

range within the said tract, shall be attached to, and made a part of the district of Chilicothe, and be offered for sale at that place, under the same regulations that other lands are within the said district.

SEC. 6. *And be it further enacted*, That the lands within the said eleventh range, and east of it, within the said military tract, and all the lands north of the Ohio company's purchase, west of the seven first ranges, and east of the district of Chilicothe, shall be offered for sale at Zanesville, under the direction of a register of the land-office and receiver of public monies to be appointed for that purpose, who shall reside at that place, and shall perform the same duties and be allowed the same emoluments as are prescribed for and allowed to registers and receivers of the land-offices by law.

SEC. 7. *And be it further enacted*, That all persons who have obtained certificates for the right of pre-emption to lands by virtue of two acts, the one intituled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates for lands lying between the Miami rivers in the territory of the United States northwest of the Ohio," and the other "An act to extend and continue the provisions of the said act, passed on the first day of May, eighteen hundred and two," and who have not made the first payment therefor, before the first day of January last, shall be allowed until the tenth day of April next to complete the same; and that all persons who have become purchasers of land by virtue of the aforesaid acts, be, and they are hereby allowed until the first day of January, eighteen hundred and five, to make the second instalment; until the first day of January, eighteen hundred and six, to make their third instalment; and until the first day of January, eighteen hundred and seven, to make their fourth and last instalment; any thing in the acts aforesaid, to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That where any warrants granted by the state of Virginia, for military services, have been surveyed on the northwest side of the river Ohio, between the Sciota and the little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land-office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same is recorded, and giving satisfactory proof to the Secretary of War, by his affidavit or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

APPROVED, March 3, 1803.

tached to the district of Chilicothe; and for sale.

Certain tracts for sale.

Where to be offered.

Register and receiver appointed.

Duties and compensation.

Possessors of rights of pre-emption under John Cleves Symmes and others allowed further time of payment.

1801, ch. 23.

1802, ch. 44.

Land patents how to be obtained when the military warrants are lost or destroyed.

STATUTE II.

CHAP. XXXI.—*An Act for the relief of Insolvent Debtors within the District of Columbia.*

March 3, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any debtor who now is, or may hereafter be, in actual confinement in jail, in the district of Columbia, at the suit of any creditor, may apply by petition in writing, to any one of the judges of the circuit court of the district of Columbia, and offer to deliver up, for the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof, on oath or affirmation, together with a list of his creditors, as far as he can ascertain them, shall be annexed to and exhibited with his petition; and thereupon the said judge shall direct notice of such application to be published in some of the public newspapers, for such time as he may think proper, which notice shall likewise require the attendance of the creditors at the courthouse of the county, in which the

Debtors confined in the jail of the district of Columbia may petition for relief.

In what manner.

Notice to be published in the public newspapers.

Oath or affirmation of an insolvent debtor.

Trustee appointed.

Who shall give bond and security.

A certified copy of the bond to be evidence.

In case of death or refusal to act, another appointed.

The petitioning debtor discharged on executing a deed or deeds to the trustee, and delivering his property with his books and papers.

Proviso, that no person who has been guilty of a breach of the laws and imprisoned therefor shall be discharged from such imprisonment.

Wearing apparel, bedding and tools of trade allowed.

Property of the debtor how sold.

petitioning debtor is confined, and at such time as the said judge may appoint; and it shall be the duty of the said judge, and of the clerk, of the county, to attend at the time and place appointed; and on the appearance of the creditors, either in person or by attorney, agreeably to the notification, or on their neglect to appear, the said judge shall administer to the debtor the following oath: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm,) that I will deliver up, convey and transfer, for the use of my creditors, all my property that I have any title to or claim any interest in, whether in possession, remainder or reversion, and all claims, rights and credits that I have or am in any manner entitled to; and that I have not at any time given, sold, conveyed, lessened or disposed of for the use or benefit of myself, or any other person or persons, any part of my money or other property, claims, rights or credits, thereby to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit, benefit or advantage thereby," and the said judge shall thereupon appoint such person, as a majority of the creditors in value, their agents or attorneys then present, shall recommend, to be a trustee, for the benefit of the creditors of the petitioning debtor; or in case of non-attendance of the creditors, or of their not making a recommendation, the said justice shall name such person as he shall think proper, to be a trustee as aforesaid.

SEC. 2. *And be it further enacted*, That before the said trustee shall proceed to act, he shall give bond to the United States in such penalty and with such security as the said judge shall approve, conditioned for the faithful performance of his trust, which shall be recorded in the clerk's office of the county in which the proceedings are had; and a certified copy thereof shall be received as evidence in any court of law in the United States; and the said bond may be sued in the name of the United States, for the use of any person or persons who may conceive him or themselves aggrieved by the negligence or misconduct of the trustee. And in case of the death or refusal to act of any trustee, the said judge may appoint another in his place, who shall give bond in manner as aforesaid.

SEC. 3. *And be it further enacted*, That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his property, real, personal and mixed, and all his claims, rights and credits, agreeably to the oath or affirmation of the said debtor, and on delivering all his said property which he shall have in his possession, together with his books, papers and evidences of debts of every kind, to the said trustee, and the said trustee's certifying the same to the said judge in writing, it shall be lawful for the said judge to make an order to the marshal, jailer or keeper of the prison, in which said debtor is then confined, commanding that the said debtor shall be thenceforth discharged from his imprisonment; and he shall be immediately discharged, and the said order shall be a sufficient warrant therefor: *Provided*, that no person who has been guilty of a breach of the laws, and who has been imprisoned for or on account of the same, shall be discharged from imprisonment: *And provided likewise*, that any property which the debtor may afterwards acquire, (except the necessary wearing apparel and bedding for his family, and his tools, if a mechanic or manufacturer,) shall be liable to the payment of his debts, any thing herein to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the said judge may allow such petitioning debtor and his family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

SEC. 5. *And be it further enacted*, That the said judge may direct the trustee to sell and convey the property of the petitioning debtor, at

such time, and on such terms and conditions as he shall deem most to the advantage of the creditors, and the product thereof, after satisfying all incumbrances and liens, shall be divided among the creditors in proportion to their respective claims: and no process against the real or personal property of the debtor shall have any effect or operation, except process of execution, and attachments in the nature of executions, which shall have been put into the hands of the marshal antecedent to the application.

SEC. 6. *And be it further enacted*, That every trustee may sue for, in his own name, any property or chose in action assigned to him by virtue of this act.

SEC. 7. *And be it further enacted*, That if any creditor, at any time within two years after the application of such debtor, shall allege in writing, to the circuit court of the district of Columbia, or at any other court of the United States, within whose jurisdiction such debtor may be found, that such debtor had at the time of his application as aforesaid, directly or indirectly conveyed, lessened or disposed of any part of his property, rights or credits, with intent to defraud his creditors, or had at any one time within twelve months next preceding said application, lost by gaming more than three hundred dollars, or had assigned or conveyed any part of his property, rights or credits, with intent to give a preference to any creditor or creditors, or any surety, the said court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his appearance before them, or on his neglect to appear, after proof that notice has been served, the said court shall, within a reasonable time, examine the debtor or any other person, upon interrogatories on oath, touching the substance of the said allegations, or may direct an issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he shall be precluded from any benefit under this act; and in case such debtor, or any other, testifying either for or against him, shall at any time thereafter be convicted of falsely, wilfully and corruptly swearing or affirming to any matter or thing in virtue of this act, he shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any other person testifying for him, he shall be for ever precluded from any benefit under this act.

SEC. 8. *And be it further enacted*, That every judge charged with the execution of this act, may, in the respective cases which may be brought before him, allow the trustee a commission not exceeding eight per centum for his trouble, on the amount of debts paid by him; and if any complaint shall be made to the said judge of the misconduct of any trustee by any creditor, or by the debtor, the said judge may call such trustee before them, and inquire into the cause of complaint, and may make such rules and orders as he may think proper for the accomplishment of the object of the trust, and may in his discretion remove such trustee and appoint another in his place.

SEC. 9. *And be it further enacted*, That the acting judge may by order, limit and appoint a time for creditors to bring in and exhibit their claims to the trustee, and if the said trustee should think proper to contest any claim exhibited against the debtor, it shall be his duty to report the same to the judge having cognizance of the case, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury, such issues as shall be proper to settle the points in contest, or may appoint two indifferent persons to act as arbitrators between the parties, with a power, if they differ, to choose an umpire, and a decision thus made shall be final between the parties; and the said justice may

Product thereof how divided.

What process only can take effect.

Trustee may sue in his own name.

Fraud or deceit towards creditors.

Debtor gaming to a certain extent.

To be precluded from the benefit of this act.

False testimony or corrupt swearing or affirming.

How punished.

Trustee allowed a commission.

Trustee may be superseded for misconduct.

Exhibition of claims to the trustee.

Contested claims how settled.

Provision for
contested
claims.

Collusion for-
feits the debt.

Debtor arrest-
ed after being
relieved, how to
be discharged,
and in what
cases.

The judge
shall lodge with
the clerk of the
county the

certificate of
discharge.

Copy of the
recorded certi-
ficate evidence in
law.

Unfinished
acts of a judge
how completed.

What papers
are to be record-
ed by the county
clerk.

Copies of the
record legal evi-
dence.

Clerk's fees,
how payable.

Limitation to
the effect of this
discharge.

Circuit court
shall determine
the allowance
of prisoners in
civil suits.

Who shall not
be detained un-

order any part of the debtor's estate to be set apart, and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a debt is due, shall collude with a debtor to gain an undue preference, or for the concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parol, or in writing, to give false colour to his claim, such creditor shall lose the whole of his debt.

SEC. 10. *And be it [further] enacted*, That if any debtor who shall have been relieved under this act, shall be arrested or imprisoned on any process sued out on any judgment or decree, obtained against him for any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned or returnable, or any judge thereof, shall discharge such debtor; and if any such debtor shall be arrested or imprisoned on any process for the recovery of any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor out of custody, on his common appearance being entered, without special bail: *Provided*, and it is the true intent and meaning of this act, that no discharge whatever under this act shall be construed or taken as a discharge of any other person from any debt, contract or engagement of any kind or nature soever.

SEC. 11. *And be it further enacted*, That when the acting judge shall, as above prescribed, give to the marshal an order for the discharge of a debtor, it shall be the duty of the said judge to lodge with the clerk of the county in which the discharge shall take place, a certificate in the following words, to wit. "I do hereby certify, that I have this day ordered the marshal of the district of Columbia, to discharge from imprisonment A. B. an insolvent debtor, agreeably to the act of the Congress of the United States, intituled 'An act for the relief of insolvent debtors within the district of Columbia,'" which said certificate shall be recorded by the said clerk, and a copy thereof under seal, shall be received in evidence, in any court of law in the United States.

SEC. 12. *And be it further enacted*, That if any judge before whom the operation of this act in any particular case shall have been commenced, shall die, resign his office or become disqualified, the proceedings may be completed by any other judge of the said court, in the same manner as if they had been originally commenced before him.

SEC. 13. *And be it further enacted*, That the application of the debtor, the appointment of a trustee, the deed from the debtor to the trustee, the several claims exhibited to the trustee, and the amount of sales of the debtor's property shall be transmitted to and recorded by the clerk of the county in which the debtor was confined at the time of his application; copies of which, under seal, shall be received as evidence in any court of law in the United States, and the clerk shall receive the same fees as are fixed by law for the like services in other cases, to be paid by the trustee out of the first proceeds of the debtor's estate that may come into his hands.

SEC. 14. *And be it further enacted*, That no discharge of an insolvent debtor under this act shall have greater effect in any particular state than if such debtor had been discharged under the insolvent debtor's law of any other state.

SEC. 15. *And be it further enacted*, That the circuit court of the district of Columbia shall, by a general order to be entered on the records of the said court, fix the daily allowance for the support and maintenance of prisoners in execution for debt or damages in civil suits, which allowance the said court may, by a like general order, increase or diminish from time to time, as circumstances may require. And no person taken in execution for debt or damages in a civil suit, shall be

detained in prison therefor, unless the creditor, his agent or attorney, shall, after demand thereof by the marshal, pay or give such security as he may require, to pay such daily allowance, and the prison fees: *Provided*, that a release from prison for want of such payment or security, shall not discharge the debt; but the body of the debtor shall never be again taken in execution therefor.

less provided
for—
With prison
fees.
Proviso.

SEC. 16. *And be it further enacted*, That the said court may cause to be marked and laid out, reasonable bounds of the prisons in the said district, to be recorded in the same court; and from time to time, may renew, enlarge, or diminish the same. And every prisoner not committed for treason or felony, giving such security to keep within the said bounds, as any judge of the said court shall approve, shall have liberty to walk therein, out of the prison, for the preservation of his health; and keeping continually within the said bounds, shall be adjudged in law a true prisoner.

Prison bounds
in the district.

Liberty of the
prisoners under
approved secu-
rity.

SEC. 17. *And be it further enacted*, That the provisions of this act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the United States, nor to alter, lessen, or impair the right of the United States, to be first satisfied out of the estates of persons indebted to them; nor to any debtor who has not resided in the district of Columbia one year next preceding his said application.

Public debtors
and non-resi-
dents a year,
excluded the
provisions of
this act.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXXII.—*An Act directing a detachment from the Militia of the United States, and for erecting certain Arsenals.*

March 3, 1803.

[Repealed.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, whenever he shall judge it expedient, to require of the executives of such of the states as he may deem expedient, and from their local situation shall be most convenient, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning a detachment of militia not exceeding eighty thousand, officers included.

Act of April
18, 1806, ch. 32,
sec. 7.

President au-
thorized to or-
der eighty thou-
sand militia in
readiness.

Act of March
30, 1808, ch. 33.

Volunteers for
a year included.

1812, ch. 55.

SEC. 2. *Be it further enacted*, That the President may, if he judges it expedient, authorize the executives of the several states, to accept as part of the detachment aforesaid, any corps of volunteers; who shall engage to continue in service for such time, not exceeding twelve months, and perform such services as shall be prescribed by law.

Appointment
of officers.

SEC. 3. *Be it further enacted*, That the detachments of militia and volunteer corps as aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

SEC. 4. *Be it further enacted*, That one million five hundred thousand dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted; for the purchase of ordnance and other military stores; and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States; to be applied under the direction of the President, out of any money in the treasury, not otherwise appropriated.

Specific ap-
propriations.

SEC. 5. *And be it further enacted*, That twenty-five thousand dollars be appropriated for erecting, at such place or places on the western waters, as the President may judge most proper, one or more arsenals; and that the President cause the same to be furnished with such arms, ammunition and military stores as he may deem necessary.

APPROVED, March 3, 1803.

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