaid have resided within the United States, without being at any time during the said five years, out of the territory of the United States.

Residence of five years in the United States necessary to qualify a person to become a citizen.

Sec. 13. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, any certificate or evidence of citizenship referred to in this act; or shall pass, utter, or use as true, any false, forged or counterfeited certificate of citizenship, or shall make sale or dispose of any certificate of citizenship to any person other than the person for whom it was originally issued, and to whom it may of right belong, every such person shall be deemed and adjudged guilty of felony; and on being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three, or more than five years, or be fined in a sum not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court taking cognizance thereof.

Penalty for forging certificates of citizenship or protections.

Sec. 14. *And be it further enacted*, That no suit shall be brought for any forfeiture or penalty incurred under the provisions of this act, unless the suit be commenced within three years from the time of the forfeiture.

Suits for forfeitures must be commenced within three years.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. XLIII.—*An Act giving further time to purchasers of public lands to complete their payments.*

Act of Feb. 19, 1814, ch. 14.

Further time allowed for purchasers prior to April, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who, prior to the first day of April, one thousand eight hundred and nine, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections of fractional sections classed with an entire section, at any of the land-offices established for the disposal of the public lands, and whose lands have not already been actually sold, or reverted to the United States, for non-payment of part of the purchase money, shall be allowed the further term of three years, from and after the expiration of the period already given by law, for completing the payment of the said purchase money, which further term of three years shall be allowed only on condition, First, That all arrears of interest on the purchase money shall have been paid on or before the time shall have expired, according to former laws for completing the payment of the purchase money: *Provided*, that in all cases in which the time for completing the payment of the purchase money may have expired or shall expire before the first day of June next, the interest may be paid on or before that day. Second, That the residue of the sum due on account of the principal of such purchase, shall be paid with interest thereon, in three equal annual payments, viz: One third of the said residue, with interest which may then be due thereon, within

Act of April 23, 1812, ch. 64.

Conditions.

one year; another third of said residue with interest, within two years, and the remaining third of said residue with interest within three years after the expiration of the time for completing the payment on account of such purchase, according to former laws; and in case of failure, in paying either the arrears or interest, or any of three instalments of principal with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms directed by law, in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due with interest be not at such sale bidden and paid: *Provided*, that the benefit of this act shall not extend to any person or persons on account of any purchase of any tract or tracts of land made at any of the land-offices northwest of the river Ohio, prior to the first day of April, one thousand eight hundred and eight.

Proviso. Limitation of the act.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. XLIV.—*An Act allowing further time for delivering the evidence in support of claims to land in the territory of Missouri, and for regulating the donation grants therein.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person or per-

(a) Lands in Missouri.—An act making further provision for settling the claims to land in the territory of Missouri, June 13, 1812, chap. 99.

An act allowing further time for delivering the evidence in support of the claims to land in the territory of Missouri, and for regulating the donation of grants therein, March 3, 1813, chap. 44.

An act giving further time for registering claims to lands in the late district of Arkansas, in the territory of Missouri, and for other purposes, August 2, 1813, chap. 59.

An act for the final adjustment of land titles in the state of Louisiana, and territory of Missouri, April 12, 1814, chap. 52.

An act for the confirmation of certain claims to land in the western district of the state of Louisiana, and in the territory of Michigan, April 29, 1816, chap. 159.

An act explanatory of an act entitled, "An act for the final adjustment of land titles in the state of Louisiana, and territory of Missouri, March 3, 1819, chap. 85.

An act to perfect certain locations and sales of public lands in Missouri, April 26, 1822, chap. 40.

An act enabling the claimants to lands within the limits of the state of Missouri, and the territory of Arkansas, to institute proceedings to try the validity of their claims, May 26, 1824, chap. 173.

An act supplementary to the act passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled, "An act making further provision for settling claims to land in the territory of Missouri," May 26, 1824, chap. 184.

An act to continue in force for a limited time, and to amend an act entitled, "An act to enable claimants to lands within the limits of the state of Missouri, and territory of Arkansas, to institute proceedings to try the validity of their claims," May 24, 1828, chap. 90.

An act further supplemental to the act entitled, "An act making further provision for settling the claims to land in the territory of Missouri, passed the thirteenth of June, eighteen hundred and twelve," January 27, 1831, chap. 12.

An act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri, March 2, 1831, chap. 92.

An act for the final adjustment of private land claims in Missouri, July 9, 1832, chap. 180.

An act supplemental to the act entitled, "An act for the final adjustment of land claims in Missouri," March 2, 1833, chap. 84.

An act confirming the claims to land in the state of Missouri, and for other purposes, July 4, 1836, chap. 358.

An act authorizing the issuing of a patent to the heirs and legal representatives of Francis Rivard, deceased, and for other purposes, August 29, 1842, chap. 229, sec. 2.

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.*

sons who had filed a notice of claim to any tract of land lying within the district of Louisiana (now territory of Missouri) with the recorder of land titles, according to law, and have not exhibited any testimony or written evidence in support of the same, and whose claim has not already

Further time allowed to claimants within the district of Missouri.

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, is 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 rights, advantages and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. Delassus *v.* The United States, 9 Peters, 117.

The right of property is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana, excludes any idea of interfering with private property. *Ibid.*

On the 18th of April, 1802, the lieutenant-governor of Upper Louisiana granted sixteen hundred arpents of land near certain rivers named in the grant, with directions to survey the same in a vacant place of the royal domain; but no survey was made before the cession of Louisiana to the United States. By the Court—As the grant contained no description of the land granted, and was not located within the time prescribed by the act of Congress of the 10th of March, 1804, it comes directly within the point decided by the supreme court in the case of John Smith, T., and cannot be confirmed. Wherry *v.* The United States, 10 Peters, 338.

In repeated decisions, the supreme court have affirmed the authority of local governors, under the crown of Spain, to grant land in Louisiana, before the same was ceded by Spain to France: and the court have also affirmed the validity of descriptive grants, though not surveyed before the 11th of March, 1804, in Missouri, and the 24th of January, 1818, in Florida. Mackey *v.* The United States, 10 Peters, 340.

A grant or concession made by an officer who is by law authorized to make it, carries with it prima facie evidence that it is within his powers. No excess of them, or departure from them, is to be presumed. He violates his duty by such excess, and is responsible for it. He who alleges that an officer entrusted with an important duty has violated his instructions, must show it. Delassus *v.* The United States, 9 Peters, 117.

The instructions of governor O'Reilly, relative to granting lands in Louisiana, were considered by the court, in 8 Peters, 455. These regulations were intended for the general government of subordinate officers, and not to control and limit the power of the person from whose will they emanated. The Baron De Carondelet must be supposed to have had all the powers which had been vested in Don O'Reilly; and a concession ordered by him is as valid as a similar concession directed by governor O'Reilly would have been. *Ibid.*

A concession of land was made by the lieutenant-governor of Upper Louisiana, at the time when the power of granting lands was vested in the governors of provinces. This power was, in 1799, after the concession, transferred to the intendant-general; and after this transfer, in January, 1800, the order of survey of the land was made by the lieutenant-governor. The validity of the order of survey depends on the authority of the lieutenant-governor to make it. The lieutenant-governor was also a sub-delegate, and as such was empowered to make inchoate grants. The grant was confirmed. Chouteau's heirs *v.* The United States, 9 Peters, 137.

The transfer of the power to make concessions of lands belonging to the royal domain of Spain, from the governor-general to the intendant-general, did not affect the power of the sub-delegate, who made this concession. The order in this case is the foundation of title, and is, according to the act of Congress on the subject of confirming titles to lands in Missouri, &c., and the general understanding and usage of Louisiana and Missouri, capable of being perfected into a complete title. It is property, capable of being alienated, of being subjected to debts: and is, as such, to be held as sacred and inviolate as other property. *Ibid.*

A concession of one league square of land, in Upper Louisiana, was made by Don Zenon Trudeau, the lieutenant-governor of that province, to Auguste Chouteau, and a decree made by him directing the surveyor-general of the province to put him in possession of the land, and to survey the same, in order to enable Chouteau to solicit a complete title thereto from the governor-general, who by the said decree was informed that the circumstances of Chouteau were such as entitled him to a grant of the land. The land was surveyed, and the grantee put in full possession of it on the 20th of December, 1803. He retained possession of it until his death. The objection to the validity of the concession was, that the petitioner had not as many tame cattle as the eighth regulation of governor O'Reilly, governor-general of Louisiana, required. That regulation required that the applicant for a grant of a league square of land should make it appear that he is possessed of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them, a proportion which shall always be observed for the grants, &c. By the Court—In the spirit of the decisions which have been heretofore made by the supreme court, and of the acts of confirmation passed by Congress, the fact that the applicant possessed the requisite amount of property to entitle him to the land he solicited, was submitted to the officer who decided on the application; and he is not bound to prove it to the court, which passes on the validity of the grant. These incomplete titles were transferable, and the assignee might not possess the means of proving the exact number of cattle in possession of the petitioner when the concession was made. The grant was confirmed. *Ibid.* 147.

been confirmed, shall be allowed until the first of January next, to deliver to the recorder of land titles for said territory the written evidence, or produce other testimony, in support of his or their claim, notice whereof had been filed as aforesaid; and the written evidence delivered to the said recorder within the time limited by this section, in support of claims filed as aforesaid, shall be by him recorded in the same manner, and on receiving the same fees allowed by former acts for recording written evidence of claims to lands in the said district, and the rights of any such person neglecting to deliver the evidence of their claims within the time above mentioned shall become barred and void, in so far as the same was derived from the United States, and the evidence thereof be incapable of being admitted in any court whatsoever.

Written evidence to be given.

Duties and powers of recorder.

Sec. 2. *And be it further enacted,* That the recorder of land titles for the said territory shall have the same powers, and perform the same duties in every respect, in relation to the claims, whereof notice had been filed as aforesaid, and the written evidence in support thereof shall have been delivered, or other testimony produced within the time limited by this act, as the board of commissioners for ascertaining the rights of persons claiming lands in said district would have had or should have performed if the evidence of such claims had been delivered before the first day of July, one thousand eight hundred and eight, except that his decision shall be subject to the revision of Congress.

Duties of recorder to report to the commissioners.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said recorder to make to the commissioner of the general land-office a report of all the claims which had been filed, and in support of which evidence shall be received as aforesaid, with the substance of such evidence, together with his opinion, and such remarks as he may think proper, which report, together with a list of the claims which in the opinion of the said recorder ought to be confirmed, shall be laid before Congress at their next session for their determination thereon.

Claimants when to receive their grants in full.

Act of June 13, 1812, ch. 99, sec. 3.

Limitations of grants.

Sec. 4. *And be it further enacted,* That every person whose claim to a donation of a tract of land in said district has been confirmed by the board of commissioners appointed for ascertaining the rights of persons claiming lands in said district, and is embraced in their report transmitted to the Secretary of the Treasury, or which has been confirmed by the recorder of land titles, under the third section of the act, entitled "An act making further provision for settling the claims to land in the territory of Missouri," approved on the thirteenth of June, one thousand eight hundred and twelve, shall be entitled to a grant for six hundred and forty acres, notwithstanding a less quantity shall have been allowed to him by the decision of the said commissioners, or recorder of land titles: *Provided,* that in no case shall the grant be for more land than was claimed by the party in his notice of claim, nor for more land than is contained within the acknowledged and ascertained boundaries of the tract claimed.

Survey to be made.

Sec. 5. *And be it further enacted,* That the principal deputy surveyor for the said territory shall survey or cause to be surveyed, under the direction of the surveyor general, a tract of six hundred and forty acres of land, to each claimant of a donation tract, whose claim has been confirmed as aforesaid, except as provided by the last preceding section, where the quantity claimed by the party was less than six hundred and forty acres, and where the ascertained boundaries of the tract claimed does not include six hundred and forty acres, in which cases the survey

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If the court can trust the information received on this subject, neither the governor nor the intendant-general has ever refused to perfect an incomplete title granted by a deputy governor or a sub-delegate. *Ibid.*

The regulation made by Don O'Reilly, as to the quantity of land to be granted to an individual, is not that no individual shall receive grants for more than one league square, but that no grant shall exceed a league square. The words of the regulation do not forbid different grants to the same person; and, so far as the court are informed, it has never been so construed. *Ibid.*

shall contain only the land claimed, and the tracts thus to be surveyed shall consist of unappropriated lands, and shall in every case contain the improved lands, by virtue of the settlement on and cultivation of which the claimant's right to a donation has been confirmed, and in all cases where, by reason of adjacent prior claims, or the contiguity of the improvements of the persons entitled to donation grants, each claimant cannot obtain a tract of six hundred and forty acres, the vacant lands applicable to the object shall be divided between the claimants in such manner as shall appear to the principal deputy surveyor most equitable; and whenever plats of the surveys shall have been returned by the principal deputy surveyor to the office of the recorder of land titles, it shall be the duty of the recorder to issue for each tract, according to the survey returned to him, a certificate in favour of the party to each person entitled thereto, which shall be transmitted to the commissioner of the general land-office; and if it shall appear to the satisfaction of the said commissioner that such certificate was fairly obtained, according to the true intent and meaning of this act, then in that case patents shall be granted in like manner as is provided by law for other lands of the United States.

Grants and patents when to be issued.

Sec. 6. *And be it further enacted*, That the said recorder of land titles, in addition to his salary as fixed by law, shall be allowed fifty cents on each claim which had been filed, and in support of which evidence shall have been received, according to the first section of this act, and on which he shall make a decision, whether such decision be in favour of, or against the claim, and a further allowance of five hundred dollars, which shall be paid after he shall have made his report to the commissioner of the general land-office, which allowance of fifty cents for each claim decided on, and five hundred dollars on the completion of the business, shall be in full compensation for his services, including clerk hire, respecting the claims to be decided on according to this act.

Salary of the recorder augmented.

Fees and allowance of five hundred dollars on the completion of the business.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. XLV.—*An act to alter the times of holding the District Court in the respective districts of New York and Massachusetts.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the first Tuesdays of April and October, the district court for the district of New York, directed by law to be holden at Utica, shall be holden on the second Tuesday of May, and the fourth Tuesday of September, yearly.

Act of April 9, 1814, ch. 49.
Act of March 3, 1815, ch. 94.
Terms of the courts changed to second Tuesday in May and fourth Tuesday of September, at Utica.

Sec. 2. *And be it further enacted*, That all actions, suits, process, and proceedings, commenced or to be commenced, or now pending in said district court, and liable to be discontinued, or suffer prejudice from the foregoing alterations, may be returned to, and shall be continued to the district court, to be holden in pursuance of this act, in such manner as that the same shall suffer no discontinuance or prejudice by virtue of this act.

Process returnable accordingly.

Sec. 3. *And be it further enacted*, That the respective terms of the district court of Massachusetts district, which are now required by law to be holden at Salem, within said district, shall hereafter be holden at Boston, within said district, at the respective times now prescribed by law, and that all writs and processes, of whatsoever nature or kind, that have been or may be issued, and made returnable to the said court at Salem, shall be returnable and returned to the said court at Boston, any thing in any former law to the contrary notwithstanding.

Boston substituted for Salem, for the sessions of the court.
Writs and process returnable to the court at Salem, to be returned to the court at Boston.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

[Obsolete.]

During the war any person may burn, sink, or destroy any vessel of war, except vessels under cartels.

Compensation therefor.

Chap. XLVII.—*An Act to encourage the destruction of the armed vessels of war of the enemy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present war with Great Britain, it shall be lawful for any person or persons to burn, sink, or destroy, any British armed vessel of war, except vessels coming as cartels or flags of truce; and for that purpose to use torpedoes, submarine instruments, or any other destructive machine whatever: and a bounty of one half the value of the armed vessel so burnt, sunk, or destroyed, and also one half the value of her guns, cargo, tackle, and apparel, shall be paid out of the treasury of the United States to such person or persons who shall effect the same, otherwise than by the armed or commissioned vessels of the United States.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Third section of act of April 2, 1794, ch. 14, repealed.

Superintendent general to be appointed to reside at the seat of government.

Salary three thousand dollars.

His duties.

Exempted from postage by act of 1813, ch. 9.

Commissary general of purchases, &c. &c. to make reports to him, &c. &c.

Chap. XLVIII.—*An Act the better to provide for the supplies of the Army of the United States, and for the accountability of persons entrusted with the same.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," passed on the second day of April, one thousand seven hundred and ninety-four, be, and the same is hereby repealed, from and after the thirty-first day of March, one thousand eight hundred and thirteen.

Sec. 2. *And be it further enacted,* That there shall be a superintendent general of military supplies, who shall reside at the seat of government, and receive an annual salary of three thousand dollars; and whose duty it shall be, under the direction of the Secretary for the War department, to keep proper accounts of all the military stores and supplies of every description, purchased or distributed for the use of the army of the United States, and of the volunteers and militia in their service; to prescribe the forms of all the returns and accounts of such stores and supplies purchased, on hand, distributed, used, or sold, to be rendered by the commissary of ordnance and officers in his department, by the commissary general of purchases and his deputies, by the several officers in the quartermaster general's department, by the regimental quartermasters, by the hospital surgeons and other officers belonging to the hospital and medical department, and by all other officers, agents, or persons who shall have received, distributed, or been entrusted with such stores and supplies as aforesaid; to call to account all such persons; to audit and settle all such accounts, and, in case of delinquency, to transmit the account, and to state the value of the articles unaccounted for by such delinquency, to the accounting officers of the treasury for final settlement and recovery of such value; to transmit all such orders; and generally to perform all such other duties respecting the general superintendence of the purchase, transportation, safe keeping, and accountability of military supplies and stores as aforesaid, as may be prescribed by the Secretary for the War department.

Sec. 3. *And be it further enacted,* That the commissary general of purchases and his deputies, the several officers in the quartermaster's department, the regimental quartermasters, the commissary of ordnance, his assistant and deputies, the principal hospital surgeons and officers belonging to the hospital and medical departments, and all other officers, agents, or persons who shall have received, or may be entrusted with any stores or supplies of any description whatever for the use of the army of the United States, and of the volunteers or militia in their service,

shall render quarterly accounts of the disposition and state of all such stores and supplies to the superintendent aforesaid, and shall also make such other returns respecting the same, and at such other times as the Secretary for the War department may prescribe: *Provided however*, that the accounts and returns thus rendered shall relate to the articles of supply only, which may have been received and disposed of, [or] as may remain on hand, and shall not embrace the specie accounts for monies disbursed by such officers, agents, or other persons; which specie accounts shall be rendered as heretofore to the accountant for the war department.

Proviso that the accounts and returns shall relate to articles of supply only.

Sec. 4. *And be it further enacted*, That the officers, agents, [or] other persons who may receive monies in advance from the war department, shall render quarterly accounts to the accountant of the said department, of their specie receipts and disbursements, and shall moreover make such other monthly summary statements thereof to the secretary for the said department, as he may prescribe. And the quarterly accounts of supplies, or of monies, rendered as aforesaid, shall be respectively settled by the superintendent general of military supplies, and by the accountant of the war department, according to their respective authorities, within three months after the time when such accounts shall have respectively been rendered to them.

Accounts for supplies to be returned and settled quarterly.

Sec. 5. *And be it further enacted*, That the Secretary for the War department shall be, and he is hereby authorized and directed to define and prescribe the species as well as the amount of supplies to be respectively purchased by the commissary general's and quartermaster general's departments, and the respective duties and powers of the said departments respecting such purchases; and also to adopt and prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be entrusted with the same. And the secretary aforesaid is also authorized to fix and make reasonable allowances for the store rent, storage, and salary of store keepers necessary for the safe keeping of all military stores and supplies.

Species and amount of supplies to be prescribed by the Secretary of War, &c. &c.

Allowances for store rent, &c.

Sec. 6. *And be it further enacted*, That the superintendent general of military supplies shall be appointed by the President, with the advice and consent of the Senate; but the President is hereby authorized to make the appointment during the recess of the Senate, which appointment shall be submitted to the Senate at their next meeting for their advice and consent.

Superintendent, how appointed.

Sec. 7. *And be it further enacted*, That the superintendent general of military supplies shall be authorized to employ a sufficient number of clerks: *Provided*, that their annual compensation shall not exceed in the whole seven thousand dollars; and the sum of eight thousand dollars is hereby appropriated for paying the said compensation and that of the superintendent aforesaid, during the year one thousand eight hundred and thirteen, to be paid out of any monies in the treasury, not otherwise appropriated.

Clerks to be employed by him.
Proviso.

Sec. 8. *And be it further enacted*, That the President of the United States be, and he is hereby empowered, as he may deem it expedient, either to appoint for the time being a special commissary or commissaries for the purpose of supplying by purchase or contract, and of issuing, or to authorize any officer or officers in the quartermaster general's department, to supply and issue as aforesaid the whole or any part of the subsistence of the army, in all cases where, either from the want of contractors, or from any deficiency on their part, or from any other contingency, such measure may be proper and necessary in order

President may appoint a special commissary for supplying and issuing provisions, &c. &c.

to insure the subsistence of the army or of any part thereof; and such special commissaries shall each, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Compensation.

Assistant commissaries to be appointed.

Sec. 9. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to appoint not exceeding six assistant commissaries, to be attached to such army, or to reside at such places respectively as the Secretary for the War department may direct, for the purpose of receiving from the commissary general of purchases, or from his deputies, and of distributing to the regimental quartermasters, and to such officers as may by the secretary aforesaid be designated, the clothing and other supplies purchased by the commissary general aforesaid, or his deputies, and destined for the use of the troops belonging to the army, or in the vicinity of the place to which such assistant commissaries may respectively be attached. And said assistant commissaries shall, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Compensation.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

[Obsolete.]

Act of Dec. 31, 1792, ch. 1, sec. 9.

New certificates of registry to be provided.

Chap. L.—*An Act to authorize the Secretary of the Treasury to provide new certificates of registry.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner, and with such marks as he may direct; and from and after the thirty-first day of December, one thousand eight hundred and fourteen, no certificate of registry shall be issued, except such as shall have been provided and marked as aforesaid; and the ships or vessels of the United States, which shall have been duly registered as such, shall be entitled to new certificates of registry (gratis) in exchange for their old certificates of registry. And it shall be the duty of the respective collectors, on departure of any such ship or vessel, after the said thirty-first day of December, one thousand eight hundred and fourteen, from any district to which such ship or vessel shall belong, to issue a new certificate accordingly, and to retain and deface the former certificate.

Old certificates of registry to be exchanged for new certificates.

Specific appropriation.

Sec. 2. *And be it further enacted*, That a sum not exceeding ten thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to carry this act into effect.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

[Obsolete.]

Reward to the officers and crew of the Constitution for the destruction of the Java, and Wasp.

Chap. LI.—*An Act rewarding the officers and crew of the frigate Constitution, and the officers and crew of the Wasp.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to have distributed, as prize money, to Captain Isaac Hull, of the frigate Constitution, his officers and crew, the sum of fifty thousand dollars, for the capture and destruction of the British frigate Guerriere: and the like sum, in like manner, to Captain William Bainbridge, his officers and crew, for the capture and destruction of the British frigate Java: and the sum of twenty-five thousand dollars, in like manner, to Captain Jacob Jones, of the sloop of war Wasp, his officers and crew, for the capture of the British sloop of war Frolic: and that the sum of one hundred and twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby appropriated for the purposes aforesaid.

Approved, March 3, 1813.

Statute II.
March 3, 1813.

Chap. LII.—*An Act for the better organization of the general staff of the Army of the United States.*

[Obsolete.]
Act of March 3, 1815, ch. 78.
Act of April 24, 1816, ch. 69.
Act of April 16, 1818, ch. 56.
Of what officers composed.
Their rank and pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the adjutant general's, inspector general's, and quartermaster general's departments shall consist of the following officers, that is to say: an adjutant and inspector general, with the rank, pay, and emoluments of a brigadier general, and not exceeding eight adjutants general, sixteen assistant adjutants general, eight topographical engineers, eight assistant topographical engineers, eight inspectors general, sixteen assistant inspectors general, eight quartermasters general, eight deputy quartermasters general, and thirty-two assistant deputy quartermasters general.

Brigadier general may be assigned to principal army to act as adjutant, &c. &c.

Sec. 2. *And be it further enacted,* That the President of the United States be, and is hereby authorized, if he shall deem it expedient, to assign one of the brigadiers general to the principal army of the United States who shall, in such case, act as adjutant and inspector general, and as chief of the staff of such army: and the quartermaster general attached to the principal army shall, as heretofore, have the brevet rank and the pay and emoluments of a brigadier general.

Rank, pay, and emoluments of officers of the staff.

Sec. 3. *And be it further enacted,* That all the other adjutants general shall have the brevet rank and the pay and emoluments of a colonel of cavalry; all the other inspectors general and quartermasters general shall have the brevet rank and the pay and emoluments of a colonel of infantry; the assistant adjutants general, assistant inspectors general, deputy quartermasters general, and topographical engineers shall have the brevet rank and the pay and emoluments of a major of cavalry; and the assistant topographical engineers, and assistant deputy quartermasters general shall have the brevet rank and the pay and emoluments of a captain of infantry.

Assistant adjutant generals, &c. &c. to be taken from the line.

Sec. 4. *And be it further enacted,* That the assistant adjutants general, the assistant inspectors general, and the assistant topographical engineers shall be taken from the line. The adjutants general, inspectors general, quartermasters general, deputy quartermasters general, topographical engineers and assistant deputy quartermasters general may be taken from the line or not, as the President may deem expedient. And officers taken from the line and transferred to the staff, shall receive only the pay and emoluments attached to the rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line according to their said rank and seniority; which promotion shall take place according to usage in the same manner as if they had not been thus transferred.

General regulations to be prepared by the Secretary of War, for regulating the staff.

Sec. 5. *And be it further enacted,* That it shall be the duty of the Secretary of the War department, and he is hereby authorized, to prepare general regulations, better defining and prescribing the respective duties and powers of the several officers in the adjutant general, inspector general, quartermaster general, and commissary of ordnance departments, of the topographical engineers, of the aids of generals, and generally of the general and regimental staff; which regulations, when approved by the President of the United States, shall be respected and obeyed, until altered or revoked by the same authority. And the said general regulations, thus prepared and approved, shall be laid before Congress at their next session.

To be laid before Congress.

Number of assistant deputy commissaries of ordnance not to exceed sixteen.

Sec. 6. *And be it further enacted,* That the number of assistant deputy commissaries of ordnance shall not exceed sixteen, and that they shall respectively be entitled to the brevet rank and to the pay and emoluments of a first lieutenant of infantry.

Physician or surgeon general to be appointed.

Sec. 7. *And be it further enacted,* That for the better superintendence and management of the hospital and medical establishment of the

army of the United States, there shall be a physician and surgeon general, with an annual salary of two thousand five hundred dollars, and an apothecary general, with an annual salary of eighteen hundred dollars; whose respective duties and powers shall be prescribed by the President of the United States.

Forage, wagon, and barrack masters to be appointed as heretofore.

Sec. 8. *And be it further enacted*, That the forage, wagon, and barrack masters shall be appointed as heretofore: but each quartermaster general, attached to any separate army, command, or district, shall be authorized, with the approbation and under the direction of the Secretary of the War department, to appoint as many such officers and to employ as many artificers, mechanics, and labourers, as the public service may require.

Assistant deputy quartermasters general, how appointed, &c. &c.

Sec. 9. *And be it further enacted*, That the assistant deputy quartermasters general may be appointed, and officers taken from the line and transferred to the staff, may be thus transferred by the President of the United States alone. But all other new appointments authorized by this act shall be made by the President of the United States, with the advice and consent of the Senate: *Provided*, that during the recess of the Senate such appointments may be made by the President alone, in which case the same shall be laid before the Senate at their next session for their advice and consent.

Repealing clause.

Sec. 10. *And be it further enacted*, That every act, and every part of any act of Congress now in force, within the purview and meaning of this act, be, and the same are hereby repealed.

Letters to certain agents and from them free of postage.

Sec. 11. *And be it further enacted*, That all letters and packets to and from the adjutant and inspector general, adjutants general, inspectors general, quartermasters general, commissary general of ordnance, physician and surgeon general, and apothecary general, which relate to their official duties, shall be free from postage.

President may appoint certain officers in recess of Senate.

Act of February 24, 1813, ch. 24.

Sec. 12. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to appoint any of the officers authorized by an act, entitled "An act making provision for an additional number of general officers," passed the twenty-fifth day of February,(*a*) one thousand eight hundred and thirteen, during the recess of the Senate, to be submitted to the Senate at their next session for their advice and consent; and that no officer appointed, or who may be appointed, by virtue of the aforesaid act, shall be entitled to receive any pay or emolument until he shall be called into actual service, nor for any longer time than he shall be continued therein.

No pay to be allowed until called into actual service.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

[Obsolete.]

Act of March 2, 1811, ch. 36.

Chap. LIII.—*An Act to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Marys."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress, passed the second day of March, one thousand eight hundred and eleven, entitled "An act declaring the consent of Congress to an act of the state of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Marys," be, and the same is hereby revived and continued in force for one year, and from thence to the end of the next session of Congress, and no longer.

Act continued until March 3, 1815.

Approved, March 3, 1813.

(*a*) This act was passed on the 24th February, 1813.

Statute II.

March 3, 1813.

Act of Feb. 27, 1815, ch. 62.

Chap. LIV.—*An Act supplementary to the act for increasing the Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby authorized to have built six sloops of war, and to have the same manned, equipped, and commissioned for service; and that the President be authorized to have built, or procured, such a number of sloops of war, or other armed vessels, to be manned, equipped, and commissioned, as the public service may require, on the lakes.

Sloops of war to be built, manned, and equipped for service, &c.

Vessels to be prepared for the lakes.

Sec. 2. *And be it further enacted*, That the President be, and he is hereby authorized to appoint such officers and to employ the number of seamen which may be necessary for such vessels as are authorized by law to be put in commission, any law to the contrary notwithstanding.

Officers to be appointed, &c. &c.

Sec. 3. *And be it further enacted*, That for the building or procuring said vessels, and for the payment of two hundred thousand dollars, for vessels already procured on the lakes, by direction of the President, that the sum of nine hundred thousand dollars, out of any money in the treasury not otherwise appropriated be, and the same is hereby appropriated.

Specific appropriation for the purposes of this act.

Sec. 4. *And be it further enacted*, That the sum of one hundred thousand dollars be appropriated for the purpose of establishing a dock yard, for repairing the vessels of war, in such central and convenient place on the seaboard as the President of the United States shall designate.

Appropriation for a dock yard.

Sec. 5. *And be it further enacted*, That the President be, and he is hereby authorized to contract for the building any of the six forty-four gun ships authorized by law: *Provided*, that the building be under inspection of an agent appointed by the Secretary of the Navy.

President may contract for building any of the forty-four gun ships.

Sec. 6. *And be it further enacted*, That the President of the United States be authorized to sell or dispose of such and so many of the gun boats belonging to the United States as may have become unfit for service, or as in his judgment may no longer be necessary to be retained by the government.

Sale of gun boats authorized.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

[Obsolete.]

Specific appropriations.

Chap. LV.—*An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and thirteen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the navy, during the year one thousand eight hundred and thirteen, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million six hundred and sixty-eight thousand dollars, and for pay due to the officers and crews of the public ships and other vessels in commission for the year one thousand eight [hundred] and twelve, three hundred and sixty-five thousand dollars.

For provisions, seven hundred and seventy-five thousand dollars.

For medicines, instruments, hospital stores, and all expenses on account of the sick, one hundred thousand dollars.

For repair of vessels, six hundred and forty thousand dollars.

For freight, store rent, and all other contingent expenses, two hundred and fifty thousand dollars.

For expenses of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks, and labourers, ninety thousand dollars.

Specific appropriations.

For ordnance, and for ordnance and military stores, one hundred thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, two hundred and forty-five thousand three hundred and ninety-one dollars and seventy cents.

For clothing for the same, seventy-one thousand seven hundred and eighty-eight dollars and ten cents.

For military stores for the same, twenty-seven thousand six hundred and eight dollars and seventy-five cents.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, twenty thousand dollars.

For quartermasters and barrack masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting men, musical instruments, bounty to music, and other contingent expenses of the marine corps, forty-six thousand dollars.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. LVI.—*An Act making an appropriation for alterations and repairs in the Capitol.*

[Obsolete.]

Specific appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding five thousand dollars shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, in such repairs or alterations in the chamber of the House of Representatives as may be necessary for their accommodation in their future sessions, having in view as well the increased number of the members, as the better lighting, ventilating, and warming the chamber; which sum shall be paid out of any money in the treasury not otherwise appropriated.

Repairs of the chamber of the house of representatives.

Sec. 2. *And be it further enacted,* That five hundred dollars be appropriated to repair the roof of the capitol, to be paid out of any money in the treasury not otherwise appropriated.

Repairs of the roof of the capitol.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. LVII.—*An Act making appropriations for the support of the military establishment and of the volunteer militia in the actual service of the United States, for the year one thousand eight hundred and thirteen.*

[Obsolete.]

Specific appropriations for the military establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the military establishment of the United States, including the volunteers and militia, in their actual service, for the year one thousand eight hundred and thirteen, for the Indian department, and for the expense of fortifications, arsenals, and armories, the following sums, including the sum of one million of dollars already appropriated by the first section of the act, entitled "An act making certain partial appropriations for the year one thousand eight hundred and thirteen," be, and the same are hereby respectively appropriated, that is to say:

Act of January 20, 1813, ch. 11.

For the pay of the army of the United States, including the pay of the artificers and labourers in the quartermaster general's and ordnance departments, and of the private servants kept by officers, and for the pay of the volunteers and militia in the actual service of the United States, five million one hundred and sixty-eight thousand eight hundred and three dollars.

For forage to officers, one hundred and nine thousand two hundred and twenty-four dollars.

Specific appropriations.

For the subsistence of the army, and volunteers and militia, two million nine hundred and seventy-seven thousand five hundred and thirty-one dollars.

For clothing, two million fifteen thousand eight hundred and eighty-four dollars.

For bounties and premiums, five hundred and fifty-seven thousand seven hundred and forty dollars.

For camp and field equipage, two hundred and seventy thousand dollars.

For the medical and hospital department, two hundred thousand dollars.

For ordnance and ordnance stores, nine hundred and twenty-eight thousand dollars.

For fortifications, four hundred and ninety-seven thousand dollars.

For arsenals, magazines, and armories, three hundred and fifty-two thousand two hundred and eight dollars.

For the quartermaster general's department, including fuel, straw, barrels, quarters, tools, and all the expenses incident to transportation, two million three hundred thousand dollars.

For contingencies, three hundred and five thousand three hundred and seventeen dollars.

For purchasing books, maps, and plans, two thousand five hundred dollars.

For the salary of the commissary general of purchases, three thousand dollars.

For the salary of the clerks employed in the offices of the adjutant general, of the commissary general, and of the quartermaster general, eight thousand dollars.

For the purchase of books and apparatus for the military academy, twelve thousand dollars.

For the Indian department, one hundred and sixty-four thousand five hundred dollars.

For the repayment of the sum of five hundred and twenty-seven dollars, being a balance due the state of Maryland, of monies paid by that state to the United States, as the purchase money of public arms, which have not been fully supplied.

Sec. 2. *And be it further enacted,* That the several sums specifically appropriated by this act shall be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. LVIII.—*An Act making appropriation for the support of Government for the year one thousand eight hundred and thirteen.*

Specific appropriations for the civil lists, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices, for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and

Specific appropriations.

House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, one hundred and ninety-six thousand two hundred and fifty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, fifty-two thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and thirteen, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, including a deficiency of one thousand one hundred and twenty-five dollars, in last year's appropriation, fifteen thousand two hundred and fifty-eight dollars.

For compensation to a clerk on old records in the said department, for the year eighteen hundred and thirteen, one thousand one hundred and fifty dollars.

For compensation to a messenger to the patent office, two hundred dollars.

For additional compensation to the clerks in the said department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand and seventy-two dollars and fifty-four cents.

Act of April 21, 1806, ch. 41.

For the incidental and contingent expenses of the said department, one thousand five hundred dollars.

For printing and distributing the laws of the second session of the twelfth Congress, and printing the laws in newspapers, including the sum of six thousand two hundred and eighty-two dollars, to make good a deficiency in the appropriation for this object in the year one thousand eight hundred and twelve, thirteen thousand six hundred and twenty-two dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including a deficiency of ten dollars in last year's appropriation, thirteen thousand three hundred and nine dollars and eighty-one cents.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the comptroller of the treasury, clerks, and persons employed in his office, including the sum of two thousand eight hundred and eighty-nine dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fifteen thousand eight hundred and sixty-six dollars.

Act of April 21, 1806, ch. 41.

For expense of stationery, printing, and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks, and persons employed in his office, including the sum of one thousand dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, seven thousand two hundred and twenty-seven dollars and forty-five cents.

Act of April 21, 1806, ch. 41.

For expenses of stationery, printing, and incidental and contingent expenses of the treasurer's office, one thousand three hundred dollars. Specific appropriations.

For compensation to the commissioner of the general land-office, clerks, and persons employed in his office, including the sum of five hundred and eighty-five dollars and twenty-four cents for extra services of clerks, and for the service of a messenger during the year one thousand eight hundred and twelve, ten thousand nine hundred and ninety-five dollars.

For expense of stationery, printing, and incidental and contingent expenses of the commissioner's office, including four hundred and seventy-four dollars and twenty cents, to defray those expenses in the year one thousand eight hundred and twelve, seven hundred and twenty-four dollars and twenty cents.

For the expense of vellum, and printing land patents, including the sum of fifteen hundred and six dollars and twenty-five cents for defraying the expense incurred for that object, in the year one thousand eight hundred and twelve, four thousand three hundred and six dollars and twenty-five cents.

For compensation to the register of the treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For additional compensation to the clerks in the treasury department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and nine cents. Act of April 21, 1806, ch. 41.

For compensation to the messenger of the register's office, for stamping and arranging ships' registers, ninety dollars.

For expense of stationery, printing, and all other incidental and contingent expenses in the register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For the purchase of books, maps, and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent, employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and thirteen, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and thirteen, one thousand two hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, including the sum of three thousand nine hundred and sixty dollars for clerk hire, in addition to the sum allowed by the act of April twenty-first, one thousand eight hundred and six, fifteen thousand two hundred and ten dollars. Act of April 21, 1806, ch. 41.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, two thousand dollars.

For compensation to the accountant of the war department, clerks, and persons employed in his office, including the sum of five thousand dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fifteen thousand nine hundred and ten dollars. Act of April 21, 1806, ch. 41.

For additional compensation to the clerks in the war department, not

Specific appropriations. Chap. 41.

exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, nine thousand and ninety dollars.

For compensation to a messenger for the paymaster's office, four hundred and ten dollars.

For contingent expenses in the said office, five hundred dollars.

To Doyle Sweeny, for compensation for his services as clerk in the office of purveyor of public supplies, in the year one thousand eight hundred and ten, one hundred and twenty-five dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, including the sum of one thousand six hundred dollars' clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, eleven thousand four hundred and ten dollars.

Chap. 41.

For expenses of stationery, fuel, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, one thousand dollars.

For additional compensation to the clerks in the navy department, not exceeding fifteen per centum in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads and for other purposes," one thousand nine hundred and thirty-five dollars.

Act of April 21, 1806, ch. 41.

For compensation to the postmaster general, assistant postmasters general, clerks and persons employed in the postmaster general's office, including the sum of three thousand five hundred and twelve dollars for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, nineteen thousand five hundred and sixty-seven dollars.

Chap. 41.

For the expense of fuel, house rent for the messenger, candles, stationery, chests, &c. incident to the postmaster general's office, two thousand eight hundred dollars.

For additional compensation to the clerks employed in the postmaster general's office, not exceeding fifteen per centum in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

Act of April 21, 1806, ch. 41.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the commissioners of loans, including a sum of two thousand dollars in addition to the amount heretofore allowed by law, and for allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, seventeen thousand dollars.

For compensation to the surveyor general, and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of Tennessee, clerks employed in his office, and for stationery and other contingencies, including the sum of one thousand five hundred dollars for clerk hire in addition to the sums heretofore appropriated for that object, four thousand seven hundred dollars.

Specific appropriations.

For compensation to the officers of the mint, viz:
The director, two thousand dollars.
The treasurer, one thousand two hundred dollars.
The assayer, one thousand five hundred dollars.
The chief coiner, one thousand five hundred dollars.
The melter and refiner, one thousand five hundred dollars.
The engraver, one thousand two hundred dollars.
One clerk, at seven hundred dollars, and
One clerk, at five hundred dollars.

For wages to the persons employed in melting, coining, carpenters', millwrights', and smiths' work, including the sum of one thousand dollars allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, and of six hundred dollars allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cost of rollers and screws, timber, bar iron, lead, steel, potash, and for all other contingencies of the mint, five thousand three hundred and four dollars and sixty-two cents.

For an allowance for wastage in the gold and silver coinage, three thousand dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, nine thousand dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, six thousand six hundred dollars.

For expenses of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Missouri territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, two thousand dollars.

For compensation granted by law to the chief justice, the associate judges, and district judges of the United States, including the chief justice and two associate judges of the District of Columbia, and to the attorney-general, including the sum of nine hundred and fifty-three dollars and eighty-four cents, for the salary of the additional district judge of the state of New York, for the year eighteen hundred and twelve, and a further sum of one thousand four hundred and fifty dollars, to make good a deficiency in the appropriation for the year eighteen hundred and twelve, for the compensation of the attorney-general, and of the district judge of Louisiana, sixty-five thousand four hundred and three dollars and eighty-four cents.

For the like compensation granted to the several district attornies of the United States, three thousand four hundred dollars.

For compensation granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Ken-

Specific appropriations.

tucky, Ohio, East and West Tennessee, and Louisiana, two thousand two hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late and present government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States from the fifth of March, one thousand eight hundred and thirteen, to the fourth of March, one thousand eight hundred and fourteen, ninety-eight thousand dollars.

For expenses incident to the receiving the subscriptions to the loan of eleven millions of dollars, authorized by the act of the [fourteenth] of March, one thousand eight hundred and twelve, two thousand dollars in addition to the sum already for that purpose appropriated.

For the maintenance and support of lighthouses, beacons, buoys and public piers, stakeages of channels, bars and shoals, and certain contingent expenses including twenty-four thousand dollars for completing the fitting up of all the lighthouses with Winslow Lewis's improvements, ninety-nine thousand three hundred and forty-nine dollars and fifteen cents.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout in North Carolina; being the balance of a former appropriation carried to the surplus fund, thirty-four thousand nine hundred and ninety-five dollars and fifty cents.

For building a lighthouse at Nawshawn island, near Tarpaulin Cove in Massachusetts, being the amount of a former appropriation carried to the surplus fund, two thousand four hundred and seventy-five dollars.

For erecting a beacon, and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth of July one thousand seven hundred and ninety-eight, carried to the surplus fund, two thousand four hundred and ninety-four dollars and eighty-nine cents.

1798, ch. 78.

For erecting two lights on Lake Erie, viz. on or near Bird Island, and on or near Presque Isle, being the balance of a former appropriation carried to the surplus fund, one thousand five hundred and ninety dollars.

For placing buoys and beacons at or near the entrance of the harbor of Beverly in Massachusetts, being the balance of a former appropriation carried into the surplus fund, three hundred and forty-one dollars and ninety-five cents.

For rebuilding the Baldhead lighthouse in North Carolina, fifteen thousand dollars.

For placing a buoy at the entrance of Barnstable harbor, one hundred dollars.

For the support of sick and disabled seamen in addition to the funds already appropriated by law, twenty thousand dollars.

For defraying the expense of surveying the public land within the several territories of the United States, sixty-one thousand two hundred and sixty dollars.

For the payment of a claim for taking the second census or enumeration of the inhabitants of the United States, the sum appropriated for that object having been heretofore carried to the surplus fund, two hundred and seventy-seven dollars and twelve cents.

For the support and safe keeping of prisoners of war, one hundred and fifty thousand dollars.

For bringing the votes for President and Vice President of the United

States to the seat of government one thousand nine hundred and eleven dollars and fifty cents.

Specific appropriations.

For paying the bounties which may become payable to the owners of private armed vessels, in conformity with the ninth section of the act of the twenty-sixth of June, one thousand eight hundred and twelve, ten thousand dollars.

Act of June 26, 1812, ch. 107.

For making the road from Cumberland in the state of Maryland, to the state of Ohio, to be repaid out of the five per cent. fund reserved for that purpose, one hundred and forty thousand dollars.

Act of April 30, 1802, ch. 40.

For pensions to the widows or children of officers and soldiers killed in the campaign of one thousand eight hundred and eleven, on the Wabash, from the seventh of November, one thousand eight hundred and eleven, to the thirty-first of December, one thousand eight hundred and thirteen, five thousand five hundred and seventeen dollars and twenty-seven cents.

For expenses of intercourse with foreign nations, thirty-five thousand four hundred dollars.

For the contingent expenses of intercourse with foreign nations, fifty thousand dollars.

For expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, fifteen thousand dollars.

For expenses of prosecuting claims and appeals in the courts of France and Denmark, in relation to captures of American vessels, and defending causes elsewhere, four thousand dollars.

For the discharge of such miscellaneous claims against the United States not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, four thousand dollars.

Sec. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any monies in the treasury not otherwise appropriated.

Act of August 4, 1790, ch. 34.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. LX.—*An Act altering the time for holding the District Court in the District of Maine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the session of the district court for the district of Maine, by law appointed to be holden at Wiscasset on the first Tuesday in March, shall, from and after the first day of April next, be holden at Wiscasset on the last Tuesday of February annually, any law to the contrary notwithstanding.

District Court of Maine.

Act of November 28, 1811, ch. 2.

Approved, March 3, 1813.

Statute II.

March 3, 1813.

Chap. LXI.—*An Act vesting in the President of the United States the power of retaliation.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all and every case, wherein, during the present war between the United States of America and the United Kingdom of Great Britain and Ireland, any violations of the laws and usages of war, among civilized nations, shall be or have been done and perpetrated by those acting under authority of the British government, on any of the citizens of the United States or persons in the land or naval service of the United States, the President of the

The President may cause retaliation to be made.

United States is hereby authorized to cause full and ample retaliation to be made, according to the laws and usages of war among civilized nations, for all and every such violation as aforesaid.

President may retaliate upon the British for injuries done by the Indians.

Sec. 2. *And be it further enacted,* That in all cases where any outrage or act of cruelty or barbarity shall be or has been practised by any Indian or Indians, in alliance with the British government, or in connexion with those acting under the authority of the said government, on citizens of the United States or those under its protection, the President of the United States is hereby authorized to cause full and ample retaliation to be done and executed on such British subjects, soldiers, seamen or marines, or Indians, in alliance or connexion with Great Britain, being prisoners of war, as if the same outrage or act of cruelty or barbarity had been done under the authority of the British government.

Approved, March 3, 1813.

RESOLUTIONS.

Jan. 29, 1813.

I. Resolution *relative to the brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott.*

Brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby requested to present to Captain Hull of the frigate Constitution, Captain Decatur of the frigate United States, and Captain Jones of the sloop of war Wasp, each a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each commissioned officer of the aforesaid vessels, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of the captains, officers, and crews of the aforesaid vessels in their respective conflicts with the British frigates the Guerriere and the Macedonian, and sloop of war Frolic: and the President is also requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Bush, and one to the nearest male relative of Lieutenant Funk, in testimony of the gallantry and merit of those deceased officers, in whom their country has sustained a loss much to be regretted.

Sec. 2. *And be it further resolved,* That the President of the United States be, and he hereby is requested to present to Lieutenant Elliott of the navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of Fort Erie.

Approved, January 29, 1813.

March 3, 1813.

II. Resolution *requesting the President of the United States to cause to be prepared and laid before Congress a system of Military Discipline.*

A system of discipline for the army and militia to be passed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby requested to cause to be prepared and laid before Congress, as soon as practicable, a military system of discipline for the infantry of the army and militia of the United States.

Approved, March 3, 1813.

III. RESOLUTION *requesting the President of the United States to present medals to Captain William Bainbridge and the officers of the frigate Constitution.*

March 3, 1813.

A gold medal to Commodore William Bainbridge.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby requested to present to Captain William Bainbridge, of the frigate Constitution, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct and services of Captain Bainbridge, his officers and crew, in the capture of the British frigate Java, after a brave and skilful combat.

APPROVED, March 3, 1813.

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