

one third cents, in satisfaction of the claims of thirteen hundred "Creek Indian emigrants." friends and followers of General McIntosh, who were emigrated to the west in eighteen hundred and twenty-nine, by Col. Crowell, under the conduct and control of Luther Blake, as provided in the ninth article of the treaty of twenty-fourth of January, eighteen hundred and twenty-six: *Provided*, That the persons to whom said money shall be paid shall make proof, to the satisfaction of the President of the United States, that they have full power to receive and receipt for the same: *And provided, also*, That said money shall be paid only on condition that a release be first executed to the United States in full of all claims for principal and interest on account of the emigration of said thirteen hundred Creek Indians.

APPROVED, August 12, 1848.

Aug. 12, 1848.

CHAP. CLXVII. — *An Act for giving Effect to certain Treaty Stipulations between this and foreign Governments, for the Apprehension and delivering up of certain Offenders.*

In all cases in which treaties of extradition may exist between the United States and foreign governments, the justices and judges of the United States and State courts, and commissioners authorized by the United States courts, may issue warrants for the apprehension of any person charged with having committed certain offences within the limits of such foreign governments.

If, on hearing, the evidence be deemed sufficient to sustain the charge, the same to be certified, with copy of the testimony, to the Secretary of State, that a warrant may issue, upon requisition from the proper authority, for the surrender of such offender, &c.

Copies of depositions upon which original warrant may have been granted in such foreign countries, &c., may be received in evidence.

Secretary of State, under his hand and seal of office, may order such offenders to be delivered to

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases in which there now exists, or hereafter may exist, any treaty or convention for extradition between the government of the United States and any foreign government, it shall and may be lawful for any of the justices of the Supreme Court or judges of the several District Courts of the United States — and the judges of the several State courts, and the commissioners authorized so to do by any of the courts of the United States, are hereby severally vested with power, jurisdiction, and authority, upon complaint made under oath or affirmation, charging any person found within the limits of any State, district, or territory, with having committed within the jurisdiction of any such foreign government any of the crimes enumerated or provided for by any such treaty or convention — to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or commissioner, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge under the provisions of the proper treaty or convention, it shall be his duty to certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of said treaty or convention; and it shall be the duty of the said judge or commissioner to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until such surrender shall be made.

SEC. 2. *And be it further enacted*, That in every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any such foreign country may have been granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

SEC. 3. *And be it further enacted*, That it shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person or persons as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful



for the person or persons authorized, as aforesaid, to hold such person in custody, and to take him or her to the territories of such foreign government, pursuant to such treaty; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered, as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he or she shall so escape may be retaken, on an escape.

SEC. 4. *And be it further enacted*, That when any person who shall have been committed under this act, or any such treaty, as aforesaid, to remain until delivered up in pursuance of a requisition, as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the gaol to which he or she may have been committed, by the readiest way, out of the United States, it shall, in every such case, be lawful for any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge why such discharge ought not to be ordered.

SEC. 5. *And be it further enacted*, That this act shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

SEC. 6. *And be it further enacted*, That it shall be lawful for the courts of the United States, or any of them, to authorize any person or persons to act as a commissioner or commissioners, under the provisions of this act; and the doings of such person or persons so authorized, in pursuance of any of the provisions aforesaid, shall be good and available to all intents and purposes whatever.

APPROVED, August 12, 1848.

such person or persons as may be authorized by such foreign government to receive them, &c.

Cases of escape provided for.

When any person or persons committed under this act, &c., shall not be delivered up and conveyed out of the United States within two months after such commitments, any judge of the United States or State courts may discharge him or them from custody, unless, &c.

This act to continue in force during the existence of any treaty of extradition, &c., and no longer.

Courts of the United States may authorize persons to act as commissioners under this act, &c.

CHAP. CLXVIII. — *An Act concerning the Pay Department of the Army.*

Aug. 12, 1848.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Paymaster-General be, and he is hereby, authorized to allow any of the paymasters of the army, who shall have been employed in the payment of volunteers, during the late war with Mexico, such a commission, not exceeding one half of one per centum on all sums disbursed by them as aforesaid, as he shall deem a reasonable compensation for the risk and labor attending such service: *Provided*, That the said commission to any one paymaster shall not exceed one thousand dollars per annum, from the commencement to the close of the war.

Certain paymasters to be allowed a commission on the sums disbursed by them.

Not to exceed \$1000.

SEC. 2. *And be it further enacted*, That the said Paymaster-General may, in his discretion, allow to any paymaster's clerk, in lieu of the pay now allowed by law, an annual salary of seven hundred dollars.

Paymasters' clerks may be allowed an annual salary of \$700 in lieu of pay now received.

APPROVED, August 12, 1848.

CHAP. CLXIX. — *An Act in Relation to the Terms of the Circuit and District Courts of the United States in and for the District of New Jersey.*

Aug. 12, 1848.

*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 for the district of New Jersey shall hereafter be held on the fourth Tuesdays of March and September, instead

Times of holding the Circuit and District Courts for district