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Upon surren-
der of warrant
shall receive
patent.

Where loca-
tions are made
on the same
tract, priority
to be determin-
ed by lot.

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

The plat re-
turned by the
Surveyor Gen-
eral to be con-
clusive as to
quantity.

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.

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.

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.

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.

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.

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 residents of the U. States, and claimed before condemnation.

One moiety to be paid in lieu of salvage.

Compensation for recaptured property claimed by the United States.

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.

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

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

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.

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

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

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