

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the seventh day of December, 1795, and ended on the first of June, 1796.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; SAMUEL LIVERMORE, President of the Senate pro tempore; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act making Appropriations for the Support of Government, for the year one thousand seven hundred and ninety-six.*

Feb. 5, 1796.

[Obsolete.]

Specific appropriations for support of government, for 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated a sum of money, not exceeding five hundred and thirty thousand three hundred and ninety-two dollars and eighty-five cents; that is to say :

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

President and Vice President.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety-three thousand four hundred and sixty dollars.

Senate and House of Representatives.

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two houses of Congress, eleven thousand five hundred dollars.

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand six hundred dollars.

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, twenty thousand dollars.

For making good deficiencies in the last-mentioned fund, in the appropriation of the year one thousand seven hundred and ninety-five, ten thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand eight hundred and fifty dollars.

For incidental and contingent expenses in the said department, twenty-three thousand three hundred and eighty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand one hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

Specific appropriations for support of government, for 1796.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, ten thousand nine hundred dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, four thousand four hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the auditor's office, six hundred dollars.

For compensation to the commissioner of the revenue, clerks and persons employed in his office, five thousand two hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fourteen thousand seven hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the register's office (including books for the public stocks) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, including his salary from the time of his appointment to the thirty-first day of December, one thousand seven hundred and ninety-five, three thousand six hundred and ninety-four dollars and forty-four cents.

For the payment of rent for the several houses employed in the treasury department (except the treasurer's office) one thousand nine hundred and eighty-six dollars and sixty-eight cents.

For expense of firewood and candles in the several offices of the treasury department, (except the treasurer's office) three thousand dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-six, one thousand dollars.

For the payment of certain incidental and contingent expenses of the treasury department, in the year one thousand seven hundred and ninety-five, beyond the sum which was appropriated, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For payment of clerks allowed to several of the loan offices, for the year one thousand seven hundred and ninety-five, by an act of the last session of Congress, ten thousand one hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, seven thousand and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses of the office of the Secretary of War (including the rent of the General Post Office which is kept under the same roof) one thousand eight hundred dollars.

For compensation to the accountant to the War department, clerks and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensations to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Melter and Refiner, one

thousand five hundred dollars; the Engraver, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars.

For the purchase of copper for the use of the mint, thirteen thousand dollars.

For defraying the expenses of labourers in the different branches of refining, melting and coining at the mint, eight thousand dollars.

For the pay of mechanics employed in repairing and making machinery for the mint, three thousand two hundred and sixty-four dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office-furniture, and for other contingencies of the establishment of the mint, eight thousand seven hundred dollars.

For making good deficiencies in the former appropriations for the mint, to the end of the year one thousand seven hundred and ninety-five, eighteen thousand three hundred dollars.

For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office-rent, printing, patents for lands, and other contingent expenses in both the said territories, seven hundred dollars.

For the payment of sundry pensions, granted by the late government, two thousand and seven dollars and seventy-three cents.

Pensions.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander True-man, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

1793, ch. 14.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

1793, ch. 23.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement, at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

SEC. 2. *And be it further enacted*, That for the support of lighthouses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-six; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fourteenth of December last, there be appropriated a sum not exceeding thirty-seven thousand six hundred and seventy-two dollars and nine cents, that is to say:

For support of lighthouses, &c.

For the maintenance and support of lighthouses, beacons, buoys, public piers, and stakeage of channels, bars and shoals, twenty-four thousand dollars.

To repay David Lenox, late marshal of the district of Pennsylvania, for payments made, with the approbation of the judge of the said district, to sundry persons, for summoning jurors to attend the district court of Pennsylvania, upon the trial of sundry persons committed for high treason, two hundred and fifty-six dollars and eighty-eight cents.

For the payment of a balance due to Lewis Pintard, agent for American prisoners in the city of New York, during the late war, four hundred and twenty-nine dollars and twenty-one cents.

For the payment of a balance due to the representatives of Thomas Smith, late commissioner of the loan office for the state of Pennsylvania, nine thousand and eleven dollars and ninety-seven cents.

For the payment of a balance due to the representatives of Joseph

Specific appropriations for support of government, for 1796.

Clark, late commissioner of the loan office for the state of Rhode Island, one thousand nine hundred and seventy-four dollars and three cents.

For the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Ante, p. 138.

SEC. 3. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States."

APPROVED, February 5, 1796.

STATUTE I.

Feb. 19, 1796.

CHAP. II.—*An Act further extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]

Act of March 3, 1797, ch. 25. Extension of the term for receiving on loan the domestic debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the term for receiving on loan that part of the domestic debt of the United States, which has not been subscribed, in pursuance of the provisions heretofore made by law for that purpose, be, and the same is hereby further extended, until the thirty-first day of December next, on the same terms and conditions, as are contained in the act, intituled "An act making provision for the debt of the United States:" *Provided*, That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

Ante, p. 138.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be lawful to reimburse so much of the principal of the debt or stock, which may be subscribed, pursuant to this act, as will make the reimbursement thereof equal in proportion and degree, to that of the same stock subscribed antecedent to the present year; and the said reimbursement shall be made at the expiration of the quarter in which such debt or stock shall be subscribed, and pursuant to the rules and conditions prescribed by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt."

Reimbursement of part of the principal.

1795, ch. 45.

Provision for the payment of interest to non-subscribers.

SEC. 3. *And be it further enacted*, That such of the creditors of the United States, as have not subscribed, and shall not subscribe to the said loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-six, a rate per centum on the amount of such of their demands as have been registered, or as shall be registered at the treasury, conformably to the directions in the act, intituled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Ante, p. 138.

APPROVED, February 19, 1796.

STATUTE I.

March 10, 1796.

CHAP. IV.—*An Act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.*

[Obsolete.] Allowance to senators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, from and after the third day of March in the present year, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any member of

the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, that no Senator shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Proviso.

SEC. 2. *And be it further enacted*, That at each session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, That no Representative shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Allowance to Representatives.

Proviso.
1812, ch. 127.

SEC. 3. *And be it further enacted*, That there shall be allowed to each chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate, and Clerk of the House of Representatives, fifteen hundred dollars per annum, each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch, for which he officiates. And the said Secretary and Clerk shall each be allowed (when the President of the Senate, or Speaker shall deem it necessary) to employ one principal Clerk, who shall be paid three dollars per day, and two engrossing Clerks, who shall be paid two dollars per day, each, during the session, with the like compensations to such Clerks, respectively, while they shall be necessarily employed in the recess.

Allowance to the chaplains; to the Secretary of the Senate and the Clerk of the House of Representatives.

To Clerks;
1802, ch. 35.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Sergeant-at-arms, the sum of four dollars per day, during every session of Congress, and while employed on the business of the House.

to the Sergeant-at-arms.

SEC. 5. *And be it further enacted*, That the said compensation, which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

How the said compensations shall be certified, &c.

APPROVED, March 10, 1796.

STATUTE I.

CHAP. V.—*An Act providing relief, for a limited time, in certain cases of invalid Registers.*

March 10, 1796.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby empowered, to allow to such vessels and their cargoes, whose registers have already, or that may, before the close of the present session of Congress, become invalid, by reason of a non-compliance with the terms of the fifth section of the act "concerning the registering and recording of ships or vessels," the same privileges and benefits, they would have been entitled to, if no such invalidity had taken place: *Provided*, it shall appear to him, that such non-compliance did not proceed from wilful negligence or an intention of fraud: *And provided also*, that a new register shall be obtained, in the manner pre-

Treasury to allow certain privileges in cases of invalid registers on certain conditions.

Ante, p. 287.

scribed by law, for such vessels respectively, as may now be within the United States, within ninety days from the passing of this act; and for others, within the same time after their first arrival within the United States.

APPROVED, March 10, 1796.

STATUTE I.

March 12, 1796.

[Obsolete.]

Appropriation for the expense of the military establishment.

Out of what funds payable.

Ante, p. 138.

CHAP. VII.—*An Act making a partial appropriation for the support of the Military establishment, for the year one thousand seven hundred and ninety-six.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of five hundred thousand dollars be, and the same is hereby appropriated towards defraying the expenses of the military establishment, for the year one thousand seven hundred and ninety-six.

SEC. 2. *And be it further enacted,* That the said sum shall be paid and discharged out of the funds following, to wit: First, the balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," after satisfying the appropriations made in the present session, for the support of government: Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six.

APPROVED, March 12, 1796.

STATUTE I.

March 23, 1796.

[Obsolete.]

Provision for persons wounded or disabled in the militia, and for volunteers in the like case.

Extent of compensation to be allowed.

What persons this provision extends to.

Application to be made within one year after the end of the session.

CHAP. VIII.—*An Act for the relief of certain officers and soldiers who have been wounded or disabled in the actual service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every commissioned, non-commissioned officer, private or musician, who has been wounded or disabled, while in the line of his duty, in actual service, called out by authority of any law of the United States, while he belonged to the militia; or any volunteer not belonging to the militia, who has been wounded or disabled, while in the line of his duty, in actual service, as aforesaid, shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided,* the rate of compensation for such wounds and disabilities shall never exceed for the highest disabilities, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month; and that all inferior disabilities shall entitle the person so disabled, to receive only a sum in proportion to the highest disability: *And provided,* that these provisions shall not be construed to extend to any person wounded or disabled, before the fourth of March, one thousand seven hundred and eighty-nine, nor to any person wounded or disabled since that time, who has made application for a pension, under any existing law of the United States, and has been denied, or admitted on the pension list: *And provided,* that all applications herein shall be made within one year after the end of the present session of Congress.

APPROVED, March 23, 1796.

STATUTE I.

March 31, 1796.

[Obsolete.]

CHAP. X.—*An Act making certain provisions in regard to the Circuit Court, for the district of North Carolina.*

WHEREAS a sufficient quorum of judges did not attend to hold the circuit court, for the district of North Carolina, for the purpose of doing

business in June term, one thousand seven hundred and ninety-five; and no judge attended to hold the said court in November term, in the same year: in consequence whereof, certain provisions are now become necessary and expedient to prevent a failure of justice in the said court:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful, for the district judge of the state of North Carolina, to direct the clerk of the said court, to issue such process for the purpose of causing persons to be summoned to serve as jurymen at the said court, at the term to commence the first day of June next, as has been before issued by the clerk of the said court for the like purpose returnable to June term, one thousand seven hundred and ninety-five; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion and from the same counties, as those persons who were ordered to be summoned for the like purpose by process returnable at June term, one thousand seven hundred and ninety-five: *Provided*, that it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given as to him shall appear most conducive to justice, and convenient to the persons to be summoned: and the marshal is hereby directed to execute the said process so to be issued, and the persons who shall be legally summoned to attend as jurymen in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued by the said court in the ordinary method of proceeding: And the marshal and the persons who shall attend as jurymen in virtue of the said process so to be issued, shall be entitled to the like allowances for their services respectively.

SEC. 2. *And be it further enacted,* That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said circuit court had been regularly held for the purpose of business in June and November terms, one thousand seven hundred and ninety-five, and continuances had been regularly entered of all suits and proceedings in either or both of the said terms, in which they were depending, in the usual manner of proceeding, as the case might be.

SEC. 3. *And be it further enacted,* That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method bearing test in November term, one thousand seven hundred and ninety-four; June term, one thousand seven hundred and ninety-five, or November term, one thousand seven hundred and ninety-five, shall be held and deemed of the same validity and effect as if the respective terms of June and November, one thousand seven hundred and ninety-five, had been regularly held by a judge or judges competent to do business and continuances in respect to writs or other process returnable to the two last mentioned terms had been regularly entered.

APPROVED, March 31, 1796.

District judge of N. Carolina may order certain process for a jury to attend the circuit court at the next June term.

Different time of notice may be given to jurors.

No discontinuance on account of the court not having been held.

Process tested in certain terms to be nevertheless valid.

STATUTE I.

CHAP. XI.—*An Act to continue in force "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes," be, and is hereby continued in force, for the term of two years from the passing of this act, and from

March 31, 1796.

[Expired.]

March 1, 1793, ch. 20.

Continued in force two years,

thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, March 31, 1796.

STATUTE I.

April 8, 1796.

CHAP. XII.—*An Act authorizing the erection of a Lighthouse on Baker's Island, in the state of Massachusetts.*

Secretary of the Treasury to provide by contract for building a lighthouse on Baker's Island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed, to provide by contract, which shall be approved by the President of the United States, for building a lighthouse on Baker's Island, near the entrance into the harbor of Salem and Beverly, in the state of Massachusetts, (as soon as a cession of the jurisdiction, to the United States, over the land proper for the purpose, is made by the said state) and to furnish the same with all necessary supplies. And also, to agree for the salaries, or wages, of the person or persons, who may be appointed by the President, for the superintendence and care of the same; and that the President be authorized to make the said appointments: That the number or disposition of the light or lights, in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable: And that six thousand dollars be appropriated for the same, out of any monies not otherwise appropriated,

APPROVED, April 8, 1796.

Appropriation therefor.

STATUTE I.

April 18, 1796.

CHAP. XIII.—*An Act for establishing Trading Houses with the Indian Tribes.*

Act of March 30, 1792. President to establish trading houses,

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the western and southern frontiers, or in the Indian country, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the limits of the United States.

1806, ch. 48.

and appoint agents for them,

SEC. 2. And be it further enacted, That the President be authorized to appoint an agent for each trading house established, whose duty it shall be, to receive, and dispose of, in trade, with the Indian nations afore-mentioned, such goods as he shall be directed by the President of the United States to receive and dispose of, as aforesaid, according to the rules and orders which the President shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, with any Indian or Indians whatever, but on the public account; and shall also give bond, with sufficient security, in such sum as the President of the United States shall direct, truly and honestly to account for all the money, goods and other property whatever, which shall come into his hands, or for which, in good faith, he ought so to account, and to perform all the duties required of him by this act: And his accounts shall be made up half-yearly, and transmitted to the Secretary of the Treasury of the United States.

their duties,

and oath.

To give bond.

Accounts to be made up half-yearly.

Agents, clerks, &c. not to carry on trade but on account of the United States, nor take other emolument than such as is provided by this act.

SEC. 3. And be it further enacted, That the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take, or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during their agency or employment, other than is provided by this act. And if any such person shall offend

against any of the prohibitions aforesaid, he or they shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States, a sum not exceeding one thousand dollars, and shall be removed from such agency or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, That if any other person, than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty, when received, shall be for the use of the person giving such information.

Penalty.

Half of the penalty to be for the use of the informer, if he is not a public prosecutor.

SEC. 4. *And be it further enacted*, That the prices of the goods supplied to, and to be paid for by the Indians, shall be regulated in such manner, that the capital stock furnished by the United States may not be diminished.

Prices of goods how to be regulated.

SEC. 5. *Be it further enacted*, That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States, a sum not exceeding eight thousand dollars, to be applied, under his direction, for the purpose of paying the agents and clerks; which agents shall be allowed to draw out of the public supplies, two rations each, and each clerk one ration per day.

Pay and allowance to agents and clerks.

SEC. 6. *And be it further enacted*, That one hundred and fifty thousand dollars, exclusive of the allowances to agents and clerks, be and they are hereby appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforementioned, to be paid out of any monies unappropriated in the treasury of the United States.

Appropriation for the trade with the Indians.

SEC. 7. *And be it further enacted*, That if any agent or agents, their clerks, or other persons employed by them, shall purchase, or receive of any Indian, in the way of trade or barter, a gun or other article commonly used in hunting; any instrument of husbandry, or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people; any article of clothing (excepting skins or furs) he or they shall, respectively, forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name, and to the use of the United States, in any court of law of the United States, or of any particular state having jurisdiction in like cases, or in the supreme or superior courts of the territories of the United States: *Provided*, that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or the defendant may reside: And it shall be the duty of the superintendents of Indian affairs and their deputies, respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, and to prosecute the offender, without delay.

Penalty of agents, clerks, &c. purchasing certain articles from the Indians.

Suit therefore where to be commenced.
Duty herein of superintendents of Indian affairs.

SEC. 8. *And be it further enacted*, That this act shall be in force for the term of two years, and to the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

APPROVED, April 18, 1796.

STATUTE I.

CHAP. XIV.—*An Act supplementary to an act entitled "An act to provide a Naval Armament."*

April 20, 1796.

[Obsolete.]

SECTION 1. *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 authorized to continue the construction and equipment (with all convenient expedition) of two frigates of forty-four, and one frigate of thirty-six guns, any thing in the act, entitled "An act to provide a naval armament," to the contrary notwithstanding.

Act of March 27, 1794, ch. 12.
President to continue the construction and equipment of three frigates.

SEC. 2. *And be it further enacted*, That so much of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dol-

Ante, p. 394.

Appropriation therefor.

lars and eighty-two cents, which, by the act of June the ninth, one thousand seven hundred and ninety-four, was appropriated (to defray the expenses to be incurred pursuant to the act to provide a naval armament) as remains unexpended, as well as the sum of eighty thousand dollars which was appropriated for a provisional equipment of galleys, by the before recited act, be appropriated for the said purposes.

Certain materials to be sold :

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be sold, such part of the perishable materials as may not be wanted for completing the three frigates, and to cause the surplus of the other materials to be safely kept for the future use of the United States.

others to be preserved.

APPROVED, April 20, 1796.

April 20, 1796.

CHAP. XV.—*An Act authorizing and directing the Secretary of War to place certain Persons, therein named, on the Pension List.*

[Obsolete.]
Secretary at War to place certain persons on the list of invalid pensioners at certain rates.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary for the department of War be, and he is hereby directed, to place upon the list of invalid pensioners of the United States, the persons herein after named, who have been returned, as such, by the judges of the several districts, pursuant to the act of Congress, passed the twenty-eighth day of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," at the rates and proportions annexed to the names of the said persons, respectively ; that is to say :

1793, ch. 17.

Pensioners and their rates.

Of the district of Maine: Daniel Brawn, a private, two thirds of a pension ; John Knowles, a private, one third of a pension : Ebenezer Phinney, a private, one fourth of a pension.

Of the district of New Hampshire: Jonas Adams, a private, one third of a pension ; Andrew Aiken, a sergeant major, three fourths of a pension ; Caleb Aldrish, a sergeant, a full pension ; Caleb Austin, a private, one third of a pension ; John Barter, a sergeant, half a pension ; Archelaus Batchelder, a sergeant, half a pension ; Ebenezer Bean, a private, one third of a pension ; Job Britton, a private, one third of a pension ; Ebenezer Carleton, a private, three fourths of a pension ; Levi Chubbock, a fifer, one fourth of a pension ; Edward Clark, a sergeant, one fourth of a pension ; Morrell Coburn, a private, one fourth of a pension ; Richard Colony, a private, half a pension ; Ebenezer Copp, a sergeant, a full pension ; James Crombie, a lieutenant, a full pension ; William Curtis, a private, half a pension ; Henry Danforth, a private, half a pension ; James Dean, a private, one fourth of a pension ; Lemuel Dean, a private, half a pension ; Thomas Eastman, a private, three fourths of a pension ; Ebenezer Fletcher, a fifer, one fourth of a pension ; James Ford, a captain, half a pension ; Stephen Fuller, a private, one third of a pension ; Moses Sweat George, a private, half a pension ; Joshua Gilman, a private, two thirds of a pension ; Windsor Gleason, a private, one fourth of a pension ; Joseph Greely, a private, one fourth of a pension ; Joseph Green, a private, half a pension ; Joshua Haynes, a private, half a pension ; Joseph Hilton, a lieutenant, half a pension ; Nathan Holt, a private, one fourth of a pension ; Jonathan Holten, a lieutenant, half a pension ; Caleb Hunt, a private, half a pension ; Humphrey Hunt, a private, one fourth of a pension ; Charles Huntoon, junior, a private, one third of a pension ; Zadock Hurd, a private, one third of a pension ; Ebenezer Jennings, a sergeant, one fourth of a pension ; Peter Johnson, a private, one fourth of a pension ; Thomas Kimball, a private, one fifth of a pension ; Abraham Kimball, a private, half a pension ; Benjamin Knight, a sergeant, one third of a pension ; John Knight, a private, half a pension ; Jonathan Lake, a corporal, half a pension ; John Lapish, a private, one

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fourth of a pension; Nathaniel Leavitt, a corporal, half a pension; John Lincoln, a private, one fourth of a pension; Joshua Lovejoy, a sergeant, half a pension; William Lowell, a sergeant, three fourths of a pension; Jonathan Margery, a private, two thirds of a pension; James Moore, a private, a full pension; Samuel Morrell, a private, two fifths of a pension; Joseph Moss, a private, two thirds of a pension; Jotham Nute, a sergeant, half a pension; Phinehas Parkhurst, a fifer, a full pension; Amos Pierce, a lieutenant, one third of a pension; Silas Pierce, a lieutenant, half a pension; Joel Porter, a private, one fourth of a pension; Samuel Potter, a sergeant, half a pension; Thomas Pratt, a private, half a pension; Jeremiah Pritchard, a lieutenant, half a pension; Asa Putney, a sergeant, half a pension; Charles Rice, a private, half a pension; John Smith, a sergeant, half a pension; Samuel Stocker, a private, half a pension; William Taggart, an ensign, half a pension; Eliphalet Taylor, a private, one third of a pension; Ebenezer Tinkham, a private, one third of a pension; John Varnum, a private, half a pension; Edward Waldo, a lieutenant, two thirds of a pension; Weymouth Wallace, a private, half a pension; Josiah Walton, a private, one third of a pension; Jacob Wellman, junior, a private, one fourth of a pension; Francis Whitcomb, a private, one third of a pension; Robert B. Wilkins, a private, two thirds of a pension; Jonathan Willard, an ensign, one fourth of a pension; Seth Wyman, a private, one fourth of a pension.

Of the district of Massachusetts: Thomas Alexander, a captain, half a pension; Ephraim Bailey, a private, half a pension; Robert Bancroft, a private, one sixth of a pension; James Batchelder, a private, one fourth of a pension; James Campbell, a private, one fourth of a pension; Caleb Chadwick, a private, one fourth of a pension; Barnabas Chapman, a private, one third of a pension; Richard Chase, a private, half a pension; Joseph Coxe, a sergeant, two thirds of a pension; Thomas Crowell, a private, a full pension; Levi Farnsworth, a private, half a pension; Benjamin Farnum, a captain, one third of a pension; Moses Fitch, a private, one fifth of a pension; Frederick Follett, a private, half a pension; Joseph Frost, a private, one eighth of a pension; Uriah Goodwin, a private, one fourth of a pension; Joseph Hale, a private, half a pension; Gamaliel Handy, a private, two thirds of a pension; Peter Hemenway, a private, half a pension; Jesse Holt, a corporal, one eighth of a pension; Job Lane, a private, half a pension; Ebenezer Learned, a colonel, one fourth of a pension; Moses MFarland, a captain, one third of a pension; Hugh Maxwell, a captain, one eighth of a pension; John Maynard, a lieutenant, one tenth of a pension; Tilley Mead, a private, one fourth of a pension; Elisha Munsell, a private, half a pension; John Nixon, a colonel, one third of a pension; Timothy Northam, a private, one third of a pension; Joseph Peabody, a private, one third of a pension; Amos Pearson, a sergeant, one fifth of a pension; Abner Pier, a private, half a pension; Job Priest, an ensign, one third of a pension; Amasa Scott, a private, one fourth of a pension; Robert Smith, a private, two thirds of a pension; Silvanus Snow, a private, one third of a pension; Cesar Sprague, a private, half a pension; Samuel Warner, a private, half a pension; William Warren, a lieutenant, one third of a pension; Samuel Willington, a private, half a pension; Nahum Wright, a sergeant, one eighth of a pension.

Of the district of Rhode Island: Clark Albro, a private, one fourth of a pension; John Baggs, junior, a sergeant, one third of a pension; Robert Cars, a private, half a pension; Jonathan Davenport, a private, one twenty-fourth of a pension; Nathan Jaquays, a private, one third of a pension; William Lunt, a private, half a pension; George Pople, a sergeant, one eighth of a pension; Job Snell, a private, one fourth of a pension; Edward Vose, a sergeant, one sixth of a pension.

Of the district of Connecticut: Theodore Andrus, a private, a full

Pensioners and
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pension; Samuel Andrus, a corporal, half a pension; William Bailey, a private, one fourth of a pension; Robert Bailey, a private, one fourth of a pension; Job Bartram, a captain, half a pension; Francis Baxter, a private, three fourths of a pension; Enos Blakesly, a private, a full pension; David Blackman, a private, two thirds of a pension; Elijah Boardman, a sergeant, three fourths of a pension; Jonathan Bowers, a corporal, half a pension; Aner Bradley, a sergeant, half a pension; Jedediah Brown, a sergeant, one fourth of a pension; Isaac Buel, a private, one third of a pension; Oliver Burnham, a sergeant, one fourth of a pension; William Burritt, a private, one fourth of a pension; John Chappell, a private, one third of a pension; Elisha Clark, a private, one fourth of a pension; Jonah Cook, a private, half a pension; Henry Cone, a private, one fourth of a pension; Simon Crosby, a private, half a pension; Prince Dennison, a private, half a pension; Israel Dibble, a private, one third of a pension; Gershom Dorman, a private, one third of a pension; Joseph Dunbar, a corporal, three fourths of a pension; Henry Filmore, a private, half a pension; Samuel French, a private, half a pension; Burr Gilbert, a corporal, two thirds of a pension; David Hall, junior, a sergeant, half a pension; Nathan Hawley, a corporal, one third of a pension; Daniel Hewitt, a sergeant, one third of a pension; Isaac Higgins, a private, half a pension; Thurston Hilliard, a private, one third of a pension; Thomas Hobby, a major, half a pension; John Horseford, a private, one eighth of a pension; Benjamin Howd, a private, three fourths of a pension; Elijah Hoyt, a private, half a pension; David Hubbel, a private, half a pension; Enock Jacobs, a private, three fourths of a pension; Robert Jeroin, a fifer, one fourth of a pension; Aaron Kelsey, a lieutenant, one fourth of a pension; Lee Lay, a captain, one sixth of a pension; John Ledyard, a private, three fourths of a pension; William Leeds, a lieutenant, half a pension; Naboth Lewis, a private, two thirds of a pension; Nathaniel Lewis, a private, one fourth of a pension; George Lord, a private, half a pension; Samuel Loomis, a corporal, one fourth of a pension; Jeremiah Markham, a sergeant, half a pension; Allyn Marsh, a corporal, half a pension; Josiah Merryman, a corporal, two thirds of a pension; Stephen Minor, a quarter gunner, half a pension; Justus Munn, a private, half a pension; Elnathan Norton, a private, three fourths of a pension; Joseph Otis, a private, half a pension; Thomas Parmelee, a sergeant, one eighth of a pension; Chandler Pardie, a private, seven eighths of a pension; Frederick Platt, a private, one third of a pension; Daniel Preston, a private, one third of a pension; David Ranney, a private, three fourths of a pension; Solomon Reynolds, a private, two thirds of a pension; Isaac Richards, a private, one third of a pension; Samuel Rossetter, a private, half a pension; Elijah Royce, a private, three fourths of a pension; Elihu Sabin, a private, half a pension; Samuel Sawyer, a private, half a pension; Nathaniel Scribner, a captain, one fourth of a pension; Thomas Shepherd, a private, one fourth of a pension; Amos Skeel, a private, one third of a pension; Heber Smith, a sergeant, half a pension; Aaron Smith, a private, one fourth of a pension; Edmund Smith, a private, half a pension; Josiah Spalding, a lieutenant, half a pension; Samuel Stillman, a private, half a pension; Benjamin Sturges, a private, one sixth of a pension; Enock Turner, junior, a private, two thirds of a pension; Richard Watrous, a private, three fourths of a pension; Stephen Wells, a lieutenant, half a pension; Jonathan Whaley, a private, one fourth of a pension; Ezra Willcox, a private, one fourth of a pension; Azel Woodworth, a private, three fourths of a pension.

Of the district of Vermont: Elijah Barnes, a private, one fourth of a pension; Elijah Bennett, a private, half a pension; Gideon Brownson, a major, a full pension; Thomas Brush, a private, one fourth of a pension; David Brydia, a private, half a pension; Nathan Burr, a private, half a

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pension; James Campbell, a private, half a pension; Oliver Darling, a private, five eighths of a pension; Samuel Eyres, a private, one fourth of a pension; Asa Gould, a private, half a pension; Benjamin Gould, a private, half a pension; Amasa Grover, a private, one third of a pension; William Hazeltine, a private, half a pension; Jonathan Haynes, a private, two thirds of a pension; Zimri Hill, a private, half a pension; William Hunt, a private, half a pension; Elijah Knight, a private, one fourth of a pension; Ebenezer M'Ilvain, a private, half a pension; William Martin, a private, two thirds of a pension; Pliny Pomeroy, a private, four fifths of a pension; Moses Saunderson, a private, two thirds of a pension; John Stark, a captain, one fourth of a pension; Thomas Torrance, a private, half a pension; Benjamin Tower, a private, two thirds of a pension; William Waterman, a private, one third of a pension; John Wilson, a sergeant, one third of a pension.

Of the district of New York: Thomas Baldwin, a sergeant, half a pension; Abraham Blauvelt, a private, a full pension; Thomas Brooks, a private, three fourths of a pension; Duncan Campbell, a lieutenant, half a pension; William Champenois, a private, three fourths of a pension; Russell Chappell, a private, half a pension; Jeremiah Everett, a private, half a pension; Samuel Miller, a private, a full pension; Jared Palmer, a sergeant, half a pension; Stephen Powell, a private, one sixteenth of a pension; John Rogers, a private, half a pension; William Smith Scudder, a private, half a pension; James Slater, a private, half a pension; John Utters, a private, three fourths of a pension; John Vaughan, a sergeant, one fourth of a pension; Asa Virgil, a private, one fourth of a pension.

Of the district of New Jersey: William Crane, a lieutenant, a full pension; William Oliver, a lieutenant, two thirds of a pension; Joel Phelps, a private, half a pension; Samuel Taylor, a corporal, two thirds of a pension.

Of the district of Pennsylvania: John Cardiffe, a private, a full pension; Josiah Conckling, a private, half a pension; William Dewitt, a private, half a pension; Thomas Eagan, a matross, half a pension; Jacob Fox, a private, one third of a pension; Alexander Garrett, a private, three fourths of a pension; Samuel Gilman (alias Gilmore,) a private, half a pension; Adam Godenberger, a private, one fourth of a pension; John Haley, a corporal, three fourths of a pension; David Hickey, a private, a full pension; Lawrence Hipple, a private, half a pension; Nathaniel Hubble, a major, two thirds of a pension; Philip Lauer, a sergeant, one fourth of a pension; Charles M'Cormick, a private, a full pension; William M'Hatton, a lieutenant, a full pension; Michael Orner, a private, one fourth of a pension; Griffith Rees, a private, half a pension; Thomas Richart, a private, a full pension; Edward Wade, a private, half a pension; Thaddeus Williams, a private, one fourth of a pension; John Wright, a sergeant, half a pension.

Of the district of Delaware: Donald M'Donald, a corporal, a full pension.

Of the district of Maryland: John Bean, a private, half a pension; William Ormond, a private, three fourths of a pension.

Of the district of Virginia: John Bell, a lieutenant, three fourths of a pension; David Welch, a private, a full pension.

Of the district of Kentucky: James Speed, a lieutenant, a full pension.

Of the district of North Carolina: John Benton, a private, a full pension; George Bledsoe, a private, a full pension; Thomas Chiles, a captain, two thirds of a pension; James Christian, a private, half a pension; Robert Harris, a private, a full pension; John Knowles, a private, two thirds of a pension; James Smith, a private, a full pension.

SEC. 2. *And be it further enacted,* That the pensions allowed by this

These pensions how to be estimated.

Return of commutation.

1791, ch. 2.

These pensions how to be paid.

act, shall be estimated in manner following; that is to say: A full pension to a commissioned officer shall be considered, the one half of his monthly pay, as by law established; and the proportions less than a full pension shall be the like proportions of half pay: And a full pension to a non-commissioned officer or private soldier, shall be five dollars per month; and the proportions less than a full pension, shall be the like proportions of five dollars per month: *Provided*, That every commissioned officer who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance with the same rule respecting a return of the commutation, which he may have received, as is provided for, in the case of captain David Cook, by an act of Congress, passed December the sixteenth, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the pensioners aforesaid shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the list of pensioners of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States, in such cases provided.

APPROVED, April 20, 1796.

STATUTE I.

April 28, 1796.

[Obsolete.]

Commissioners of the sinking fund to pay the funded stock bearing an interest of six per cent. by dividends.

Ante, p. 433.

CHAP. XVI.—*An Act in addition to an act intituled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the commissioners of the sinking fund, and they are hereby required, to cause the funded stock of the United States bearing a present interest of six per centum per annum, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and eighteen inclusive, at the rate of one and one half per centum upon the original capital. Secondly, by dividends to be made on the last day of December for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and seventeen inclusive, at the rate of three and one half per centum upon the original capital; and by a dividend to be made on the last day of December, in the year one thousand eight hundred and eighteen, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 2. *And be it further enacted*, That it shall be lawful for the said commissioners of the sinking fund, and they are hereby required, to cause the funded debt of the United States, upon which an interest of six per centum per annum will commence on the first day of January, in the year one thousand eight hundred and one, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-four, inclusively, at the rate of one and one half per centum upon the original capital: Secondly, by dividends to be made on the last day of December, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-three, inclusively, at the rate of three and one half per centum upon the original capital: and by a dividend to be made on the last day of December, in the year one thousand eight hundred and twenty-four, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 3. *And be it further enacted*, That it shall be lawful for the

The funded debt, the interest of which is deferred, also by dividends;

said commissioners of the sinking fund, and they are hereby required, to cause to be reimbursed and paid in manner before prescribed, such sum and sums, as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of all such balances of the funded debt or stock of the United States, bearing a present interest of six per centum per annum, or which will bear a like interest, from and after the first day of January, in the year one thousand eight hundred and one, as stand to the credit of certain states, in consequence of an act passed on the thirty-first day of May, in the year one thousand seven hundred and ninety-four; and with the consent of the said states, such additional sums, as will render the reimbursement of the said balances equal to that made upon the residue of the said stock, at the commencement of the present year.

SEC. 4. *And be it further enacted*, That, in addition to the sums already appropriated to the sinking fund, by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," there shall be, and is hereby, in like manner, appropriated to the said fund, such a sum of the duties on goods, wares and merchandise imported on the tonnage of ships and vessels, and on spirits distilled in the United States and on stills, as, with the monies, which now constitute the sinking fund, and shall accrue to it, in virtue of the provisions already made by law, and the interest upon the sums which shall be annually reimbursed, will be sufficient, yearly and every year, to reimburse and pay the said balances standing to the credit of certain states, in the manner herein before prescribed and directed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the commissioners of the sinking fund, to appoint a secretary, whose duty it shall be, to record and preserve their proceedings and documents, and to certify copies thereof, when thereunto duly required; and the said secretary shall be allowed a compensation not exceeding two hundred and fifty dollars, annually, for his services.

APPROVED, April 28, 1796.

And certain sums of balances of funded debt or stock, standing to the credit of certain states, in like manner.

Ante, p. 371.

Appropriation for the payment of said balances standing to the credit of certain states.

1795, ch. 45.

The commissioners may appoint a secretary.

His compensation.

STATUTE I.

May 6, 1796.

CHAP. XVII.—*An Act making an Appropriation towards defraying the Expenses which may arise in carrying into effect the Treaty of Amity, Commerce and Navigation, made between the United States and the King of Great Britain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That towards defraying the expenses which may arise in carrying into effect the treaty of amity, commerce and navigation, made between the United States and the king of Great Britain, there be appropriated a sum not exceeding eighty thousand eight hundred and eight dollars, to be paid out of the duties on impost and tonnage, to the end of the present year, not already appropriated; *Provided*, that the compensations to be allowed to any of the commissioners appointed, or to be appointed, in pursuance of any article of the said treaty, shall not exceed, to those who shall serve in Great Britain, the rate of six thousand six hundred and sixty-seven dollars and fifty cents, per annum; and to those who shall serve in the United States, the rate of four thousand four hundred and forty-five dollars, per annum.

APPROVED, May 6, 1796.

[Obsolete.]

Appropriation towards defraying the expenses of carrying the treaty of amity, commerce, &c. between the United States and Great Britain, into effect.

Limitation of the commissioners' compensation.

STATUTE I.

May 6, 1796.

CHAP. XVIII.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the King of Spain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defray-

[Obsolete.]

Appropriation for the expenses

of carrying into effect the treaty made between the United States and the king of Spain.

Limitation of the commissioners' compensation.

ing the expenses which may arise in carrying into effect, the treaty made between the United States and the king of Spain, a sum not exceeding eighteen thousand six hundred and eighty-three dollars, be, and the same hereby is appropriated, to be satisfied from the duties of impost and tonnage, to the end of the present year, not heretofore appropriated: *Provided*, That the compensation to be allowed to any of the commissioners, to be appointed in pursuance of any article of the said treaty, shall not exceed the rate of three thousand five hundred dollars, per annum.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

\$24,000 per annum appropriated for the payment of the annuity to the Dey and Regency of Algiers.

CHAP. XIX.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of carrying into effect the treaty made between the United States and the Dey and Regency of Algiers, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of twenty-four thousand dollars per annum, be, and the same are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers, and to continue so pledged and appropriated, so long as the said treaty shall be in force.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Appropriation for defraying the expenses of carrying into effect a treaty made between the United States and certain Indian tribes, northwest of the river Ohio.

CHAP. XX.—*An Act making Appropriations for defraying the Expenses which may arise in carrying into effect a Treaty made between the United States and certain Indian Tribes, northwest of the river Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses which may arise in carrying into effect the treaty made between the United States and the tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel river, Weeá, Kickapoo, Piankashaw, and Kaskaskias, at Greenville, on the third day of August, one thousand seven hundred and ninety-five, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, be, and are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Indian tribes; that is to say; to the Wyandots, one thousand dollars; to the Delawares, one thousand dollars; to the Shawanoes, one thousand dollars; to the Ottawas, one thousand dollars; to the Chippewas, one thousand dollars; to the Putawatimes, one thousand dollars; to the Miamis, one thousand dollars; to the Eel river, Weeá, Kickapoo, Piankashaw and Kaskaskias tribes, each five hundred dollars: And to continue so pledged and appropriated, so long as the said treaty shall be in force. And that a further sum of one thousand five hundred dollars, out of the monies aforesaid, be also appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of the said annuity, according to the stipulations contained in the said treaty.

APPROVED, May 6, 1796.

CHAP. XXI.—*An Act authorizing a Loan for the use of the City of Washington, in the District of Columbia, and for other purposes therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners, under the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," be, and they are hereby authorized, under the direction of the President of the United States, to borrow, from time to time, such sum or sums of money, as the said President shall direct, not exceeding three hundred thousand dollars in the whole, and not exceeding two hundred thousand dollars, in any one year, at an interest not exceeding six per centum per annum, and reimbursable at any time after the year one thousand eight hundred and three, by instalments, not exceeding one fifth of the whole sum borrowed, in any one year; which said loan or loans shall be appropriated and applied by the said commissioners, in carrying into effect the above recited act, under the control of the President of the United States.

SEC. 2. *And be it further enacted,* That all the lots, except those now appropriated to public use in the said city, vested in the commissioners aforesaid, or in trustees, in any manner, for the use of the United States, now holden and remaining unsold, shall be, and are hereby declared and made chargeable with the repayment of all and every sum and sums of money, and interest thereupon, which shall be borrowed in pursuance of this act: And, to the end, that the same may be fully and punctually repaid, the said lots, or so many of them as shall be necessary, shall be sold and conveyed, at such times, and in such manner, and on such terms, as the President of the United States, for the time being, shall direct: And the monies arising from the said sales, shall be applied and appropriated, under his direction, to the discharge of the said loans, after first paying the original proprietors any balances due to them, respectively, according to their several conveyances to the said commissioners or trustees. And if the product of the sales of all the said lots shall prove inadequate to the payment of the principal and interest of the sums borrowed under this act, then the deficiency shall be paid by the United States, agreeably to the terms of the said loans; for it is expressly hereby declared and provided, that the United States shall be liable only for the repayment of the balance of the monies to be borrowed under this act, which shall remain unsatisfied by the sales of all the lots aforesaid, if any such balance shall thereafter happen.

SEC. 3. *And be it further enacted,* That every purchaser or purchasers, his or their heirs or assigns, from the said commissioners or trustees, under the direction of the said President, of any of the lots herein before mentioned, after paying the price, and fulfilling the terms stipulated and agreed to be paid and fulfilled, shall have, hold and enjoy the said lot or lots so bought, free, clear and exonerated from the charge and incumbrance hereby laid upon the same.

SEC. 4. *And be it further enacted,* That the commissioners aforesaid, shall, semi-annually, render to the Secretary of the Treasury, a particular account of the receipts and expenditures of all monies intrusted to them, and also, the progress and state of the business, and of the funds under their administration; and that the said secretary lay the same before Congress, at every session after the receipt thereof.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Commissioners of the city of Washington may, under the direction of the President, borrow certain sums.

1790, ch. 28.
1802, ch. 41.

Certain lots made chargeable with the repayment of those loans.

Those lots to be sold, and the monies applied to discharge the loans.

If the product of such sales should be insufficient, then only the United States to pay the deficiency.

Purchasers of lots to be exempt from incumbrance.

Commissioners shall render an account of receipts and expenditures, &c. semi-annually to the Secretary of the Treasury, who shall lay it before Congress.

STATUTE I.

May 6, 1796.

[Obsolete.]

CHAP. XXII.—*An Act making further provision relative to the Revenue Cutters.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from

Alteration of the compensation to the officers and mariners of the revenue cutters.

Forfeitures under the impost laws, recovered in consequence of information given by officers of the revenue cutters, how to be disposed of.

President to cause other revenue cutters to be built or purchased in lieu of such as become unfit for service.

Those which are unfit for service to be sold.

Limitation of the first section.

Act of March 2, 1799, ch. 23.

STATUTE I.

May 6, 1796.

[Obsolete.]

Consent of Congress granted to the act of Maryland for collecting a duty of one cent per ton on vessels coming into Baltimore district from a foreign voyage.

Limitation of the act.

See page 546, post.

and after the first day of May, in the present year, there be allowed, in lieu of the compensation now established, to the master of each revenue cutter, fifty dollars per month; to each first mate, thirty-five dollars per month; to each second mate, thirty dollars per month; to each third mate, twenty-five dollars per month; and to each mariner, not exceeding twenty dollars per month; to be paid by the collectors of the revenue, who shall be designated for that purpose.

SEC. 2. *And be it further enacted*, That all penalties, fines and forfeitures which may be incurred under the impost laws of the United States, and recovered in consequence of information given by any officer of a revenue cutter, shall, after deducting all proper costs and charges, be disposed of, as follows: One fourth part shall be for the use of the United States, and be paid into the treasury thereof; one fourth part, for the officers of the customs, to be distributed in the manner now provided, relative to that part of forfeitures they are now entitled to; and the remainder thereof, to the officers of such cutter, to be divided among them, in proportion to their pay.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to cause other revenue cutters to be built or purchased, in lieu of such as are or shall, from time to time, become unfit for further service; the expense whereof, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause such revenue cutters as shall, from time to time, become unfit for service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the United States.

SEC. 5. *And be it further enacted*, That so much of this act as fixes the compensation of the officers and men on board the said cutters, shall be, and remain in force, for the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

CHAP. XXIII.—*An Act to continue in force, for a limited time, an act intituled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer."*

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 is hereby granted and declared, to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer, for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

STATUTE I.

May 12, 1796.

CHAP. XXIV.—*An Act to repeal so much of an act intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the Circuit Court for the district of Pennsylvania shall be holden at Yorktown; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the fifth section of the act, intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the circuit court for the district of Pennsylvania, shall be holden at Yorktown, be, and the same is hereby repealed; and that all the sessions of the said circuit court, shall, from and after the passing of this act, be holden at the city of Philadelphia, excepting only, when at any session of the said court, the judges thereof shall direct the next session to be holden at Yorktown; which they are hereby authorized and empowered to do, whenever it shall appear to them to be necessary.

SEC. 2. *And be it further enacted,* That all such process of the said court, as may have issued before the passing of this act, and all recognizances returnable, and all suits and other proceedings that were continued to the said circuit court for the district of Pennsylvania, on the eleventh of October next, in Yorktown, shall now be returned, and held continued to the same court, on the same day, at Philadelphia. And to the end, that suitors, witnesses and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of Pennsylvania is hereby required to make the same known, by proclamation, on or before the first day of August next.

APPROVED, May 12, 1796.

Act of Sep. 20, 1789, ch. 20.
Circuit court for Pennsylvania district to be holden only at Philadelphia, except when the judges direct it to be holden at Yorktown.

Returns and continuances to the 11th of next October at Yorktown changed to the same day at Philadelphia.

Notice thereof to be given by the marshal by proclamation.

STATUTE I.

May 12, 1796.

CHAP. XXV.—*An Act allowing compensation for Horses killed in battle belonging to officers of the army of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every officer in the army of the United States, whose duty requires him to be on horseback, in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. *And be it further enacted,* That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine: *Provided,* That no person shall receive payment for any horse so killed, until he make satisfactory proof to the Secretary at War, that the horse, for which he claims compensation, was actually killed under such circumstances, as to entitle him to this provision, in all cases, which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. *And be it further enacted,* That the proof of the value of such horse shall be, by the affidavit of the quartermaster of the corps, to which the owner may belong, or of two other credible witnesses.

APPROVED, May 12, 1796.

Officers whose duty requires them to be on horseback, to be paid for horses killed in battle.

Act to be retrospective as far as fourth of March, 1789.

Proof to be made to the Secretary of War within a limited time.

How proof of the value shall be made.

STATUTE I.

May 12, 1796.

CHAP. XXVI.—*An Act declaring the consent of Congress to a certain Act of the State of Maryland, and to continue an act declaring the assent of Congress to certain Acts of the States of Maryland, Georgia and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the con-

[Expired.]

Consent of Congress to a certain act of

Maryland empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

Part of the act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations continued in force. 1800, ch. 15.

sent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, intitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

SEC. 2. *And be it further enacted*, That the act, intitled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations.

SEC. 3. *And be it further enacted*, That this act shall be, and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 12, 1796.

STATUTE I.

May 17, 1796.

CHAP. XXVII.—*An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.*

A lighthouse to be erected on Cape Cod.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the United States;) and to furnish the same, with all necessary supplies: And also, to agree for the salaries, or wages of the person, or persons, who may be appointed by the President, for the superintendence and care of the same: And that the number or disposition of the light or lights in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet head, at the entrance of Plymouth harbour, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any monies not otherwise appropriated.

APPROVED, May 17, 1796.

Appropriation therefor.

STATUTE I.

May 18, 1796.

CHAP. XXIX.—*An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river.*(a)

A surveyor general to be appointed; his power and duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(a) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 2, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 15, 1806, chap. 26; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1816, chap. 127, &c. &c.

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

SEC. 2. *Be it further enacted*, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been :

A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. *Lessee of Johnson et al. v. McIntosh*, 8 Wheat. 543; 5 Cond. Rep. 515.

The title to land depends entirely on the laws of the nation in which they lie. *Ibid.*

Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. *Ibid.*

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. *Ibid.*

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. *Ibid.*

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy: and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. *Ibid.*

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and own no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. *Ibid.*

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. *Ibid.*

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. *Wilcox v. Jackson*, 13 Peters, 498.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands: and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. *Ibid.*

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. *Ibid.*

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. *Ibid.*

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. *Ibid.*

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. *Ibid.*

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. *Bagnell v. Broderick*, 13 Peters, 436.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. *Ibid.*

The lands how to be surveyed, laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of each section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of townships and fractional parts to be made.

Reservations for the future disposal of the United States.

SEC. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Sections of 640 acres (except reservations) to be sold at ven-

SEC. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

SEC. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

SEC. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

SEC. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold,

Mode of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1812, ch. 68, sec. 8.
1836, ch. 352, sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways.

Streams not navigable, to be common property.

Compensation of Surveyor Gen.

President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

SEC. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

for the faithful discharge of his trust : That, for receiving, safe keeping, and conveying to the treasury the money he may receive, he shall be entitled to a compensation to be hereafter fixed.

APPROVED, May 18, 1796.

ney in the western territory to give bond, &c.

STATUTE I.

CHAP. XXX.—*An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers.*(a)

May 19, 1796.

[Expired.]

Act of March 30, 1802, Act of March 3, 1799.

A boundary line between the United States and various Indian tribes to be ascertained and marked.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch, to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at, or near which fork, stood Laramie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawba river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clark, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence easterly on the said ridge, to a point, from whence, a southwest line will strike the mouth of Duck river; thence still easterly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the top of Cumberland mountain; thence along Campbell's line, to the river Clinch; thence down the said river, to a point from which a line shall pass the Holsten, at the ridge, which divides the waters running into Little River, from those running into the Tennessee; thence south, to the North Carolina boundary; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's; *Provided always,* that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act, shall be construed to apply to the said line so to be varied, in the same manner, as the said provisions now apply to the boundary line herein before recited.

Provision for alterations which may be made by treaty.

(a) The act of March 30, 1802, having described what should be the Indian country at that time, as well as at any future time, when purchases of territory should be made of the Indians, the carrying of spirituous liquors into a territory so purchased after March, 1802, although the same should be frequented and inhabited exclusively by Indians, would not be an offence within the meaning of the act of Congress, so as to subject the goods of the trader, found in company with those liquors, to seizure and forfeiture. *American Fur Company v. The United States*, 2 Peters, 358.

Penalty on passing the boundary to hunt, &c.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Penalty on going into the country of the Indians south of the Ohio without a passport.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country, which is allotted, or secured by treaty as aforesaid to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person, as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned, not exceeding three months.

Penalty on committing certain offences against the Indians.

SEC. 4. *And be it further enacted*, That if any such citizen or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state, against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

U. States to pay in certain cases.

Penalty on settling on, &c. the Indian lands.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States, to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon: And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

President may cause settlers to remove.

Penalty on committing murder upon an Indian.

SEC. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any

Indian or Indians, belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

SEC. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting-camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond, with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit, such bonds as he may have taken, on the breach of any condition therein contained.

Traders to have licenses.

SEC. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of any of the Indian tribes, as a trader without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

Penalty on trading without license.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Penalty on purchasing or receiving certain things from Indians.

SEC. 10. *And be it further enacted*, That no such citizen or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

No person to purchase a horse in the Indian country without special license.

Return to be made thereof.

Penalty.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting

Person authorized to grant a license not to trade or purchase horses on private account.

for, and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Purchases of Indian lands to be sold only by treaty.

Penalty on treating without authority.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty, or convention, entered into pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided nevertheless*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians, under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

Presents to the Indians—agents to reside among them.

SEC. 13. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

Proceedings on offences committed by Indians.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen, or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state

or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with, full power and authority, to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding: And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer, to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such district have in their ordinary sessions: And when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district, in which such offender may have been apprehended, or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the United States.

Jurisdiction of the courts herein.

Commissions of oyer and terminer may be issued.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person, who shall, or may be found in the Indian country, over and beyond the said boundary line, between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against, in due course of law: *Provided*, that no person, apprehended by military force, as aforesaid, shall be detained longer than ten days, after the arrest, and before removal.

Military may apprehend offenders.

SEC. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly

Trial may be had where the offender is found.

Military to aid the civil officers.

authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

Amount of fines and duration of imprisonment discretionary, &c.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment, for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half to the use of the United States: Except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

To whose use the forfeitures shall be.

Certain trade and intercourse excepted.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district; and of the navigation of the Tennessee river, as reserved and secured by treaty.

Certain roads excepted.

The President may cause to be ascertained other boundary lines.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

Other acts repealed.

SEC. 21. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be, and they are hereby repealed: *Provided, nevertheless*, that all disabilities, that have taken place, shall continue and remain; all penalties and forfeitures, that have been incurred, may be recovered; and all prosecutions and suits, that may have been commenced, may be prosecuted to final judgment, under the said act or acts, in the same manner, as if the said act or acts were continued, and in full force and virtue.

Proviso.

Limitation of this act.

SEC. 22. *And be it further enacted*, That this act shall be in force, for the term of two years, and from thence to the end of the session of Congress next thereafter, and no longer.

APPROVED, May 19, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXI.—*An Act relative to Quarantine.*(a)

Repealed by the 8th sec. of the Act of Feb. 25, 1799. ch. 12.

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, to direct the revenue officers and the officers commanding forts and revenue cutters, to aid in the execution of quarantine, and also in the execution of the health laws of the states, respectively, in such manner as may to him appear necessary.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXII.—*An Act altering the Compensation of the Accountant of the War Department.*

[Obsolete.]

Compensation to the Accountant of the War Department.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall hereafter be allowed to the Accountant of the Department of War, the sum of one thousand six hundred dollars per annum, as a com-

(a) See an act respecting quarantine and health laws, passed February 25, 1799, chap. 12.

pensation for his services, in lieu of the compensation heretofore allowed.

SEC. 2. *And be it further enacted*, That all letters and packets to or from the Accountant of the department of War, shall be conveyed by post, free of postage, under such restrictions as are provided by law, in like cases.

Privilege of franking.

APPROVED, May 27, 1796.

CHAP. XXXIII.—*An Act respecting the Mint.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appropriated for the purchase of copper for the further coinage of cents and half cents, a sum equal to the amount of the cents and half cents which shall have been coined at the mint, and delivered to the treasurer of the United States, subsequent to the first day of January, one thousand seven hundred and ninety-six, which sum shall be payable out of any monies in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same, and an accurate account of such expense on every deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the treasurer of the mint, to the treasurer of the United States.

SEC. 3. *And be it further enacted*, That this act shall continue in force for the term of two years from the passing thereof, and from thence until the end of the next session of Congress thereafter holden, and no longer.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

[Expired.]

Act of Jan. 14, 1793, ch. 2.

Act of April 24, 1800, ch. 34.

Appropriation for the purchase of copper.

Part of gold and silver bullion to be retained.

Limitation.

STATUTE I.

May 27, 1796.

[Obsolete.]

Time and place of holding the district court of Vermont.

1802, ch. 31.

Fall session of the circuit court of Rhode Island.

Times of holding the district court of Rhode Island.

1804, ch. 31.

Returns of writs and processes, &c.

CHAP. XXXIV.—*An Act altering the Sessions of the Circuit Courts in the Districts of Vermont and Rhode Island; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June next, the circuit court, for the district of Vermont, shall be held at Rutland and Windsor, alternately, beginning with the former, on the seventh day of November, and on the twelfth day of May, annually: *Provided*, when either of those days shall be Sunday, the court shall be held on the day following.

SEC. 2. *And be it further enacted*, That the fall session of the circuit court, for the district of Rhode Island, shall be held on the nineteenth day of November, with the exception for Sunday, as is provided in the preceding section.

SEC. 3. *And be it further enacted*, That the district court for the district last aforesaid, instead of the several days heretofore prescribed, shall be held annually, on the first Tuesday of August, the third Tuesday of November, the first Tuesday of February, and the second Tuesday of May.

SEC. 4. *And be it further enacted*, That all writs and processes, of whatever name or description, which may have issued from either of the courts before mentioned, or which shall hereafter issue, the return of which will be interrupted by this act, shall be returned to the terms of the courts, respectively, next succeeding the terms, to which they were made returnable: And the said writs and processes before mentioned, together with all matters and business depending before either of the courts before mentioned, shall be taken up and proceeded upon to final issue and determination, in the same manner, and to the same effect, as

if no alteration had been made in the times or places of holding the said courts respectively.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXV.—*An Act in addition to an act intituled "An act supplementary to the act, intituled An act to provide more effectually for the Collection of the Duties on Goods, Wares and Merchandise imported into the United States, and on the Tonnage of Ships or Vessels."*

[Obsolete.]
Certain new districts and ports of delivery established.
1799, ch. 22.
Ante, p. 420.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of June next, there shall be established, the following new districts and ports of delivery, to wit: In the state of Massachusetts, a district to be called the district of Ipswich; which shall include the waters and shores within the said town of Ipswich, which shall be the sole port of entry of the same: And a collector shall be appointed, to reside in the said town of Ipswich; and thenceforward, the office of surveyor for the said port shall cease. In the state of New Jersey, a district, to be called the district of Little Egg Harbor, which shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat inlet to Brigantine inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district: And a collector for the same shall be appointed, to reside at the said town of Tuckerton; and thenceforward, the office of surveyor for the port of Little Egg Harbor shall cease. In the state of Maryland, a district, to be called the district of Havre-de-Grace; which shall include all the shores and waters of the Chesapeake bay, above Turkey point and Spes Utæ island: And a collector shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same. In the district of Newburyport, the town of Newbury shall be a port of delivery: In the district of Dighton, the towns of Berkley and Taunton shall be ports of delivery.

Alteration of certain districts.

Ante, p. 420.

SEC. 2. *And be it further enacted,* That from and after the last day of June next, the district of Hudson, in the state of New York, shall be confined to the limits of the city of Hudson; and all other places, which were, by the act, intituled "An act supplementary to the act, intituled An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," included in the said district of Hudson, shall be annexed to the district of New York. And the description of the district of Waldoborough, in the said recited act, shall be so far altered, as, instead of saying, "A place called Duck-trap," to say, "that part of a place called Duck-trap, which lies between the towns of Camden and Northport;" and, instead of saying, "All the shores and waters from the middle of Damarascotty river to Duck trap," to say, "all the shores and waters from the middle of Damarascotty river, to the southwardly side of the town of Northport." That, in the state of Maryland, the district of Cedar-point shall be called the district of Nanjemoy; which shall be the sole port of entry and delivery for the said district; and the collector shall reside at Nanjemoy. And that in the district of Nantucket, in the state of Massachusetts, the name of the port of Sherburne shall be changed to the port of Nantucket. *Provided always,* that no alteration in the name or description of the said districts shall be construed to affect the compensation of the officers thereof.

Proviso.

Collectors to be appointed under this act to give security, &c.

SEC. 3. *And be it further enacted,* That the collectors to be appointed in conformity with this act, shall each become bound in the sum of two thousand dollars, in manner, as is by law provided in like cases: And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments as are now in like cases

authorized by law. And the collectors aforesaid shall each receive two per centum on all monies by them respectively received; and shall also, respectively, receive the allowance of one hundred dollars, annually, from and after the said last day of June next.

APPROVED, May 27, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVI.—*An Act for the relief and protection of American Seamen.*

SECTION 1. *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, by and with the advice and consent of the Senate, be, and hereby is authorized to appoint two or more agents; the one of whom shall reside in the kingdom of Great Britain, and the others at such foreign ports, as the President of the United States shall direct. That the duty of the said agents shall be, under the direction of the President of the United States, to inquire into the situation of such American citizens or others, sailing, conformably to the law of nations, under the protection of the American flag, as have been, or may hereafter be impressed or detained by any foreign power, to endeavour, by all legal means, to obtain the release of such American citizens or others, as aforesaid; and to render an account of all impressments and detentions whatever, from American vessels, to the executive of the United States.

Act of March 2, 1799, ch. 36.
Two agents to be appointed.

Their duties.

SEC. 2. *And be it further enacted,* That if it should be expedient to employ an additional agent or agents, for the purposes authorized by this law, during the recess of the Senate, the President alone be, and hereby is, authorized to appoint such agent or agents.

Additional agents may be appointed during the recess of the Senate.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to draw, annually, out of the treasury of the United States, a sum not exceeding fifteen thousand dollars, not otherwise appropriated, to be applied by him in such proportions as he shall direct, to the payment of the compensation of the said agents, for their services, and the incidental expenses attending the performance of the duties imposed on them by this act.

Appropriation.

SEC. 4. *And be it further enacted,* That the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, That E. F., an American seaman, aged _____ years, or thereabouts, of the height of _____ feet _____ inches, [describing the said seaman as particularly as may be] has, this day, produced to me proof in the manner directed in the act, intituled "An act for the relief and protection of American seamen;" and, pursuant to the said act, I do hereby certify, that the said E. F. is a citizen of the United States of America: In witness whereof, I have hereunto set my hand and seal of office, this _____ day of _____."

Collectors to grant certificates of citizenship.

And it shall be the duty of the collectors aforesaid, to file and preserve the proofs of citizenship produced, as aforesaid: And for each certificate delivered, as aforesaid, the said collectors shall be entitled to receive from the seaman applying for the same, the sum of twenty-five cents.

SEC. 5. And, in order that full and speedy information may be obtained of the seizure or detention, by any foreign power, of any seamen employed on board any ship or vessel of the United States, *Be it further enacted,* That it shall, and hereby is declared to be the duty of the master of every ship or vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, at

In case of the impressment or detention of seamen, master of the ship to make a protest, &c.

Master to make a protest in case of impressment of seamen.

the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also, whether he was an American citizen; and if not, to what nation he belonged. And it shall be the duty of such master, to transmit by post, or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States, to the Secretary of State, together with information to whom the original protest was transmitted: And in case such protest shall be made within the United States, or in any foreign country, in which no consul, agent or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Secretary of State, and Secretary of the Treasury, to transmit this act.

SEC. 6. *And be it further enacted*, That a copy of this law be transmitted by the Secretary of State, to each of the ministers and consuls of the United States, resident in foreign countries, and by the Secretary of the Treasury, to the several collectors of the districts of the United States, whose duty it is hereby declared to be, from time to time, to make known the provisions of this law, to all masters of ships and vessels of the United States entering, or clearing at their several offices. And the master of every such ship or vessel shall, before he is admitted to an entry, by any such collector, be required to declare on oath, whether any of the crew of the ship or vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of this act: and every such master as shall wilfully neglect or refuse to make the declarations herein required, or to perform the duties enjoined by this act, shall forfeit and pay the sum of one hundred dollars. And it is hereby declared to be the duty of every such collector to prosecute for any forfeiture that may be incurred under this act.

Master of ship to make oath before admission to an entry.

Penalty on masters of ships violating this act.

Collectors to send a list, &c. to the Secretary of State every three months.

SEC. 7. *And be it further enacted*, That the collector of every port of entry in the United States shall send a list of the seamen registered under this act, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

Limitation of parts of the act.

SEC. 8. *And be it further enacted*, That the first, second and third sections of this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

[Repealed.]

Act of June 5, 1794, ch. 45.
Act of July 24, 1813, ch. 24.
Act of Dec. 15, 1814, ch. 12.

Former duties to cease, and others laid in lieu of them.

CHAP. XXXVII.—*An Act laying duties on Carriages for the conveyance of persons; and repealing the former act for that purpose.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of August next, the duties laid by the act, intituled "An act laying duties upon carriages for the conveyance of persons," shall cease, and shall not thenceforth be collected; but in lieu thereof, there shall be levied, collected and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by, or for any person, for his or her own use, or to be let out for hire, or for the conveyance of passengers, to wit: For and upon every coach, whether driven with a box, or by postilion, the yearly sum of fifteen dollars: For and upon every chariot, post-chariot and post-chaise, the yearly sum of twelve dollars: For and upon every phaeton for the

conveyance of one or more persons, with or without a top; and for and upon every coachee, or other carriage, having pannel-work, with blinds, glasses or curtains in the upper division of the sides, front or back thereof, the yearly sum of nine dollars: For and upon every four wheel carriage, having framed posts and tops, and hanging on steel springs, (whether drawn by one or more horses) the yearly sum of six dollars: For and upon every four wheel top-carriage, hanging upon wooden or iron springs or jacks, (whether drawn by one or more horses;) and upon every curricule, chaise, chair, sulkey, or other two wheel top-carriage, and upon every two wheel carriage, hanging or resting upon steel or iron springs, the yearly sum of three dollars; and for and upon every other two wheel carriage, the yearly sum of two dollars: And upon every four wheel carriage, having framed posts and tops, and resting upon wooden spars, the yearly sum of two dollars: *Provided always*, that nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, merchandise, produce or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been, or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class, to which the same shall bear the greatest resemblance (to be determined in manner herein after provided) and shall be subject to duty accordingly.

All carriages for the conveyance of persons to be taxed. Carriages of doubtful class.

SEC. 3. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection; subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

These duties how to be collected, &c.

SEC. 4. *And be it further enacted*, That every person having or keeping a carriage or carriages, upon which a duty or duties shall be payable, according to this act, shall, yearly and in every year, in the month of September, or within sixty days previous thereto, make and subscribe a true and exact entry of each and every such carriage; therein specifying, distinctly, each carriage owned or kept by him or her, for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable; which entry shall be lodged with the officer of inspection for the district, in which such owner or person liable for the payment of such duty shall reside: and that it shall be the duty of the officers of inspection, to attend, within the month of September in each year, at one or more of the most public and convenient places, in each county within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance, and to receive such entry made in the manner before directed, at such place, or at any other, where he may happen to be within the said month of September; and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry; therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which, such duty shall be so paid: and the forms of the certificates to be so granted shall be prescribed by the treasury department; and such certificates, or the acknowledgments of the officer of inspection, by a credit in his public accounts, shall be the only evidence, to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided nevertheless*, that no certificate shall be deemed of validity, any longer, than while the carriage, for which the

Entry to be made every year.

Duty of the officers of inspection.

Certificate to be granted.

Change of ownership.

said certificate was granted, is owned by the person mentioned in such certificate, unless such certificate shall be produced to the officer of inspection, by whom it was granted; and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

Provision for persons beginning to keep a carriage after the month of September.

SEC. 5. *And be it further enacted*, That any and all persons, who shall commence the having or keeping of any carriage, subject to duties, after the month of September, and before the month of September in the next succeeding year, shall and may, at any time during the month in which they shall so commence the having or keeping of such carriage, make like entry, in manner before prescribed; and on payment of such proportion of the duties laid by this act, on such carriage, as the time, at which he shall commence the keeping of such carriage, to the end of the month of September then next ensuing, shall bear to the whole year, shall be entitled to, and may demand like certificates, subject, nevertheless, to the conditions before and herein after provided.

When duties shall be deemed to commence.

SEC. 6. *And be it further enacted*, That the duties payable by this act shall, in respect to any and all persons who shall have or keep carriages, during the month of September, be deemed to commence, and shall be computed from the last day of the said month: And in respect to persons, who shall commence the having or keeping of carriages, after the said month of September, the said duties shall be deemed to commence, and shall be computed, from the last day of the month in which they shall so begin to have or keep such carriages; conformably to which, the certificates before, and herein after mentioned, shall be issued and granted.

Penalty on making an untrue entry; or no entry; or not paying duties.

SEC. 7. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable, according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall, moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of inspection, be liable, and shall pay the duties by this act imposed, with a further sum for the benefit of such officer, of twenty-five per centum: which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person, by whom the same shall be due and payable: *Provided always*, that such application and demand shall not be made until sixty days after the day on which any duty shall commence; and if entry and payment shall be made, within the said sixty days, at the office of inspection of the district, or at any other place, where the inspector may happen to be, the owner of the carriage shall be exempted from the payment of the said sum of twenty-five per centum: *Provided nevertheless*, that if any person, of whom such application and demand shall be made, shall forthwith present to such officer of inspection, a full and exact description, of the carriage or carriages, on which the duties demanded shall have accrued, with a statement of the cause, matter or thing, whereby an entire exemption from duty is claimed, or whereby a right is claimed under this act, to a remission of a part of the sum demanded, such description and statement being first subscribed and verified on oath or affirmation, before some competent magistrate, by the person, by or for whom the same shall be presented; then and in such case, the officer of inspection shall receive such description and statement, and shall, furthermore, forbear to collect the duties and sum demanded.

Proviso.

SEC. 8. *And be it further enacted*, That the officers of inspection, who shall receive the statements and allegations of persons claiming

either an entire exemption, or a remission of any part of any duty, or sum demanded under authority, derived from this act, which may be presented to them, in manner and form before prescribed, shall forthwith transmit the same to the supervisors of their respective districts, for their consideration and decision, with such proofs and evidence in relation thereto, as they shall judge proper. And the supervisors shall forthwith, on receiving the statements and allegations before mentioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act.

Officers of inspection to send allegations to supervisors for their decision.

SEC. 9. *And be it further enacted*, That the decisions of the supervisors in the cases referred to them, in manner before prescribed, shall be forthwith communicated to the officers of inspection, whom the same may concern; and such decisions shall be final and conclusive, when rendered against the demand of any officer of inspection, for any duties imposed by this act: And in cases, where the said supervisors shall decide, that the duties in question, or any part thereof, are justly payable according to this act, the proper officer of inspection shall forthwith collect the same, by distress and sale of the goods and chattels of the persons charged with such duties: *Provided nevertheless*, that any person aggrieved by the decision of a supervisor, may, within two months, by application in writing to such supervisor, require that the statements and proofs, on which such decision was founded, be transmitted to the Secretary of the Treasury, who shall have power to determine thereon, and if he judge proper, to direct the duty or duties, which shall have been collected in consequence of such decision, to be returned; and if any such person shall be aggrieved by the decision of the Secretary of the Treasury, he shall be allowed, within four months, to institute a suit in the proper district court of the United States, against the supervisor of the district, for the recovery of any duties collected in pursuance of any decision rendered in manner aforesaid; but the parties maintaining such suits shall, in all such cases, be confined to the assignment and proof of such facts and matters, as may have been previously stated to the said supervisors, in manner before provided.

Decisions of supervisors to be final.

Proviso.

SEC. 10. *And be it further enacted*, That in all cases, where any duty shall be collected, pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage, in manner, as before prescribed.

Certificates to be given for the duties.

SEC. 11. *And be it further enacted*, That the supervisors of the revenue, and inspectors of surveys, shall have power, from time to time, to examine, upon oath or affirmation, any officers or persons employed under them in the collection and receipt of the duties imposed by this act: And any officer or person, who shall swear or affirm falsely, touching any matter hereby required to be verified on oath or affirmation, shall, on conviction thereof, suffer the pains and penalties, which are prescribed for wilful and corrupt perjury.

Power to supervisors and inspectors to examine on oath the officers employed by them.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding, in the whole, five per centum of the total amount of the said duties collected.

President of U. States to allow for collection of the duties not exceeding five per cent. on the whole amount.

SEC. 13. *And be it further enacted*, That the act, intituled "An act laying duties on carriages for the conveyance of persons," and so much of the fifteenth section of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as authorizes the President of the United States to apply a sum not exceeding five per centum on the total amount of duties collected on carriages for the conveyance of persons, shall cease, and be repealed, from and after the last day of August next; except for the

Certain act and parts of act repealed.

1794, ch. 45.
1795, ch. 43.

Exception.

recovery of any duties or penalties, which shall have accrued, and remain unpaid; any thing in the last section of the act of the last session, intitled 1795, ch. 45. "An act making further provision for the support of public credit, and for the redemption of the public debt," to the contrary notwithstanding: Limitation of this act. And that this act shall continue in force, until the last day of August, in the year one thousand eight hundred and one, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVIII.—*An Act for the relief of persons imprisoned for Debt.*

[Expired.]

1798, ch. 50.
1792, ch. 29.
Privileges of persons imprisoned in civil actions under U. States.

Oath to be administered to them.

Oath to be administered to persons imprisoned for debt, and by whom.

Penalty on swearing falsely.

1794, ch. 34.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That persons imprisoned on process issuing from any court of the United States in civil actions, shall be entitled to like privileges of the yards or limits of the respective gaols, as persons confined in like cases, on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted,* That any person imprisoned as aforesaid, may have the oath or affirmation herein after expressed, administered to him by any judge of the United States; and in case there shall be no judge of the United States residing within twenty miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any two persons, who may be commissioned for that purpose by the judge of the district court of the United States within whose jurisdiction the debtor may be confined; the creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the district judge to appear at the time therein mentioned at the said gaol, if he see fit, to shew cause, why the said oath or affirmation should not be so administered: at which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shewn, or doth, from examination, appear to the contrary, he (or they) may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: " You, _____, solemnly swear (or affirm) that you have not estate, real or personal, nor is any, to your knowledge, holden in trust for you, (necessary wearing apparel excepted) to the amount or value of thirty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then or at any time afterwards belong to the debtor. And whenever the oath aforesaid shall be administered by commissioners, in addition to the certificate by them made and delivered to the prison keeper, they shall make return of their doings to the district court with the commission to them issued to be kept upon the files and records of the same court.

SEC. 3. *And be it further enacted,* That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

SEC. 4. *And be it further enacted,* That the act, entitled "An act

to continue in force the act for the relief of persons imprisoned for debt," be and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That this act shall continue in force for the term of three years.

APPROVED, May 28, 1796.

Former act repealed.

Limitation of this act for three years.

STATUTE I.

CHAP. XXXIX.—*An Act to ascertain and fix the Military Establishment of the United States.*

May 30, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act, intituled "An act providing for raising and organizing a corps of artillerists and engineers;" two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

[Repealed.]
Military establishment after 31st of October next.

Page 507, post.

1794, ch. 24.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants, eight ensigns, two sergeant majors, two quartermaster-sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, that the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

Number of officers and men to each regiment of infantry.

Page 507, post.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp, one brigadier-general, who may choose his brigade-major from the captains or subalterns of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions, for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof: one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters and paymasters of regiments shall be appointed from the subalterns of their respective regiments.

To be one major general with two aids, &c.

Allowance to certain officers in addition to their pay in the line.

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SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates and musicians of the legion of the United States, and light dragoons, in such manner, as to form and complete out of the same, the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates and musicians shall be considered, from and after the last day of October next, discharged from the service of the United States.

President of the U. States to cause to be arranged the Legion and light dragoons.

Supernumeraries to be discharged on 31st October next.

SEC. 5. *And be it further enacted*, That the corps of artillerists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

Artillerists and engineers to be completed.

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artillerists, infantry and dragoons aforesaid, shall be

Two dollars allowance to each recruit.

entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Bounty to certain soldiers on re-enlisting for five years.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist, for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred, until he shall have joined the corps, in which he is to serve.

Uniform clothing for artillery and infantry.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private and musician of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

For dragoons.

SEC. 9. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing, allowed to the infantry and artillery.

Rations.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Additional allowance to those employed on the frontiers.

SEC. 11. *Provided always, and be it further enacted*, That to those in the military service of the United States, who are, or shall be employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

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Monthly pay.

SEC. 12. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians and privates, of the military establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster-generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel-commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry fifty dollars; paymaster, adjutant and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

Subsistence.

SEC. 13. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel-commandant, six rations; a quartermaster, inspector, and paymaster-generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled

to four rations of provisions for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month, in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts respectively, where the rations shall become due; and if at such posts, supplies are not furnished by contract, then such allowance, as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

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SEC. 14. *And be it further enacted*, That the officers herein after described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each, six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant and regimental quartermaster, each, six dollars.

Allowance in lieu of forage.

SEC. 15. *And be it further enacted*, That every person, who shall procure or entice a soldier in the service of the United States, to desert, or who shall purchase, from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term, not exceeding one year.

Penalty on enticing a soldier to desert, or on purchasing his arms, &c.

SEC. 16. *And be it further enacted*, That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

Soldier not to be arrested for debt less than 20 dollars.

SEC. 17. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert from the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served, previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court martial, although the term of his enlistment may have elapsed, previous to his being apprehended or tried.

Deserters to make good their term of enlistment.

SEC. 18. *And be it further enacted*, That the sentences of general courts martial, in time of peace, extending to the loss of life, the dismissal of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

Sentence of general courts martial to be sent to the President of United States.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, that the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers,

Wounded soldiers to be placed on pension list.

Rate of compensation.

privates and musicians, shall never exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

The troops aforesaid to be governed by the articles of war.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, [except so much of the same as is by this act altered or amended] as far as the same may be applicable to the constitution of the United States; or by such rules and articles, as may hereafter by law be established.

To take oath.

SEC. 21. *And be it further enacted*, That every officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear, or affirm [as the case may be] to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Acts coming within the purview of this act repealed.

SEC. 22. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

Staff to continue till 4th of March.

SEC. 23. *And be it further enacted*, That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer.

Page 749, post.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

CHAP. XL.—*An Act to regulate the Compensation of Clerks.*

[Obsolete.]

Heads of Departments to vary compensations to clerks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of the Treasury, the Secretary of the department of State, and the Secretary of the department of War, be authorized to vary for the present year the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall in their judgment require.

Addition to the appropriations of 1794.

SEC. 2. *And be it further enacted*, That to the aggregate of compensations for clerks, in the year one thousand seven hundred and ninety-four, there shall, during the present year, be farther allowed,

In the Treasury Department, the sum of four thousand dollars, including one thousand eight hundred dollars to three additional clerks.

In the Department of State, the sum of two hundred dollars.

In the Department of War, the sum of two hundred dollars. And that the accountant of the war department may employ a principal clerk at the salary allowed to principal clerks in the other departments.

And to the Director of the Mint, for one clerk to be employed by him the additional sum of two hundred dollars.

Allowance to certain commissioners of loans.

SEC. 3. *And be it further enacted*, That there be allowed for the present year to the commissioners of loans in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars each; to the commissioner of loans in the state of Connecticut, not exceeding two clerks, at the rate of four hundred dollars each; and to the commissioners of loans in the states of Pennsylvania, Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars each. The aggregate of the compensations for the clerks employed by either of the said commis-

sioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk hire to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars; to the commissioner of loans, in the state of Rhode Island, four hundred dollars; to the commissioner of loans, in the state of New Jersey, three hundred dollars; and to the commissioner of loans, in the state of Maryland, two hundred and fifty dollars.

APPROVED, May 30, 1796.

See p. 730, post.

STATUTE I.

May 30, 1796.

CHAP. XLI.—*An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations."*

[Obsolete.]

Limitations of former acts providing the means of intercourse with foreign nations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety; together with the second section of the act, intituled "An act to continue in force, for a limited time, and to amend the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force, for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

1790, ch. 22.
1793, ch. 4.
1794, ch. 7.

SEC. 2. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby appropriated, for defraying the expenses which may attend the intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-six, in addition to the sum of forty thousand dollars, annually appropriated for that purpose.

Appropriations

SEC. 3. *And be it further enacted,* That so much of the sum appropriated by the first section of the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the twentieth day of March, one thousand seven hundred and ninety-four, as remains unexpended, together with a further sum of two hundred and sixty thousand dollars, be, and the same is hereby appropriated, for the purpose of carrying into effect, any treaty already made, and to enable the President to effect any treaty or treaties, with any of the Mediterranean powers.

for carrying into effect certain treaties:

1794, ch. 7.

SEC. 4. *And be it further enacted,* That the sum of four thousand five hundred and thirty-nine dollars and six cents, be, and the same is hereby appropriated to reimburse certain sums advanced by Captain Colvill and Captain Burnham, for their ransom from captivity in Algiers; which sum, the Secretary of the Treasury is hereby authorized and required to pay to the said captains Colvill and Burnham, dividing the same equally between them.

for reimbursing Captains Colvill and Burnham.

SEC. 5. *And be it further enacted,* That the President of the United States be authorized to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding three hundred and twenty-four thousand five hundred and thirty-nine dollars and six cents, at an interest not exceeding six per centum per annum, reimbursable at the pleasure of the United States, to be applied to the purposes of this act, and to be repaid out of the duties on imports and tonnage accruing during the present year, and not otherwise appropri-

President of the U. States to borrow not exceeding \$324,539 6 cts.

ated: And it shall be lawful for the Bank of the United States to lend the same.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

CHAP. XLIII.—*An Act to continue in force, for a limited time, the acts therein mentioned.*

[Expired.]

Acts for support of lighthouses and for mitigating and remitting forfeitures continued for two years.

Ante, p. 339.

Ante, p. 122.

Also 13th section of act for collecting duties on foreign and domestic distilled spirits, &c. for one year.

Ante, p. 378.

Ante, p. 390.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys and public piers," so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys, and public piers, and the stakeage of channels on the sea coast. And also, the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," be, and the same are hereby continued in force for the term of two years.

SEC. 2. *And be it further enacted,* That the thirteenth section of the act, intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas," which section will expire at the end of the present session of Congress, shall be, and the same is hereby further continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 30, 1796.

STATUTE I.

May 31, 1796.

CHAP. XLIV.—*An Act making provision for the payment of certain Debts of the United States.*

[Expired.]

Commissioners of sinking fund, with approbation of the President of the United States to borrow \$5,000,000.

How to be applied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the commissioners of the sinking fund, with the approbation of the President of the United States, to borrow, or cause to be borrowed, on the credit of the United States, any sum not exceeding five millions of dollars, to be applied to the payment of the capital, or principal of any parts of the debt of the United States now due, or to become due, during the course of the present year, to the bank of the United States, or to the bank of New York, or for any instalment of foreign debt; And that, for the whole, or such part of the said sum, as shall be borrowed, certificates shall be issued, purporting that the United States are indebted for the sums to be therein expressed, bearing an interest of six per centum per annum, payable quarter yearly; which sums, at the said rate of interest, are to remain fixed and irredeemable, until the close of the year one thousand eight hundred and nineteen, and to be redeemed thereafter, at the pleasure of the United States: And the bank of the United States is hereby authorized to lend the whole, or any part, of the said five millions of dollars, and to sell the stock received for such loan.

SEC. 2. *And be it further enacted,* That credits for the sums which shall be borrowed, pursuant to this act, shall be entered and given on the books of the treasury, in like manner as for the present domestic funded debt; and that certificates, for sums not less than one hundred dollars, pursuant to the provisions herein contained, shall be issued by the Register of the Treasury; which shall be transferable in like manner, and by the like ways and means, as are provided by the seventh section of the act, intituled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock, which shall be constituted by virtue of the loan herein proposed, shall be paid at the offices or places, where

And credits to be entered.

Certificates for not less than \$100 to be issued.

Ante, p. 138.

the credits for the same shall, from time to time, stand or be; subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 3. *And be it further enacted*, That it shall be deemed a good execution of the power to borrow, herein granted, for the said commissioners of the sinking fund, to cause to be constituted, certificates of stock of the description herein mentioned, and to cause the same to be sold in the United States, or elsewhere: *Provided*, That no more than one moiety of the said stock shall be sold under par: And it shall be lawful for the commissioners of the sinking fund, if they shall find the same to be most advantageous, to sell such and so many of the shares of the stock of the bank of the United States, belonging to the United States, as they may think proper; and that they apply the proceeds thereof to the payment of the said debts, instead of selling certificates of stock, in the manner prescribed in this act. And such of the revenues of the United States, heretofore appropriated for the payment of interest of debts, thus discharged, shall be, and the same are hereby pledged and appropriated, towards the payment of the interest, and instalments of the principal, which shall hereafter become due, on the loan obtained of the bank of the United States, pursuant to the eleventh section of the act for incorporating the subscribers to the said bank.

How the power to borrow may be executed.

Appropriation for payment of the interest.

SEC. 4. *And be it further enacted*, That such of the revenues of the United States, heretofore appropriated for the payment of interest on such debts as may be liberated or set free, by payments from the proceeds of the loan herein proposed, together with such further sums of the proceeds of the duties on goods, wares and merchandise imported; on the tonnage of ships or vessels; and upon spirits distilled in the United States, and stills; as may be necessary, shall be, and the same are hereby pledged and appropriated for the payment of the interest which shall be payable upon the sums subscribed to the said loan; and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed.

Funds appropriated for payment of interest and principal.

SEC. 5. *And be it further enacted*, That the principal of the said loan, bearing interest as aforesaid, shall remain fixed and irredeemable by the United States, until the close of the year one thousand eight hundred and nineteen; after which period, the said loan shall be redeemed, at the pleasure of the United States: and the funds which shall be liberated by the discharge of the stock of the United States, bearing a present interest of six per centum, or so much thereof, as may be necessary, shall be, and the same are hereby pledged and appropriated for the said redemption.

Principal irredeemable until the year 1819.

SEC. 6. *And be it further enacted*, That the department of the treasury, according to the respective duties of the officers thereof, shall, and they are hereby directed to establish such forms and rules of proceeding, touching the execution of this act, as shall be conformable with the provisions thereof.

Duty of treasury department herein.

APPROVED, May 31, 1796.

STATUTE 1.

CHAP. XLV.—*An Act providing Passports for the ships and vessels of the United States.*

June 1, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of State, to prepare a form, which, when approved by the President, shall be deemed the form of a passport for ships and vessels of the United States.

Act of March 22, 1803, ch. 16. Passport formed by Secretary of State to be approved by the President.

SEC. 2. *And be it further enacted*, That every ship and vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by

Vessels to be furnished therewith.

On sale or loss of the ship, passport to be delivered up.

Vessels to pay collectors certain sums every voyage.

Penalty on sailing without passport after first September.

the collector for the district, where such ship or vessel may be, with a passport of the form prescribed and established, pursuant to the foregoing section; for which passport, the master of such ship or vessel, shall pay to the said collector, ten dollars, to be accounted for by him; and in order to be entitled to such passport, the master of every such ship or vessel shall be bound with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned, that the said passport shall not be applied to the use or protection of any other ship or vessel, than the one described in the same; and that, in case of the loss or sale of any ship or vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

SEC. 3. *And be it further enacted*, That there shall be paid on every ship and vessel of the United States sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the sum of four dollars, to be received and accounted for, by the collector, at the time of clearing outward, if such vessel be bound direct to such foreign country, from any port of the United States, or at the time of entry in the United States, if such ship or vessel shall have sailed to such foreign country, from any port or place in America, other than of the United States.

SEC. 4. *And be it further enacted*, That if any ship or vessel of the United States, shall depart therefrom, after the first day of September next, and shall be bound to any foreign country, other than to some port or place in America, without such passport, the master of such ship or vessel shall forfeit and pay the sum of two hundred dollars for every such offence.

APPROVED, JUNE 1, 1796.

STATUTE I.

June 1, 1796.

Act of May 18, 1796, ch. 29.
Surveyor General to cause certain lands to be surveyed.
Post, p. 724.

CHAP. XLVI.—*In Act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Surveyor General be, and he is hereby required, to cause to be surveyed, the tract of land beginning at the northwest corner of the seven ranges of townships, and running thence fifty miles due south, along the western boundary of the said ranges; thence due west to the main branch of the Scioto river; thence up the main branch of the said river, to the place where the Indian boundary line crosses the same; thence along the said boundary line, to the Tuscaroras branch of the Muskingum river, at the crossing place above Fort Lawrence; thence up the said river, to the point, where a line, run due west from the place of beginning, will intersect the said river; thence along the line so run to the place of beginning; and shall cause the said tracts to be divided into townships of five miles square, by running, marking and numbering the exterior lines of the said townships, and marking corners in the said lines, at the distance of two and one half miles from each other, in the manner directed by the act, intituled "An act providing for the sales of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river;" and that the lands above described, except the salt springs therein, and the same quantities of land adjacent thereto, as are directed to be reserved with the salt springs, in the said recited act, and such tracts within the boundaries of the same, as have

been heretofore appropriated by Congress, be, and they are hereby, set apart and reserved for the purposes herein after mentioned.

SEC. 2. *And be it further enacted,* That the said land shall be granted only in tracts containing a quarter of the township to which they belong, lying at the corners thereof; and that the Secretary of the Treasury shall, for the space of nine months, after public notice in the several states and territories, register warrants for military services, to the amount of any one or more tracts, for any person or persons holding the same; and shall immediately after the expiration of the said time, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the said registered warrants; and the person or persons holding the same, shall severally make their locations, after the lots shall be proclaimed, on a day to be previously fixed in the before mentioned notice; in failure of which, they shall be postponed in locating such warrants, to all other persons holding registered warrants: And the patents for all lands located under the authority of this act, shall be granted in the manner directed by the before mentioned act, without requiring any fee therefor.

Duty of the Secretary of the Treasury herein.

Priority of location how determined,

and patents granted.

SEC. 3. *And be it further enacted,* That after the time limited for making the locations, as aforesaid, any person or persons holding warrants, of the before mentioned description, sufficient to cover any one or more tracts, as aforesaid, shall be at liberty to make their locations, on any tract or tracts not before located.

Privilege to certain persons holding warrants,

SEC. 4. *And be it further enacted,* That all the lands set apart by the first section of this act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be forever barred.

and lands unlocated after the 1st January, to be at disposition of United States.

Claims limited. Post, p. 724.

SEC. 5. *And be it further enacted,* That the said surveyor general be, and he is hereby, required to cause to be surveyed three several tracts of land, containing four thousand acres each, at Shoenbrun, Gnadenhutzen, and Salem; being the tracts formerly set apart, by an ordinance of Congress of the third of September, one thousand seven hundred and eighty-eight, for the society of United Brethren for propagating the gospel among the heathen; and to issue a patent or patents for the said three tracts to the said society, in trust, for the uses and purposes in the said ordinance set forth.

Three tracts to be surveyed for Society for propagating the Gospel among the heathen.

SEC. 6. *And be it further enacted,* That all navigable streams or rivers within the territory to be disposed of, by virtue of this act, shall be deemed to be and remain public highways. And that, in all cases, where the opposite banks of any stream not navigable shall belong to different persons, the stream and the bed thereof shall be common to both.

Reservations.

APPROVED, June 1, 1796.

STATUTE I.

CHAP. XLVII.—*An Act for the admission of the State of Tennessee into the Union.*

June 1, 1796.

WHEREAS by the acceptance of the deed of cession of the state of North Carolina, Congress are bound to lay out into one or more states, the territory thereby ceded to the United States:

Ante, p. 106.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the whole of the territory ceded to the United States by the state of North Carolina, shall be one state, and the same is hereby declared to be one of the United States of America, on an equal footing with the original states, in all respects

Certain territory declared to be one state under the name of Tennessee.

whatever, by the name and title of the State of Tennessee. That until the next general census, the said state of Tennessee shall be entitled to one Representative in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to, and have force in the state of Tennessee, in the same manner, as if that state had originally been one of the United States.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Appropriation for defraying expenses on trial of persons concerned in the late insurrection.

Additional compensation to jurors, &c.

1792, ch. 36.

Appropriation for clerks of courts and jurors.

CHAP. XLVIII.—*An Act making an appropriation to satisfy certain Demands attending the late Insurrection; and to increase the compensation to Jurors and Witnesses in the Courts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum, not exceeding twenty thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated to the discharge of certain incidental demands, occasioned by the trial of persons for crimes and offences during the late insurrection, for the payment of which no special provision has been made by law.

SEC. 2. *And be it further enacted,* That in addition to the compensation now allowed by law to jurors and witnesses, attending in the courts of the United States, there shall be allowed and paid to each grand and petit juror, for his attendance, fifty cents per day; and to each witness, for like attendance, fifty cents per day.

SEC. 3. *And be it further enacted,* That the sum of ten thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of clerks of courts, jurors and witnesses, for the year one thousand seven hundred and ninety-six, in aid of the fund arising from fines, forfeitures and penalties, and of the appropriations already made for that purpose.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Drawbacks in what cases allowed.

56 section of certain act suspended with regard to the Ohio and Mississippi.

1791, ch. 15.

Repealed 1802, ch. 19.

CHAP. XLIX.—*An Act limiting the time for the allowance of Drawback on the Exportation of Domestic distilled Spirits, and allowing a Drawback upon such Spirits exported in vessels of less than thirty tons, by the Mississippi.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of July next, no drawback shall be allowed on any of the spirits distilled in the United States, which shall not be exported, pursuant to regulations heretofore enacted, and in force, within twelve months from the time when such spirits were distilled, to be ascertained by the dates of the certificates which may and ought to accompany the said spirits, at the time of exportation.

SEC. 2. *And be it further enacted,* That the restriction in the fifty-sixth section of the act, intituled "An act, repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled in the United States, and for appropriating the same," shall, from and after the first day of July next, be suspended, and cease to operate for the space of one year, so far as the said restriction respects any distilled spirits which may be exported from the district of Louisville, in the state of Kentucky, or from any district which may be hereafter established on the rivers Mississippi or Ohio, or the branches thereof.

APPROVED, June 1, 1796.

CHAP. L.—*An Act making further appropriations for the year one thousand seven hundred and ninety-six.*

STATUTE I.
June 1, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the sums heretofore appropriated, there be further appropriated for and during the present year, the following sums, that is to say: In the Department of State, for the compensation of clerks, two hundred dollars: In the Department of the Treasury, for the compensation of clerks, four thousand dollars: In the Department of War, for the additional salary of the accountant, four hundred dollars; and for the additional compensation of clerks in the said department, seven hundred dollars; and in the mint of the United States, for the additional salary of a clerk, two hundred dollars.

[Obsolete.]
Additional appropriations for 1796.

SEC. 2. *And be it further enacted,* That for the compensation of clerks in the several loan offices; and for defraying the expenses of books and stationery for the said offices, during the present year, and during the year one thousand seven hundred and ninety-five, there be appropriated a sum not exceeding fourteen thousand dollars.

Loan office clerks.

SEC. 3. *And be it further enacted,* That there be further appropriated towards defraying the extraordinary expenses which may be incurred during the year one thousand seven hundred and ninety-six, for foreign intercourse, a sum not exceeding twenty-three thousand five hundred dollars, in addition to the sum already appropriated for that purpose, by the second section of the act of the present session, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Foreign intercourse.

Contingent expenses of government.
1796, ch. 41.

SEC. 4. *And be it further enacted,* That there be appropriated for the contingent expenses of the government of the United States, a sum not exceeding twenty thousand dollars, subject to the disposition of the President of the United States, and for the payment of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, a sum not exceeding two thousand dollars; and that the several appropriations herein before made, be, and the same are hereby directed to be paid out of the proceeds of the duties on imports and the tonnage of ships and vessels, and the duties on domestic distilled spirits and on stills, which shall accrue until the close of the present year.

Out of what funds payable.

APPROVED, June 1, 1796.

CHAP. LI.—*An Act making appropriations for the support of the Military and Naval Establishments for the year one thousand seven hundred and ninety-six.*

STATUTE I.
June 1, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That including the appropriation of five hundred thousand dollars, made for the military establishment for the year one thousand seven hundred and ninety-six, by an act of the present session, there be appropriated for the military and naval establishments, a sum not exceeding one million, three hundred and eighteen thousand, eight hundred and seventy-three dollars; that is to say: For the pay of the army of the United States, the sum of two hundred and seventy-three thousand, six hundred and sixty-six dollars: For subsistence of the officers of the army, the sum of forty-five thousand six hundred and six dollars: For the subsistence of the

[Obsolete.]
Appropriations for military establishment.

Appropriations for military establishment.

non-commissioned officers and privates, the sum of three hundred thousand dollars: For forage, the sum of sixteen thousand five hundred and ninety-two dollars: For clothing, the sum of seventy thousand dollars: For purchase of horses for the cavalry, the sum of three thousand seven hundred and fifty dollars: For bounties, the sum of ten thousand dollars: For the hospital department, the sum of thirty thousand dollars: For the ordnance department, the sum of forty thousand dollars: For the Indian department, the sum of sixty thousand dollars: For the quartermaster's department, the sum of two hundred thousand dollars: For contingencies of the war department, the sum of thirty thousand dollars: For the defensive protection of the frontiers, the sum of one hundred thousand dollars: For the completion of the fortifications, magazines, store houses and barracks at West Point, the sum of twenty thousand dollars: For the pay and subsistence of three captains in the naval department, the sum of five thousand dollars: For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of one hundred and fourteen thousand two hundred and fifty-nine dollars.

1794, ch. 52.

Out of what funds payable.

1790, ch. 34.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First, The surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" and which shall accrue, during the year one thousand seven hundred and ninety-six: Secondly, The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six; and, Thirdly, The surplus which shall remain unexpended, of the monies appropriated to the use of the war department, for the year one thousand seven hundred and ninety-five.

President of United States may borrow \$650,000 to satisfy this act.

SEC. 3. *And be it further enacted*, That the President of the United States be empowered to borrow, at an interest not exceeding six per centum, of the Bank of the United States, which is hereby authorized to lend the same; or of any body or bodies politic, person or persons, any sum or sums not exceeding in the whole, six hundred and fifty thousand dollars, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Distillers when admitted to an election to pay monthly duty on stills.

CHAP. LII.—*An Act providing relief to the owners of Stills within the United States, for a limited time, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case of a distiller, who hath entered his still or stills, in such manner, as to be liable to pay the duty of fifty-four cents upon the capacity or capacities thereof, for the year to end in June, one thousand seven hundred and ninety-six, wherein it shall be made to appear to the supervisor of the district, that the said distiller has been really and truly prevented from employing or working his still or stills, during any part of the term aforesaid, by the destruction or failure of fruit and grain, or any other unavoidable cause within the district in which he resides, it shall and may be lawful for the said supervisor, on application made to him, any time before the last day of September next, to admit such distiller to the benefit of an election, to pay, in lieu of the duty on the capacity of his still or stills for the year, the monthly duty of ten cents per gallon of the capacity for the time he employed his still or stills.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

CHAP. LIII.—*An Act to suspend, in part, the act intituled "An act to alter and amend the act intituled An act laying certain duties upon Snuff and refined Sugar."*

[Obsolete.]

Certain act laying duty on snuff mills, &c. suspended.

1795, ch. 43.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

APPROVED, June 1, 1796.

RESOLUTION.

April 18, 1796.

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the Department of War, return to the respective district judges, the names of all such persons, as have been transmitted to him by the several district judges, pursuant to the act for the regulation of claims to invalid pensions; and in whose cases, the examining physicians have neglected to specify the ratio of disability; together with such defective returns of physicians. And the said district judges, respectively, shall forthwith cause the examining physicians to specify the several rates of disability, which have been so neglected; or, in case of sickness, death, or removal of one or both such physicians, to make new appointments, and cause the several rates of disability to be specified, and by the said physicians returned to them, as soon as may be; of which, they shall make return to the Secretary at War, who shall, at the session of Congress holden next after, or at the time of such receipt, make return thereof, with such observations, as he may think proper to subjoin, that the proper order may be taken thereon by Congress.*

Relating to invalid pensioners.

APPROVED, April 18, 1796.