Statute I.

May 7, 1822.

Chap. XCVI.—*An Act to authorize and empower the corporation of the city of Washington, in the District of Columbia, to drain the low grounds on and near the public reservations, and to improve and ornament certain parts of such reservation.*(a)

The corporation of Washington, under direction of the President, authorized to contract with the Washington Canal Company, and to change the location, &c.

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 mayor, aldermen, and common council, of the city of Washington, under the direction of the President of the United States, and the said corporation is hereby authorized, when they shall deem it necessary, to contract with the Washington Canal Company, and obtain their consent, to change the present location of such parts of the canal, passing through the said city, as lies between Second and Seventh streets west, into such other course as shall most effectually, in their opinion, drain and dry the low grounds lying on the borders of Tyber creek.

The corporation empowered, after having extended the public reservation, and caused the public reservations, &c. to be divided into building lots, to sell the right of the United States to such lots, at public sale, &c.

Sec. 2. *And be it further enacted,* That, to effect the object aforesaid, and to fill up the low grounds on the borders of the said canal, in such manner as they may provide by law, the said corporation is hereby authorized and empowered, after having extended the public reservation, designated on the plan of the said city as number ten, so as the whole south side thereof shall bind on the line of Pennsylvania avenue; and after having caused to be divided the said public reservation numbered ten, except such part thereof as has already been sold, and also the public reservations numbered eleven and twelve, into building lots, to sell and dispose of the right of the United States of, in, and to, the said lots, or any number thereof, laid off as aforesaid, at public sale, on such conditions of improvement, and on such terms, as the said corporation shall prescribe: and the said corporation is further authorized and empowered, for the purposes specified in this act, to cause to be laid off, in such manner as the President of the United States may approve of, two squares, south of Pennsylvania avenue, between Third, and Sixth streets west, to front on the line of said avenue from the junction of said Sixth street west, and the said avenue, to the junction of Third street west with said avenue; and also to lay off, north of Maryland avenue, two uniform and correspondent squares, and the said four squares, when so laid off, to divide into building lots, and to sell and dispose of the right of the United States,

The corporation further authorized to lay off four squares, divide them into building lots, and to dispose of the right of the United States to such lots, at public sale, &c.

(a) 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 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 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 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 forever 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 the 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, 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 and wife *v.* The Mayor of Washington, and the United States, 4 Peters, 232.

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U.S. GOVERNMENT
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of, in, and to, such building lots, or any number thereof, at public sale, on such conditions of improvement, and on such terms, as the said corporation shall prescribe; but no change shall be made in the direction of said canal, unless the consent, in writing, of the president and directors of the Washington Canal Company be first had and obtained; and the change that shall be made, in pursuance of any contract that may be entered into under this act, shall be made by the said company out of the moneys to be paid to the said company by the said corporation; and the said company shall, during the time the proposed alteration is in progress, be entitled to receive the same rates of wharfage that are secured to them by any former act or acts; but no landing shall be permitted for the purposes of wharfage between the west side of Third and the east side of Sixth streets west.

No change in the direction of the canal, without the written consent, &c.

The change to be made out of moneys paid by the corporation, &c.

No landing for wharfage between Third and Sixth streets.

Sec. 3. *And be it further enacted*, That, upon the payment of the purchase money, and upon the compliance with the conditions of improvement by the purchaser or purchasers, or his or their heirs or assigns, the mayor of the said city, for the time being, shall be, and he is hereby, empowered to execute a deed or deeds in fee to such purchaser or purchasers, his or their heirs or assigns, under his hand and the seal of the said corporation; which deed or deeds shall be recorded among the land records of the county of Washington, within the time prescribed for the recording of conveyances of real estates.

The mayor empowered to execute a deed in fee, &c.

The deeds to be recorded, &c.

Sec. 4. *And be it further enacted*, That if, after the aforesaid objects shall be effected, a balance shall remain unexpended in the hands of the said corporation, from the proceeds of the sale of the said lots, the said corporation is authorized and empowered to appropriate and apply, from time to time, as the same may be collected, the whole or any part of such balance, to enclosing, planting, or otherwise improving the public reservation between the Capitol square and Sixth street west, and building one or more bridges over that part of the canal lying in or between Second and Sixth streets west; but the said corporation is hereby expressly prohibited from undertaking any of the improvements contemplated by this section, unless the said improvements shall be effected out of the funds created by this act, or out of the corporate funds of the said corporation; and the corporation of the said city shall have the control and management of the public reservation between the botanic garden and Sixth street west, with the view to the improvement and preservation of the same, until Congress shall otherwise direct.

The corporation may apply balances to improving the public reservation between Capitol square and Sixth street west, &c.

No improvements, &c., unless out of the funds created by this act, &c.

Corporation to have the control, &c., of the public reservation, &c.

Sec. 5. *And be it further enacted*, That the residue of the fund, created by the sales of lots, authorized by this act, after effecting the objects contemplated by the foregoing sections, shall, from time to time, as the same may be collected, be paid by the mayor of Washington into the treasury of the United States.

The residue of the fund to be paid into the treasury of the United States.

Sec. 6. *And be it further enacted*, That it shall he lawful for the legal representative of any former proprietor of the land directed to be disposed of by this act, or persons lawfully claiming title under them, and they are hereby, permitted and authorized, at any time within one year from the passing of this act, to institute a bill in equity in the nature of a petition of right against the United States, in the circuit court of the United States for the district of Columbia, in which they may set forth the grounds of their claim to the land in question.

Legal representatives of former proprietors, &c. permitted within a year, &c., to institute a bill in equity, &c. against the United States.

Sec. 7. *And be it further enacted*, That a copy of said bill shall be served on the attorney general of the United States, and it shall be his duty to prepare and put in the proper pleas and answers, and make all proper defence thereto, in behalf of the United States.

A copy of the bill to be served on the attorney general, &c.

Sec. 8. *And be it further enacted*, That the said suit shall be conducted according to the rules of a court of equity; and the said court shall have full power and authority to hear and determine upon the claim of the plaintiff or plaintiffs, and what proportion, if any, of the money

The suits to be conducted according to the rules of a court of equity, &c.

arising from the sale of the land hereby directed to be sold, the parties may be entitled to.

The plaintiff or the attorney general entitled to an appeal to the Supreme Court, &c.

Sec. 9. *And be it further enacted*, That the plaintiff or plaintiffs, or the attorney general of the United States, shall be entitled to an appeal to the Supreme Court of the United States, whose decision shall be conclusive between the parties; and should no appeal be taken, the judgment or decree of the said circuit court shall in like manner be final and conclusive.

Approved, May 7, 1822.

Statute I.

May 7, 1822.

[Obsolete.]

Chap. CVII.—*An Act further to establish the compensation of officers of the customs and to alter certain collection districts, and for other purposes.* (*a*)

Certain collection districts annexed to others.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the collection district of White Mountains shall be, and hereby is, annexed to the district of Portsmouth, in New Hampshire; the district of Memphrymagog, to the district of Vermont; the district of Hudson, to the district of New York; and each of the districts so annexed is hereby abolished, and made and constituted a part of the district to which it is annexed.

Districts annexed abolished, &c.

Certain other districts annexed to those mentioned.

Sec. 2. *And be it further enacted*, That the collection district of Chester, with the district of Havre de Grace, be, and hereby is, annexed to the district of Baltimore; the district of Nottingham, to the district of Annapolis; the districts of Dumfries and Yeocomico, to the district of Tappahannock: the districts of Hampton, in Virginia, and South Quay, to the district of Norfolk and Portsmouth; and each of the districts so

The districts annexed estab-

(*a*) The acts relating to the compensation of collectors and other officers of the customs are:

An act to provide more effectually 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 or vessels, August 4, 1790, (obsolete,) ch. 35, sec. 52, vol. i. 171.

An act making further provision relative to revenue cutters, (obsolete,) May 6, 1796, ch. 22, sec. 2.

An act in addition to an act, entitled "An act supplementary to the act entitled an 'Act to provide more effectually for the collection of the duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels,'" (obsolete,) May 27, 1796, ch. 35.

An act establishing an annual salary for the surveyor of the port of Gloucester, (obsolete,) July 14, 1798, ch. 73.

An act to increase the compensation now allowed by law to inspectors, measurers, weighers, and gaugers, employed in the collection of the customs, (obsolete,) April 26, 1816, ch. 95.

An act respecting the compensation of the collectors therein named, (obsolete,) March 3, 1817, ch. 49.

An act further to establish the compensation of officers of the customs and to alter certain collection districts, and for other purposes, (obsolete,) May 7, 1822, ch. 107.

An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes, March, 1799, ch. 23.

An act supplementary to an act, entitled an "Act to establish the compensation of officers employed in the collection of the duties on imports and tonnage," May 10, 1800, ch. 54.

An act to amend an act to establish the compensation of the officers employed in the collection of the duties, imports, and tonnage, and for other purposes, April 30, 1802, ch. 37.

An act relative to the compensation of certain officers of the customs, and to provide for the appointing a surveyor in the district therein mentioned, March 27, 1804, ch. 58.

An act to annex a part of the state of New Jersey to the collection district of New York, and to remove the office of collector of Niagara to Lewistown, &c., March 2, 1811, ch. 33, sec. 9.

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola, May 26, 1824, ch. 158.

An act to regulate the foreign and coasting trade on the northern, north-eastern and north-western frontiers of the United States, and for other purposes, March 2, 1831, ch. 98.

An act making appropriation for the civil and diplomatic expenses of government, for the year one thousand eight hundred and thirty-five, June 27, 1834, ch. 92, sec. 2.

An act making appropriations for the civil and diplomatic expenses of government, for the year one thousand eight hundred and thirty-five, March 3, 1835, ch. 28, sec. 3.

An act to amend an act entitled "An act to annex part of the state of New Jersey to the collection district of New York, and to remove the office of collector of Niagara to Lewistown, &c." June 30, 1834, ch. 128.

An act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and thirty-seven, March 3, 1837, ch. 33, sec. 2.

An act to provide for the support of the military academy of the United States, for the year eighteen hundred and thirty-eight, and for other purposes, July 7, 1838, ch. 169, sec. 3.