

or the United States vested in the corporations of said towns, or which have been set apart for churches or burying grounds by the laws aforesaid, or by any ordinance of the corporate authorities of the said cities.

SEC. 3. *And be it further enacted*, That the title to the lot of ground in St. Augustine, known as the Old or Burnt Hospital lot, with all its appurtenances, be, and the same is hereby, vested in the mayor of St. Augustine, and his successor for ever, in trust, for the purpose of erecting thereon, by the local authorities of St. Augustine, buildings necessary for the education of free white children of both sexes.

Grant of lot whereon to erect buildings for the purposes of education.

SEC. 4. *And be it further enacted*, That the President shall cause the buildings which may be selected for public purposes under this act, to be refitted and repaired fit for use, and the better to preserve them from ruin and dilapidation, for which purpose, the sum of five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Buildings selected for public purposes to be repaired, &c. Appropriation.

SEC. 5. *And be it further enacted*, That the President of the United States is hereby authorized to dispose of such part of the military reservations in the city of Detroit, and upon the river Rouge, in the territory of Michigan, as in his opinion may not be wanted for the public service, and to vest the proceeds in the purchase or erection of a store-house and wharf in the said city of Detroit, and in the erection of an arsenal in the vicinity thereof, either upon the public lands or upon a site to be procured for that purpose.

Part of certain military reservations to be sold, and the proceeds to be vested in the purchase or erection of a store-house, wharf, and arsenal.

APPROVED, June 28, 1832.

CHAP. CLIII.—*An Act making appropriations for certain internal improvements for the year one thousand eight hundred and thirty-two.*

STATUTE I.

July 3, 1832.

[Obsolete.]

Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be appropriated for the purpose of making the improvements hereinafter enumerated, viz :

For removing obstructions to the navigation of Kennebeck river, at Lovejoy's Narrows, Maine, including a balance of former appropriations, of two thousand five hundred and seventy-nine dollars and sixty-eight hundredths, carried to the surplus fund, two thousand six hundred dollars.

Maine.

For repairing Plymouth Beach, Massachusetts, two thousand five hundred dollars.

Massachusetts.

For further protection and preservation of the Beach at Provincetown, Massachusetts, four thousand six hundred dollars.

For deepening the channel through the Pass au Heron, Alabama, being the balance of the appropriation of one thousand eight hundred and twenty-eight, carried to the surplus fund, first January, one thousand eight hundred and thirty-one, six thousand and fifty dollars.

Alabama.
1828, ch. 73.

For deepening the channel at Pascagoula river, being the balance of the appropriation of one thousand eight hundred and twenty-five, carried to the surplus fund the first of January, one thousand eight hundred and thirty, fifteen thousand nine hundred dollars.

For improving the navigation of the Red river, Louisiana, and Arkansas, being the balance of the appropriation of one thousand eight hundred and twenty-eight, carried to the surplus fund, two thousand six hundred and twenty-eight dollars, and the further sum of twenty thousand dollars.

Louisiana.
Arkansas.
1828, ch. 73.

For carrying on the work of the Delaware breakwater, two hundred and seventy thousand dollars.

Delaware.

To enable the Secretary of War to pay Lucius W. Stockton the

Cumberland road.

amount expended by him on the repairs of the Cumberland road, during the year one thousand eight hundred and thirty-one, five thousand eight hundred and sixty-eight dollars.

Florida.

For completing the repairs of the United States' military road between Pensacola and Tallahassee, four thousand dollars.

For completing the same from St. Augustine to Tallahassee, two thousand five hundred dollars.

For the completion of the improvement of the harbour and river Saint Marks, in Florida, as recommended by the chief engineer, four thousand five hundred dollars.

Maine.

For completing repairs to piers at the entrance of Kennebec river, Maine, one thousand seven hundred dollars.

For removing obstructions in the Berwick branch of the Piscataqua river, two hundred and fifty dollars.

Massachusetts.

For completing the sea-wall for the preservation of Deer Island, Boston harbour, sixty thousand dollars.

For completing the breakwater at Hyannis harbour, Massachusetts, seven thousand six hundred dollars.

For removing the bar at the mouth of Nantucket harbour, six thousand dollars.

Connecticut.

For completing the breakwater and dyke, and deepening the channel, in the harbour of Mill river, in Connecticut, four thousand four hundred and ninety dollars and forty-three cents.

New York.

For completing the pier and mole at Oswego, New York, nineteen thousand dollars.

For removing obstructions at the mouth of Big Sodus bay, New York, seventeen thousand dollars.

For improving the entrance of Genesee river, sixteen thousand dollars.

For completing the pier at the mouth of Buffalo harbour, ten thousand three hundred dollars.

For the work at Black Rock harbour, New York, five thousand one hundred dollars.

For securing and completing the work at Dunkirk harbour, New York, ten thousand two hundred dollars.

Pennsylvania.

For completing the improvement of the harbour at Presque Isle, Pennsylvania, four thousand five hundred dollars.

For improving the harbours of New Castle, Marcus Hook, Chester, and Port Penn, on the Delaware, ten thousand dollars.

North Carolina.

For carrying on the work for the improvement of Ocracoke inlet, North Carolina, twenty-two thousand dollars.

For improving Cape Fear river, below Wilmington, North Carolina, twenty-eight thousand dollars.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, fifty thousand dollars.

The President of the United States authorized to improve the steam-boat navigation from Pittsburg to Brownsville, and to extend the provisions of the act of 24th May, 1824, ch. 139, so as to embrace certain parts of the rivers Missouri and Mississippi.

And the President of the United States is hereby authorized to extend the improvement of the steamboat navigation from Pittsburg to the Cumberland road, at Brownsville, upon such plan as he may approve, under the provisions of the act of May twenty-four, eighteen hundred and twenty-four: and that the President of the United States be, and he is hereby, authorized to extend the provisions of the act of twenty-fourth May, one thousand eight hundred and twenty-four, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," so as to embrace in its operations the river Missouri, from its junction with the Mississippi to the mouth of the Kansas river; and, also, the Upper Mississippi river from St. Louis, in Missouri, to Galena, in Illinois, with power to remove all obstructions in the channel of said river between those points; and that the provisions of the act, approved twenty-fourth May, one thousand eight hundred and twenty-four, entitled "An act to improve

the navigation of the Ohio and Mississippi rivers," be extended so as to include, in its operation, the improvement of the Mississippi from New Orleans to the Gulf of Mexico, and the deepening of the bar at the mouth of the Mississippi.

For improving the navigation of the Arkansas river, fifteen thousand dollars; *Provided*, The engineer department, after due examination, is satisfied that, during a portion of the ensuing year, the men and machine now employed in removing obstructions in the Ohio and Mississippi rivers, can be more usefully employed in removing those of the Arkansas river: *Provided*, That the compensation of the superintendent of the Ohio and Mississippi rivers, shall be the sum of three thousand dollars per annum, in full for all his services; and he shall not hereafter be allowed any thing in the shape of commissions in his disbursements.

Arkansas.
Proviso.

Proviso.
Compensation to the superintendent not to exceed \$3000.
Ohio.

For improving the mouth of Conneaut creek, Ohio, seven thousand eight hundred dollars.

For completing the removal of obstructions at the mouth of Ashtabula creek, Ohio, three thousand eight hundred dollars.

For a pier head at Cunningham creek, Ohio, one thousand five hundred dollars.

For completing the removal of obstructions at the mouth of Grand river, Ohio, two thousand six hundred dollars.

For completing the improvement of Cleveland harbour, Ohio, six thousand six hundred dollars.

For removing a sand bar at the mouth of Black river, Ohio, eight thousand dollars.

For removing obstructions at the mouth of Huron river, Ohio, one thousand five hundred dollars.

For piers at La Plaisance bay, Michigan, eight thousand dollars.

Michigan.
Cumberland,
Tennessee.

For the improvement of the navigation of the Cumberland river, thirty thousand dollars, to be expended under the direction of the War Department.

For the removal of the obstructions to the navigation of the Savannah river, between the mouth thereof and the city of Savannah, the sum of twenty-five thousand dollars, including the balance of the former appropriation to the same object, to be expended according to a plan and an estimate of the Department of War.

Georgia.

For defraying the expenses incidental to making examinations and surveys under the act of thirtieth April, one thousand eight hundred and twenty-four, thirty thousand dollars.

Surveys.
Act of April 30,
1824, ch. 46.

For repairs of the Cumberland road east of the Ohio river, and other needful improvements on said road, to carry into effect the provisions of an act of the General Assembly of Pennsylvania, entitled "An act for the preservation and repair of the Cumberland road," (a) passed the fourth day of April, one thousand eight hundred and thirty-one; and of an act of the General Assembly of the state of Maryland, entitled "An act for the preservation and repair of that part of the United States' road within the limits of the state of Maryland," (a) passed the twenty-third day of Janu-

Cumberland
road.
Act of March
2, 1831, ch. 97.

(a) The acts passed by the legislatures of Pennsylvania and Maryland are,

ACT OF PENNSYLVANIA.

An act for the preservation and repair of the Cumberland road.

Whereas, that part of the Cumberland road lying within the state of Pennsylvania is in many parts in bad condition, for want of repairs, and as doubts have been entertained whether the United States have authority to erect toll-gates on said road, and collect toll; and as a large proportion of the people of this commonwealth are interested in said road, and its constant continuance and preservation: Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That as soon as the consent of the government of the United States shall have been obtained, as hereinafter provided, William F. Coplan, David Downer, of Fayette county, Stephen Hill, Benjamin Anderson, of Washington county, and Thomas Endsley, of Smithfield, Somerset county, shall be, and they are hereby, appointed commissioners, a majority of whom shall be sufficient to transact business, who shall hold their offices for

Assent to acts of Pennsylvania and Maryland.

ary, one thousand eight hundred and thirty-two, to which said acts the assent of the United States is hereby given, to remain in force during the pleasure of Congress, the sum of one hundred and fifty thousand dollars, to be expended under the direction of the War Department, under the

three years after the passage of this act, after which, the right of appointing said commissioners shall vest in the governor of this commonwealth, to build toll-houses and erect toll-gates, at suitable distances, on so much of the Cumberland road as lies within the state of Pennsylvania: *Provided*, That, if any one or more of the said commissioners should die, resign, or refuse to serve, the governor shall appoint one or more other commissioners to fill the vacancies so happening: *And provided, also*, That nothing herein contained shall be construed to prevent the governor from re-appointing the commissioners named in this act, if he thinks proper.

Sec. 2. *And be it further enacted by the authority aforesaid*, That, for the purposes of keeping so much of the said road in repair as lies within the state of Pennsylvania, and paying the expenses of collection, and other incidental expenses, the commissioners shall cause to be erected, on so much of the said road as passes within this state, at least six gates; and that, as soon as said gates and toll-houses shall be erected, it shall be the duty of the toll-collectors, and they are hereby required to demand and receive, for passing the said gates, the tolls hereafter mentioned; and they may stop any person riding, leading, or driving any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates, until they shall, respectively, have paid for passing the same; that is to say, for every space of fourteen miles in length on said road, the following sums of money; and so, in proportion, for every greater or lesser distance; the rates of toll to be collected at each gate shall be the following, to wit: for every score of sheep or hogs, six cents; for every score of cattle, twelve cents; for every led or drove horse, three cents; for every horse and rider, four cents; for every sleigh or sled, for each horse or pair of oxen, drawing the same, three cents; for every dearborn, sulky, chair, or chaise, with one horse, six cents; for every chariot, coach, coachee, stage, wagon, phaeton, chaise, or with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, eighteen cents; for every other carriage of pleasure, under whatever name it may go, the like sum, according to the number of wheels and horses drawing the same; for every cart or wagon, whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches, four cents for every horse or pair of oxen drawing the same; and every other cart or wagon, whose wheels shall exceed four inches, and not exceeding five inches in breadth, three cents for every horse or pair of oxen drawing the same; and for every other cart or wagon, whose wheels shall exceed six inches, and not more than eight inches, two cents for every horse or pair of oxen drawing the same; all other carts or wagons, whose wheels shall exceed eight inches in breadth, shall pass the said gates free of tolls: *Provided*, That the commissioners appointed by the first section of this act may commute the rates of toll with any person or persons, by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided also*, That nothing in this act shall be construed so as to authorize any tolls to be received or collected from any person or persons passing or re-passing from one part of his farm to another, or to or from a mill, or to or from any place of public worship, funeral, militia training, elections, or from any student or child going to or from any school, or seminary of learning, or from persons and witnesses going to and returning from courts: *And provided further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States, or to any of the states composing this Union.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the said commissioners shall appoint proper and suitable persons as toll-gatherers, who shall settle their accounts quarterly with the commissioners, and at all other times, when thereunto required; and shall, at all times, pay over to them, on demand, the amount of tolls by them collected; and it shall be the duty of the said commissioners, to render annually, to the court of quarter sessions of the respective counties through which the road passes, an account of the tolls received and expenses incurred on said road, on oath or affirmation, and publish the same in one or more newspapers in each county, through which the road passes; and they shall each receive a compensation of two dollars per day, for every day that they shall be engaged on the business of said road: *Provided*, That the annual compensation to any one commissioner shall not exceed the sum of one hundred dollars.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the amount of tolls after deducting therefrom the expenses and charges of collection, and compensation of commissioners, shall be applied, under the direction of the commissioners, to the repairs and preservation of said road, in such manner, and under such regulations, as they may from time to time prescribe, and to no other purpose whatever; and the said commissioners shall have power to increase or diminish the rates of toll: *Provided*, That the same shall at no time be increased beyond the rates of toll established by an act entitled "An act authorizing the governor to incorporate a company for making an artificial road, from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg," passed the twenty-fourth day of February, one thousand eight hundred and six.

Sec. 5. *And be it further enacted by the authority aforesaid*, That directors shall be set up at proper and convenient situations, to caution all conductors or drivers of carriages, on the road aforesaid, that they shall, at all times, pass on the left of each other, under the penalty of two dollars for every offence.

Sec. 6. *And be it further enacted by the authority aforesaid*, That if any of the toll-gatherers shall unreasonably delay, or hinder, any passenger or traveller at any of the gates, or shall demand or receive more toll than may be established under this act, he shall, for each and every offence, forfeit and pay to the party so aggrieved the sum of twenty dollars.

Sec. 7. *And be it further enacted by the authority aforesaid*, That, if any person or persons shall wilfully and of purpose throw down or otherwise injure any of the walls, bridges, culverts, or other works on said road, or shall otherwise wilfully injure or obstruct the passage of the said road unnecessarily, the person or persons so offending shall forfeit and pay for every such offence any sum not less than five, or more than fifty dollars, to be collected and applied as is directed in the ninth section of this act.

superintendence of an officer of the engineers; and which said acts are hereby directed to be printed and appended to the laws of the present session of Congress.

Acts to be appended to laws of present session.

For repairing and building bridges on the military road leading from

Maine.

SEC. 8. *And be it further enacted by the authority aforesaid*, That the toll-gatherers on said road shall, respectively, receive compensation for their services, at the rate of twelve per centum on the amount of tolls by them, respectively, collected: *Provided*, That the annual compensation of any toll-gatherer shall never exceed the sum of two hundred dollars.

SEC. 9. *And be it further enacted by the authority aforesaid*, That the penalties and forfeitures which may be incurred under this act shall and may be sued for and recovered in the name of the commissioners of the road, without naming them as individuals, or of any person prosecuting for the same; the one moiety thereof to the use of the commonwealth, the other to the person so prosecuting for the same, before any magistrate or court having jurisdiction in like cases.

SEC. 10. *And be it further enacted by the authority aforesaid*, That this act shall not have any force or effect until the Congress of the United States shall assent to the same, and until so much of the said road as passes through the state of Pennsylvania be first put in a good state of repair, and an appropriation made by Congress for erecting toll-houses and toll-gates thereon, to be expended under the authority of the commissioners appointed by this act: *Provided*, The legislature of this state may at any future session thereof, change, alter, or amend this act: *Provided*, That the same shall not be so altered or amended as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, for the payment of the fees or salaries of the commissioners, the collectors of tolls, and other agents: *And provided further*, That no change, alteration, or amendment, shall ever be adopted, that will in anywise defeat or affect the true intent and meaning of this act.

APPROVED, April 4, 1831.

Under the act of Congress, ceding to Pennsylvania that part of the Cumberland road which is within the state, and the act of Pennsylvania accepting the surrender, a carriage, whenever it is carrying the mail, must be held to be laden with the property of the United States, within the true meaning of the compact; and consequently exempted from payment of toll. *Searight v. Stokes*, 3 Howard, 151.

But this exemption does not apply to any other property conveyed in the same vehicle; nor to any person travelling in it; unless he is in the service of the United States, and passing along in pursuance of orders from the proper authority. *Ibid*.

Nor can the United States claim an exemption for more carriages than are necessary for the safe, speedy, and convenient carriage of the mail. *Ibid*.

ACT OF MARYLAND.

An act for the preservation and repair of that part of the United States' road within the limits of the state of Maryland.

Whereas that part of the United States' road lying within the limits of the state of Maryland is, in many parts, in bad condition, for want of repairs; and as a large proportion of the people of this state are interested in said road and its preservation: Therefore,

SEC. 1. *Be it enacted by the general assembly of Maryland*, That, as soon as the consent of the government of the United States shall have been obtained, as hereinafter provided, that part of the United States' road, commonly called the National road, within the limits of the state of Maryland, shall be taken under the care of the state of Maryland; and the governor and council of this state shall be and they are hereby authorized to appoint a superintendent of that part of said road lying within the limits of this state, who shall hold his office for three years from the date of his commission, and who shall, at the time of his appointment, and during his continuance in office, reside in Allegany county; whose duty it shall be to exercise all reasonable vigilance and diligence in the care thereof; which superintendent, after his appointment, shall have full power and authority to build toll-houses, and erect toll-gates, at suitable distances: *Provided*, That the number of gates aforesaid shall not exceed two on the whole distance within the limits of this state.

SEC. 2. *And be it further enacted*, That for the purposes of keeping so much of the said road in repair as lies within the limits of the state of Maryland, and paying the expenses of collection and other incidental expenses, the superintendent shall cause to be erected, on so much of the said road as lies within the limits of this state, a gate or gates, a toll-house or toll-houses, not exceeding two of each; and that, as soon as said gates and toll-houses shall be erected, it shall be the duty of the toll-collectors, and they are hereby required to demand and receive, for passing said gates, the tolls hereafter mentioned; and they may stop any person riding, leading, or driving any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled, or other carriage of burden or pleasure from passing through the said gates, until they shall, respectively, have paid for passing the same; that is to say, for every space of fourteen miles in length, on said road, the following sums of money, and so in proportion for every greater or lesser distance, the rates of toll to be collected at each gate, shall be the following, to wit: for every score of sheep or hogs, six cents; for every score of cattle, twelve cents; for every led or drove horse, three cents; for every horse and rider, four cents; for every sleigh or sled, for each horse or pair of oxen drawing the same, three cents; for every dearborn, sulky, chair, or chaise, with one horse, six cents; for every chariot, coach, coachee, stage, wagon, phaeton, chaise, or other carriage, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, eighteen cents; for every other carriage of pleasure, under whatever name it may go, the like sum, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches, four cents for every horse or pair of oxen drawing the same; and every other cart or wagon, whose wheels shall exceed four inches, and not exceeding five inches in breadth, three cents for every horse or pair of oxen drawing the same; and for every other cart or wagon whose wheels shall exceed six inches, and not more

Mattanawcook to Mars' hill, in Maine, for widening said road, and for contingencies, twenty-one thousand dollars.

Michigan.

For continuing the road from Detroit to Chicago, fifteen thousand dollars.

than eight inches, two cents for every horse or pair of oxen drawing the same; all other carts or wagons whose wheels shall exceed eight inches in breadth shall pass the said gates free of tolls: *Provided*, That the superintendent, after he is appointed by this act, may commute the rates of toll with any person or persons, by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided also*, That nothing in this act shall be construed so as to authorize any tolls to be received or collected from any person or persons passing or repassing from one part of his farm to another, or to or from a mill, or to or from any place of public worship, funeral, militia training, elections, or from any student or child going to or from any school or seminary of learning, or from persons and witnesses going to and returning from courts: *And provided further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States or to any of the states composing this Union.

SEC. 3. *And be it further enacted*, That the said superintendent, after his appointment as aforesaid, shall appoint proper and suitable persons as toll-gatherers, who shall settle their accounts every three months from the time of their appointments, and at all other times when thereunto required by the said superintendent; and shall, at all times, pay over to the said superintendent, on demand, the amount of tolls by them or either of them collected; and the said superintendent shall have authority to remove any toll-gatherer, appointed by him, for misbehaviour in his office, and appoint another in his place; and it shall be the duty of the said superintendent to render, semi-annually, to the county court of Allegany county, at its fixed meetings by law on the third Monday of April and second Monday of October, an account of the tolls received and expenses incurred on said road, on oath or affirmation; which account, when ratified and confirmed by the said court, shall be published by the said superintendent in some newspaper printed in Allegany county; and the said superintendent shall, also, on or before the first Monday of December, annually, hereafter, transmit to the governor and council of this state, a duplicate of his said accounts aforesaid; and it shall be the duty of the governor of this state to lay the same before the General Assembly in his annual message. And the said superintendent shall receive a compensation of two dollars per day for every day that he shall be engaged on the business of said road: *Provided*, That the annual compensation to said superintendent shall not exceed the sum of five hundred dollars.

SEC. 4. *And be it further enacted*, That the amount of tolls, after deducting therefrom the expenses and charges of collection, and compensation of superintendent, shall be applied, under the direction of said superintendent, to the repairs and preservation of said road, in such manner, and under such regulations, as he from time to time may prescribe and direct, and to no other purpose whatsoever.

SEC. 5. *And be it further enacted*, That directors shall be set up at proper and convenient situations, to caution all conductors and drivers of carriages on the road aforesaid, that they shall at all times pass on the left of each other, under the penalty of two dollars for every offence.

SEC. 6. *And be it further enacted*, That, if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or receive more toll than may be established by this act, he shall, for each and every offence, forfeit and pay to the party so aggrieved the sum of twenty dollars.

SEC. 7. *And be it further enacted*, That, if any person or persons shall wilfully, and of purpose, throw down, or otherwise injure any of the walls, bridges, culverts, or other works, on said road, or shall otherwise wilfully injure or obstruct the passage of the said road unnecessarily, the person or persons so offending shall forfeit and pay for every such offence any sum not less than five nor more than fifty dollars, to be collected and applied as is directed in the ninth section of this act.

SEC. 8. *And be it further enacted*, That the toll-gatherers on said road shall, respectively, receive compensation for their services at the rate of twelve per centum on the amount of tolls by them, respectively, collected: *Provided*, That the annual compensation of any toll-gatherer shall never exceed the sum of two hundred dollars.

SEC. 9. *And be it further enacted*, That the penalties and forfeitures which may be incurred under this act, shall and may be sued for and recovered in the name of "the superintendent of that part of the United States' road within the limits of the state of Maryland," without naming him as an individual, or of any person prosecuting the same; the one half thereof to the use of the state of Maryland, the other to the person so prosecuting for the same before a justice of the peace in Allegany county, as other small debts are recovered, with the privilege of an appeal to the county court, as in cases of small debts.

SEC. 10. *And be it further enacted*, That the toll-gatherers shall exhibit their accounts from time to time to the superintendent, upon oath, as directed in this act; and they shall, moreover, before they act as toll-gatherers, and annually thereafter, give bond, with security, to the state of Maryland, in the penalty of one thousand dollars, to be approved by the superintendent, for the faithful performance of the duties devolving on them by this act, with a condition, as follows, or to the following effect: "Now the condition of the above obligation is such, that, if the above bound shall, at the end of every three months from the time of receiving his appointment, and at all other times when thereunto required, pay over, well and truly, to the said superintendent the whole amount of tolls by him collected as toll-gatherer aforesaid, then the above obligation to be void, otherwise to be in full force and virtue in law."

SEC. 11. *And be it further enacted*, That the said superintendent, before he acts as such, and annually thereafter, shall give bond to the state of Maryland, with such security as any one of the judges of the fifth judicial district shall approve, in the sum of four thousand dollars, with the following condition, or to the following effect: "Now the condition of the above obligation is such, that, if the above

shall well and faithfully discharge the duties of superintendent, and shall pay over, lay out, and expend, all moneys which he may receive as the superintendent of that part of the United States'

For continuing the road from Detroit to fort Gratiot in Michigan, fifteen thousand dollars; and authority is hereby given to the Secretary of War, to change the direction in which the road shall be continued, agreeably to the report of the superintendent of the War Department, of the eighteenth of October, one thousand eight hundred and thirty-one.

For continuing the road from Detroit to Saganaw, ten thousand dollars.

For the repair of the Little Rock and Memphis road, from Little Rock to the St. Francis river, under the superintendence of the governor of said territory, twenty thousand dollars.

To complete the Washington and Jackson road, at the two extremes thereof, in the territory of Arkansas, in addition to the unexpended balance, two thousand dollars.

For continuing the Cumberland road in the state of Ohio, west of Zanesville, one hundred thousand dollars.

For continuing the Cumberland road in the state of Indiana, including the erection of bridges over the east and west branches of White Water, and other small streams, with a view to bring the road into immediate use, one hundred thousand dollars.

For continuing the Cumberland road in the state of Illinois, seventy thousand dollars.

Which sums shall be paid out of any money in the treasury not otherwise appropriated, and replaced out of the fund reserved for the laying out and making of roads under the direction of Congress, by the several acts passed for the admission of the states of Ohio, Indiana, and Illinois, into the Union, on an equal footing with the original states.

SEC. 2. *And be it further enacted*, That so much of the second section of the act for the continuation of the Cumberland road, approved March third, one thousand eight hundred and twenty-five, as authorizes the President, with the advice of the Senate, to appoint a superintendent thereof, be, and the same is hereby, repealed, and that the work in the state of Ohio be continued by the War Department, under the superintendence of an officer of engineers.

APPROVED, July 3, 1832.

Secretary of War authorized to change direction of road.

Arkansas.

Ohio.

Indiana.

Illinois.

To be paid from the treasury.

Act of March 3, 1825, ch. 98. Cumberland road.

Office of superintendent discontinued.

Work to be prosecuted, &c.

road within the limits of this state, as directed by this act, then the above obligation to be void, otherwise to be in full force and virtue in law."

SEC. 12. *And be it further enacted*, That, if there shall be any surplus money in the hands of the said superintendent, beyond the actual expenses for preserving and repairing the part of said road within the limits of this state, and paying the said superintendent and toll-gatherers, and all incidental expenses, the said superintendent shall remit the same to the treasurer of the Western Shore, whose duty it shall be to receive the same, to be denominated on the treasury books "The United States Road Fund;" which money, constituting said fund, shall be applied, solely and exclusively, to the preservation, repair, and improvement, of that part of said road within the limits of this state, and to no other use or purpose whatsoever.

SEC. 13. *And be it further enacted*, That this act shall not have any force or effect, until the Congress of the United States shall assent to the same; and until so much of the said road as lies within the limits of the state of Maryland be first put in a good and complete state of repair, by an appropriation made by the Congress of the United States to repair the same, and to pay the expenses of building a toll-house or toll-houses, and erecting a toll-gate or toll-gates, to be built and erected by the superintendent appointed by the governor and council of this state; to be expended under the authority of a superintendent to be appointed by the President of the United States: *Provided*, The general assembly of this state may, at any future session thereof, change, alter, or amend this act, so as to regulate the amount of tolls: *Provided*, That the same shall not be so altered or amended, as to reduce or increase the rates of tolls hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, for the payment of the fees and compensation to the superintendent, collectors of tolls, and other agents: *And provided*, That no change, alteration, or amendment, shall ever be adopted, that will in any wise defeat or affect the true intent and meaning of this act.

SEC. 14. *And be it further enacted*, That in case any superintendent, who shall be appointed under this act, shall die, resign, refuse to act, or remove from Allegany county aforesaid, the governor and council of this state shall appoint another in his place, who shall, at the time of his appointment, and during his continuance in office, reside in Allegany county, and who shall hold his office for three years from the date of his commission; and, after the expiration of any time of service of any superintendent who may be appointed under this act, the governor and council of this state shall re-appoint him, or appoint another in his place, at discretion: *Provided*, That he shall not serve for a longer time than three years from the date of his commission.

CERTIFIED, January 24, 1832.