All places for which appropriations are made, &c. shall be examined, &c.

priations are made in this act for the erection of new light-houses, or new light-boats to be established at places not before authorized by law, all such places shall first be carefully examined, and the most suitable site selected; and the persons making the surveys for proposed works in the last preceding section of this act, shall report to the Secretary of the Treasury upon which of said sites, if any, the safety of navigation and the public interests require the work proposed for it, and also, a plan and estimate in detail of the expense of each work so required, including the necessary buildings to be connected therewith. And it shall be the duty of said Secretary to communicate the reports thus made to Congress within the first week of the session thereof in December next. And the expense of said surveys is hereby authorized to be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, the same having been first adjusted and allowed by the Secretary of the Treasury.

Sec. Treas. to pay the expense of surveys, &c.

Light-houses to be discontinued, &c.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, authorized to discontinue at his discretion, the old light-houses at Oswego, Dunkirk and Cleveland, and cause the sites belonging to the United States of the old light-houses at Cleveland, on Lake Erie, and at Buffalo, in the State of New York, to be sold for such prices, respectively, as he shall deem the same to be worth, and the proceeds of such sales to be paid into the Treasury.

Appropriation for two additional clerks.

Sec. 7. *And be it further enacted*, That the sum of two thousand dollars be, and hereby is, appropriated to enable the Secretary of the Treasury to employ two additional clerks in the Fifth Auditor's office.

Appropriation for examination of the coast between the Mississippi and Sabine rivers.

Sec. 8. *And be it further enacted*, That the sum of fifteen hundred dollars be and is hereby appropriated, to enable the Secretary of the Navy to cause such a special examination of the coast between the mouths of the Mississippi and Sabine rivers, and the intermediate harbors, bays, and bayous as may be necessary to fix suitable locations for light-houses and other improvements, which may give a more safe and ready access to the said harbors, bays, bayous, and rivers.

Approved, July 7, 1838.

Statute II.

July 7, 1838.

Chap. CLXXXI.—*An Act to establish a new judicial district in the Territory of Florida.* (a)

New judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the territory included within the present boundaries of the counties of Franklin, Washington, and Jackson, in the Territory of Florida, shall constitute a new judicial district, to be called the Appalachicola district, the judge of which shall reside at the town of Appalachicola, or at the town of St. Joseph's, in said district.

Judge, &c. to be appointed. Jurisdiction, powers, &c.

Sec. 2. *And be it further enacted*, That a judge, marshal, and district attorney shall be appointed in said district, having the same jurisdiction, powers, duties, and liabilities, in all respects, as are now possessed by the judges of the superior courts, respectively, in the Territory of Florida, and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States and the Territory of Florida, to be approved of and recorded as now directed by law.

Time of holding courts. Process already issued.

Sec. 3. *And be it further enacted*, That the said courts shall be holden at the times and places now established by law in said district, until changed by the Legislative Council of said Territory; and all process, executed by and returnable to said courts as a part of the district of West Florida, as heretofore organized, shall be as effectual in law as if the said district had not been changed; and it shall be the duty of

(a) See notes of the acts relating to Florida, vol. 3, 654.

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the present marshal of the district of West Florida, to execute all process now in his hands, and he shall be responsible in like manner as if this act had not passed.

Salary, &c. of the judge, &c.

Sec. 4. *And be it further enacted*, That the judge, marshal, and district attorney shall have the same salaries, fees, and compensation as are allowed and paid to the other judges, marshals and district attorneys in said Territory under the laws of the United States, or the Territory of Florida, out of any money in the Treasury not otherwise appropriated.

Approved, July 7, 1838.

Statute II.
July 7, 1838.

Chap. CLXXXII.—*An Act to increase and regulate the terms of the circuit and district courts for the northern district of the State of New York.* (*a*)

Four regular terms of the district court in each year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be four regular terms of the district court of the United States for the northern district of the State of New York in each year; one of which, to commence on the third Tuesday in January, shall be held in the city of Albany; and one to commence on the second Tuesday in July, shall be held at the city of Utica; and one to commence on the third Tuesday of May, shall be held at the city of Rochester; and one to commence on the second Tuesday of October, shall be held at the city of Buffalo. And there shall also be held one other term annually, at such time and in such place within the counties of St. Lawrence, Clinton, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least forty days, to be published in the State paper of the State of New York, which latter term shall be held only for the trial of issues of fact arising within the said three last mentioned counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, when he shall deem it necessary.

At Albany.

At Utica.
At Rochester.
At Buffalo.
One other term.

The circuit court to be held at Canandaigua.

Sec. 2. *And be it further enacted*, That the term of the circuit court for the said northern district, now required by law to be held annually at Albany on the second Tuesday of June, be hereafter held at Canandaigua, in the county of Ontario, on the Tuesday next after the third Monday of June in each year.

The district to be subdivided into three divisions.

Sec. 3. *And be it further enacted*, That, for the purpose of trying all issues of fact, triable by a jury in the district court of the United States for the northern district of New York, the said district shall be subdivided into three divisions, as follows, to wit: all that part of said district lying westward of the west lines of the counties of Cayuga, Tompkins, and Tioga, shall constitute the western division; the counties of St. Lawrence, Franklin, and Clinton, shall constitute the northern division; and all the remainder of the district shall constitute the eastern division. And all such issues of fact shall be tried at a term of said court to be held in the division where the cause of action may have arisen, unless the said court, for good cause shown, shall order such issue to be tried elsewhere. And all issues of fact in the said circuit court to be tried by a jury, where the cause of action may have arisen in the northern or eastern division aforesaid, shall be tried at the term of said circuit court to be held at Albany, and all other issues of fact in said circuit court to be tried by a jury, where the cause of action may have arisen in the western division of said district, shall be tried at the term of said circuit court to be held at Canandaigua. But nothing herein contained shall prevent either of said courts, by general

The western division.
Northern division.
Eastern division.

Where the issues of fact shall be tried.

(*a*) See vol. 3, 120, 414.