

ACTS OF THE TENTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of November, 1808, and ended on the third day of March, 1809.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; STEPHEN R. BRADLEY, President of the Senate pro tempore, from the 4th to the 7th of January, 1809; JOHN MILLEDGE, President of the Senate pro tempore, from January 30th, 1809; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE II.

CHAP. I.—*An Act to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same.*

Nov. 18, 1808.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of Congress and delegates from the several territories of the United States be, and they are hereby authorized to transmit by mail, free of postage, the message of the President of the United States of the eighth day of November, in the year one thousand eight hundred and eight, and documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may respectively direct, any law to the contrary notwithstanding.

APPROVED, November 18, 1808.

STATUTE II.

CHAP. III.—*An Act authorizing the President of the United States to employ an additional number of revenue cutters.*

Jan. 6, 1809.

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 empowered to procure so many revenue cutters, not exceeding twelve, as may be necessary for the public service, the expense whereof 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.

APPROVED, January 6, 1809.

Additional revenue cutters to be employed not to exceed twelve.

[Obsolete.]

STATUTE II.

CHAP. IV.—*An Act authorizing the payment of certain pensions by the Secretary of War at the seat of government.*

Jan. 7, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every pension or arrearage of pension that shall be due on the third day of March, one thousand eight hundred and nine, or that may thereafter become due to any officer or soldier residing in either of the United States, or the territories

Pensions to be paid at Washington where agents to pay pensions have not been appointed.

thereof, in which there hath not been appointed an agent for the payment of pensions, shall be paid at the seat of the government of the United States, by the secretary for the war department, and the name of the pensioner shall, on his application to the Secretary at War, be transferred from the books of the state in which it was originally enregistered to a register, to be opened for that purpose at the war office of the United States.

APPROVED, January 7, 1809.

STATUTE II.

Jan. 9, 1809.

[Repealed.]

Act of Dec.
22, 1807, ch. 5.
Act of Jan. 9,
1808, ch. 8.
Act of March
12, 1808, ch. 33.
Act of April
25, 1808, ch. 66.
Act of March
1, 1809, ch. 24.
Direct or in-
direct exporta-
tion of specie,
&c. prohibited.

Penalties.

Proviso.

Informers to
be entitled to
one half the fine.

Permit pre-
viously required
to the lading of
vessels.

Ladings to be
made under the
inspection of re-
venue officers.
Conditions.

CHAP. V.—*An Act to enforce and make more effectual an act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall put, place, or load on board any ship, vessel, boat or water craft, or into any cart, wagon, sled, or other carriage or vehicle, with or without wheels, any specie, goods, wares or merchandise, with intent to export, transport or convey the same without the United States or the territories thereof, to any foreign place, kingdom or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the acts to which this act is a supplement, all such specie, goods, wares and merchandise, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or in which the same may be so put, placed, or loaded as aforesaid, shall be forfeited, and the person or persons so putting, placing or loading the same as aforesaid, and also the aiders and abettors therein, shall, upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum, by the court before which the conviction is had, equal to four times the value of such specie, goods, wares and merchandise: *Provided however,* that this section shall not be construed to extend to any person or persons, not being the owner or owners of such specie, goods, wares or merchandise, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer or informers, not being the owner or owners as aforesaid, upon conviction of the offenders, shall be entitled to one half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

SEC. 2. *And be it further enacted,* That it shall not be lawful to put on board any ship, vessel, or boat of any description whatever, any specie or goods, wares or merchandise, either of domestic or foreign growth, produce, or manufacture, and the same is hereby prohibited, unless a permit particularly stating the articles thus to be laden shall have been previously obtained from the collector of the district, in which such ship, vessel, or boat may then be, or from a revenue officer specially authorized by the collector to grant such permits; nor unless the lading shall be made under the inspection of the proper revenue officers, nor unless the owner or owners, consignee or factor of such ship, vessel, or boat shall, with the master, have given bond with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to a foreign port or place, nor shall put any article on board of any other vessel; and that the whole cargo shall be relanded either in the port where the vessel may then be, or in such other port of the United States as shall be designated in the clearance.

(a) See notes to act of December 22, 1807, chap. 5.

And it shall be lawful for the collectors of the customs to refuse permission to put any cargo on board any such ship, vessel, or boat, whenever in their opinion there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States: *Provided*, that nothing contained in this section shall be construed to extend to any ship, vessel, or boat, uniformly employed in the navigation only of bays, sounds, rivers and lakes, within the jurisdiction of the United States, which shall have obtained a general permission, agreeably to the provisions in the fourth section of this act.

SEC. 3. *And be it further enacted*, That the owner or owners, consignee or factor, of any ship, vessel, or boat, as described in the preceding section, which may, at the time when notice of this act shall be received at the several custom-houses respectively, be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo or give bond for the same, in the manner and on the conditions mentioned in the preceding section; and if the cargo shall not be discharged within ten days or the bond given within three days after such notice, the ship, vessel, or boat and cargo shall be wholly forfeited: but the collectors are hereby authorized to order or to cause the cargoes of such vessels to be discharged for the same causes as they may refuse permission to put any cargo on board of vessels not yet laden in whole or in part. And they are likewise authorized in the mean while, and until the cargoes shall have been discharged, or bonds given, as the case may be, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

SEC. 4. *And be it further enacted*, That the collectors of the customs be, and they are hereby authorized to grant, under such general instructions as the President of the United States may give to that effect, a general permission to ships, vessels or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes within the jurisdiction of the United States, when it can be done without danger of the embargo being violated, to take on board at any time such articles of domestic or foreign growth as may be designated in such general permission or permissions, bond with one or more sureties being previously given to the United States by the owner, owners, consignee or factors of such ship, vessel, or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel, that such vessel shall not, during the time limited in the condition of the bond, depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board, that the said vessel shall not during the time above mentioned, proceed to any other port than that mentioned in her clearance, or put any article on board of any other vessel, or be employed in any foreign trade; and that on every voyage or trip, the whole of the cargo shall be landed in a port of the United States within the bay, sound, rivers or lakes, to which the navigation of such vessel is confined.

SEC. 5. *And be it further enacted*, That if any ship, vessel or boat, not having received a general permission, and a general bond not having been first given in the manner provided for in the next preceding section, shall take on board any specie, or any goods, wares or merchandise, either of foreign or domestic growth, produce or manufacture, contrary to the provisions of the second section of this act, such ship, vessel, or boat, together with the specie and goods, wares or merchandise, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship, vessel or boat, shall moreover severally

Collectors may refuse permits, in certain cases.

Proviso.

Vessels already laden, in part or in whole, to be discharged, on the requisition of the collector.

General permits may be granted to coasting vessels.

Conditions.

Penalties, in cases of violations of the next preceding section.

forfeit and pay a sum equal to the value of the ship, vessel or boat, and of the cargo put on board the same.

Persons, whose names appear on the papers, to be considered as the owners.

SEC. 6. *And be it further enacted*, That the person or persons whose names do or may appear as owner or owners of any ship or vessel either on the certificate of registry, enrolment, or license of any such ship or vessel, or if neither registered or licensed, on the last clearance or custom-house document issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, by such ship or vessel: *Provided always*, that nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of any of the acts aforesaid. And in case of any new register or license being granted during the continuance of the said acts, or in case of the sale of any ship or vessel neither registered or licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognizing the sale of such vessel not registered or licensed, be required by the collector, in an amount equal to three hundred dollars for each ton of such ship or vessel, that such ship or vessel shall not, during the continuance of the acts laying an embargo on all ships and vessels in the ports and harbors of the United States, contravene or infringe any of the provisions of the said acts: *Provided*, that nothing herein contained, shall be construed to extend to the owner or owners of any ship or vessel who shall have made a bona fide sale of such ship or vessel, in any port or harbor of the United States, before notice of this act at such port or harbor, respectively; nor to the owner or owners of any ship or vessel, in any foreign port or place, who shall have made a bona fide sale thereof, before notice of this act: *And provided also*, that such bond shall not release the owners and master of such ship or vessel, or any other person from the obligation of giving every other bond required by this act or by any of the acts aforesaid.

Proviso.

Proceedings on granting a new register.

Proviso.

Proofs to be furnished of the relanding of cargoes, &c.

SEC. 7. *And be it further enacted*, That in all cases where, either under this act, or under the act laying an embargo on all ships or vessels in the ports and harbors of the United States, or under any of the acts supplementary thereto, a bond has been or shall be given to the United States, with condition that certain goods, wares, and merchandise, or the cargo of a vessel shall be relanded in some port of the United States, the party or parties to such bond shall, within two months after the date of the same, (unless in the case of a voyage from New Orleans to an Atlantic port or from an Atlantic port to New Orleans, in either of which cases, four months shall as heretofore be allowed,) produce to the collector of the port from which the vessel had been cleared with such goods, wares, merchandise or cargo, a certificate of the relanding of the same from the collector of the proper port; on failure whereof, the bond shall be put in suit: and in every such suit, as well as in every suit instituted on a bond given for a voyage from or to New Orleans, judgment shall be given against the defendant or defendants, unless proof shall be given of such relanding, or of loss of the vessel at sea. But neither capture, distress, or any other accident whatever shall be pleaded or given in evidence in any such suit: Unless such capture shall be expressly proved to have been hostile, and such distress or accident occasioned by no negligence or deviation, nor unless such vessel shall have been from the commencement of the voyage wholly navigated by a master, mate or mates, mariners and crew, all of whom shall be citizens

Judgment on the bond to be given unless proof of the relanding of the cargo, or the loss of the vessel is produced.

of the United States; nor unless such mate or mates, mariners and crew, shall, all, if living, (and the proof of their death shall lie on the defendant) be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew shall have signed a shipping paper in due form of law, and a copy thereof designating specially the master, mate or mates, mariners and crew, and their permanent places of residence, shall have been lodged with the collector of the port, to whom the bond aforesaid shall have been given, before the commencement of the voyage, and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully, and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury. And in every suit instituted on a bond, given as aforesaid, the defendants shall pay all costs, if they shall not within the limited time have produced the certificate of relanding to the collector of the proper port.

Vessels to be navigated by citizens of the U. States.

Mate and mariners to be produced on the trial.

SEC. 8. *And be it further enacted*, That no registered or sea letter vessel, although in ballast, shall receive a clearance, or be permitted to depart from any port of the United States, unless the same bond shall have been previously given which is required from vessels licensed for the coasting trade, before they are allowed to depart. And if any such ship or vessel shall depart without bond having been given as aforesaid, the said ship or vessel shall be forfeited; and the owner, owners, agent, consignee, factor and master or commander of such ship or vessel, as well as any other person concerned in such prohibited departure, shall be liable to the same penalties imposed by law in the case of vessels licensed for the coasting trade departing without bond having been given, or without clearance, as aforesaid.

Registered or sea letter vessels to have clearances, upon what conditions.

Penalties.

SEC. 9. *And be it further enacted*, That the collectors of all the districts of the United States shall, and they are hereby authorized to take into their custody specie or any articles of domestic growth, produce, or manufacture, found on board of any ship or vessel, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported; and not to permit such articles to be removed, until bond with sufficient sureties shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported. (a)

Collectors authorized to seize specie, &c. in certain cases.

SEC. 10. *And be it further enacted*, That the powers given to the collectors, either by this or any other act respecting the embargo, to refuse permission to put any cargo on board any vessel, boat, or other water craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey: And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence, for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector

Powers given by this act and by the embargo laws, with respect to giving and refusing permissions, to be exercised in conformity with directions of the President.

(a) The act of Congress of January 9, 1809, authorized the collector to seize for any violation of its provisions; and it was not necessary that such seizure should be made by the collector in person, or by his written authority; nor that a record should be made of such seizure. The *Bolina* and cargo, 1 *Gal- lis*. C. C. R. 75.

resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

President may employ the land and naval forces to prevent violations of this and the embargo laws.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces or militia of the United States, or of the territories thereof as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie, or articles of domestic growth, produce or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.

Penalties and forfeitures; how to be remitted or mitigated.

Act of Dec. 22, 1807, ch. 5.

Distribution of penalties.

Act of March 2, 1799, ch. 24, sec. 6.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Act of Feb. 11, 1800, ch. 6.

SEC. 12. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, unless herein before otherwise directed, and all penalties and forfeitures incurred by force of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or by virtue of the several acts supplementary thereto, may be prosecuted, sued for, and recovered by action of debt, or by indictment or information, any law, usage or custom to the contrary notwithstanding; and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States," and if otherwise, shall be distributed, and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred; and any officer or other person entitled to a part or share of any of the fines, penalties or forfeitures aforesaid, may, if necessary, be a witness on the trial therefor, but in such case he shall not receive any part or share of the said fine, penalty or forfeiture, but the part or share to which he would otherwise be entitled shall revert to the United States.

President may employ a certain number of vessels in enforcing the embargo, &c. &c.

SEC. 13. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to hire, arm and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many seamen as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the sea coast thereof, and to dismiss the same from service, whenever he shall deem the same expedient: *Provided however*, that such hiring, arming and employment shall not be for a term exceeding one year. And the said ships or vessels, when so

hired and armed, shall be employed under the direction of the Secretary of the Treasury.

SEC. 14. *And be it further enacted*, That the powers given to the President of the United States by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to despatch vessels for the same, shall henceforth cease.

President no longer authorized to grant permissions to despatch vessels.
1808, ch. 33.

SEC. 15. *And be it further enacted*, That this act shall be in force from and after the passing thereof, during the continuance of the act, intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and no longer.

Continuance of this act.
1807, ch. 5.

APPROVED, January 9, 1809.

STATUTE II.

CHAP. VI.—*An Act to revive and continue in force, for a further time, the first section of the act, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers."*

Jan. 10, 1809.

[Obsolete.]

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, passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, intituled "An act to revive and continue in force, for a further time, the first section of the act, intituled An act further to protect the commerce and seamen of the United States, against the Barbary powers," passed the nineteenth day of January, one thousand eight hundred and eight,) be, and the same hereby is revived and continued in force, until the first day of January, one thousand eight hundred and ten: *Provided however*, that the additional duty laid by the said section shall be collected on all such goods, wares and merchandise, liable to pay the same, as shall have been imported previous to that day.

Act of March 26, 1804, ch. 46.

Act of Jan. 19, 1808, ch. 11.

Additional duty.

APPROVED, January 10, 1809.

STATUTE II.

CHAP. VIII.—*An Act authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record.*

Jan. 12, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the proprietor of any square or lot in the city of Washington shall deem it necessary to subdivide such square or lot into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat of the same to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary, for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

Proprietors of squares, &c. &c. may subdivide them.

SEC. 2. *And be it further enacted*, That at the request of the said proprietor, the surveyor of the city shall examine whether the lots, pieces or parcels into which any square or lot may be subdivided as aforesaid, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision, be the true dimensions of the parts so expressed; and if upon such examination, he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary

Subdivisions may be examined by the surveyor, and recorded.

for the further illustration thereof, and record the said plat, as examined, in a book or books, to be kept by him for that purpose.

Records of subdivisions to form evidence of the manner in which they were made.

SEC. 3. *And be it further enacted*, That when such subdivision of any square or lot shall be so certified, examined and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the said plat and record for description, in the same manner as to squares and lots divided between the commissioners and original proprietors; and the ways, alleys or passages, laid out or expressed on such plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the proprietors.

Deficiency, or excess, how to be apportioned.

SEC. 4. *And be it further enacted*, That whenever the surveyor of the said city shall lay off any lot therein, or any of the parts into which a square or lot may be subdivided as aforesaid, he shall measure the whole of that front of the square on which such lot or part lies; and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimensions. Whenever on such admeasurement, the wall of a house previously erected by any proprietor, shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand, a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree; but if the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in said city, as promulgated by the President of the United States, and the ground so occupied, more than seven inches in width, shall be paid for as above. Which fact the surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein.

Surveyor to examine the foundation or walls of houses, &c. &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

Fees to the surveyor.

SEC. 6. *And be it further enacted*, That the surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act, the fees following, that is to say: For examining the plat and calculations of any subdivision of a square or lot twelve and an half cents for each of the lots or portions into which it may be subdivided: *Provided*, that no more shall be paid for the lots in one square than one dollar and fifty cents; for examining any building and giving the certificate required by the fifth section of this act, and recording the same, one dollar and fifty cents; for recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the same fees that have heretofore been paid to the clerk of the county: *Provided*, that they do not in any case exceed the fee hereby allowed for examination.

Proviso.

Proviso.

Records of divisions, where to be kept.

SEC. 7. *And be it further enacted*, That all records of the division of squares and lots heretofore made between the public and original proprietors, or which are authorized by this act, shall be kept in the office of the surveyor of the city; and all transcripts therefrom, certified

by him, shall be evidence equally valid with certified transcripts from the keeper of the office for recording deeds for the conveyance of land in the county of Washington.

SEC. 8. *And be it further enacted*, That whenever the President of the United States shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, which may not have been reserved for public purposes, into convenient building lots, pieces or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor of the city in the manner prescribed in the first section of this act, which plat shall be recorded by the said surveyor, and the provisions of this act shall extend to the lots, pieces and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

SEC. 9. *And be it further enacted*, That the surveyor of the city of Washington, before entering upon the discharge of the duties required of him by this act, shall take an oath or affirmation before the mayor of the city of Washington, that he will faithfully and impartially perform the duties herein before required of him.

APPROVED, January 12, 1809.

CHAP. IX.—*An Act supplemental to an act intituled "An act for extending the terms of credit on revenue bonds in certain cases, 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 payment of all bonds given, subsequent to the date of the act to which this act is a supplement, for duties on coffee, sugar, pepper, indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, and which remain unpaid, or for the same articles which may arrive hereafter in any of the ports of the United States, and whilst the act intituled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended, subject however in all respects to the conditions and provisions made and provided in the act of the tenth of March, one thousand eight hundred and eight, to which this act is a supplement: *Provided*, that nothing herein contained shall be construed to extend to importations made in vessels despatched under permissions granted by the President of the United States in pursuance of powers in him vested by the seventh section of the act, intituled "An act in addition to the act intituled, An act supplementary to the act intituled, An act laying an embargo on all ships and vessels in the ports and harbors of the United States."*

SEC. 2. *And be it further enacted*, That if the amount of any bond given for the payment of duties on the importation of coffee, sugar, pepper, indigo, cocoa, or wine paying a duty of twenty-three cents per gallon, made subsequent to the passage of the act to which this is a supplement, and which bond would by virtue of this act have been entitled to an extension of credit, shall have been previously paid, the money so paid shall, by the proper collector, be refunded to the person or persons who shall have paid the same, or to his, her, or their agent or agents, on his or their giving a bond with sureties, in the same manner and on the same terms, conditions and restrictions, and on a compliance of the person or persons receiving the indulgence hereby granted, with all the provisions of the act to which this is a supplement.

APPROVED, January 12, 1809.

Public property may be subdivided by direction of the President.

STATUTE II.

Jan. 12, 1809.

[Obsolete.]

Payment of duties in certain cases suspended.

1807, ch. 5.

1808, ch. 30.

This act not to extend to vessels despatched under permission from the President of the U. States under the embargo acts.

Monies to be refunded.

In what cases.

*1808, ch. 33.

Conditions.

STATUTE II.

Jan. 30, 1809.

[Obsolete.]

Congress to meet on the fourth Monday of May, 1809.

CHAP. X.—*An Act to alter the time for the next meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

APPROVED, January 30, 1809.

STATUTE II.

Jan. 31, 1809.

[Obsolete.]

President authorized to man and fit out certain frigates.

And other public vessels.
1809, ch. 17,
sec. 2.

President authorized to employ an additional number of seamen.

Appropriation.

CHAP. XI.—*An Act authorizing the employment of an additional naval force.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the frigates now employed in actual service, there be fitted out, officered and manned, as soon as may be, the four following frigates, to wit: the *United States*, *Essex*, *John Adams*, and *President*: and moreover the President of the United States is hereby authorized and empowered to equip, man, and employ in actual service, so many of the public armed vessels, now laid up in ordinary, and gun boats, as in his judgment the public service may require; and to cause the frigates, and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the sea coast as he may deem most expedient, or to cruise on any part of the coast of the United States or the territories thereof.

SEC. 2. *And be it further enacted,* That for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and he is hereby authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen and boys, who shall be engaged to serve for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum not exceeding four hundred thousand dollars, be, and the same is hereby appropriated, and shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 31, 1809.

STATUTE II.

Feb. 3, 1809.

Act of May 7, 1800, ch. 41.
Act of March 2, 1801, ch. 16.

CHAP. XIII.—*An Act for dividing the Indiana Territory into two separate governments.*(a)

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

(a) Acts for the establishment and government of the Indiana territory:—

An act to divide the territory of the United States northwest of the river Ohio, into two separate governments, May 7, 1800, chap. 41.

An act supplementary to "an act to divide the territory northwest of the river Ohio, into two separate governments," March 2, 1801, chap. 16.

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 erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 13.

An act extending the right of suffrage in the Indiana territory, February 26, 1808, chap. 24.

An act for dividing the Indiana territory into two separate governments, February 3, 1809, chap. 13.

An act extending the right of suffrage in the Indiana territory, and for other purposes, February 27, 1809, chap. 19.

An act to extend the right of suffrage in the Indiana territory, and for other purposes, March 3, 1811, chap. 38.

An act supplementary to the act entitled, "An act giving further time to the purchasers of public lands northwest of the river Ohio, to complete their payments," July 6, 1812, chap. 134.

An act for the regulation of the courts of justice in Indiana, February 24, 1815, chap. 54.

day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

SEC. 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, intituled "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages, granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

SEC. 3. *And be it further enacted*, That the officers for the said territory, who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana territory. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Illinois territory, whenever satisfactory evidence shall be given to the governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

SEC. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

SEC. 6. *And be it further enacted*, That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for

Act of Feb. 26, 1808, ch. 20. Indiana territory divided, and the Illinois formed.

A government similar to that provided for the Northwest territory provided.

1789, ch. 8.

Officers' duties, &c. &c.

Proviso.

Ordinance for the government of the Northwest territory to be in force in the Illinois.

Government of Indiana, how affected by this act.

Suits, &c. &c. how disposed of.

An act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, April 19, 1816, chap. 57.

An act supplemental to the act entitled, "An act defining the duties of the judges of the territory of Illinois, and for vesting in the courts of the territory of Indiana a jurisdiction in chancery cases arising in the said territory," April 29, 1816, chap. 154.

trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Arrearages of taxes on land in the Illinois territory still to be paid.

Kaskaskia to be the seat of government.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the collection of taxes, which may on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

SEC. 8. *And be it further enacted*, That until it shall be otherwise ordered by the legislature of the said Illinois territory, Kaskaskia on the Mississippi river, shall be the seat of government for the said Illinois territory.

APPROVED, February 3, 1809.

STATUTE II.

Feb. 4, 1809.

[Obsolete.]

Act of March 23, 1804, ch. 31.
Act of Feb. 24, 1807, ch. 16.
Act of March 22, 1808, ch. 38.
Process, how to be issued.

To whom directed.

Sessions of the Kentucky district courts.

Writs, &c. &c. to be continued over, &c. &c.

CHAP. XIV.—*An Act supplementary to the act, intituled "An act to amend the act, intituled An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee and Ohio."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all actions or suits that were pending in the circuit courts of the United States for the district of Tennessee, established by an act, intituled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," in which any judgment or decree was rendered, or any sentence passed previous to the passage of the act, intituled "An act to amend the act, intituled An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," the clerk of the circuit court of the United States for the district of East Tennessee be, and he is hereby authorized and directed to issue executions, and all other process necessary for carrying the same into complete effect, in the same manner as if the said last mentioned act had not passed; which executions and other process shall be directed to the marshal of either of the districts of East or West Tennessee, in which the party against whom the same shall issue may reside, or his property may be found, who shall execute and return the same, in like manner he would have done if the act to which this is a supplement had not passed, and shall receive the same fees as are by law allowed for similar services in other cases.

SEC. 2. *And be it further enacted*, That the next session of the district court of the United States, for the district of Kentucky, shall be holden on the second Monday in May next, and that the session of the said court heretofore holden on the first Monday in June, annually, shall thereafter be holden annually, on the second Monday in May.

SEC. 3. *And be it further enacted*, That all writs and process, which shall have been issued, or may hereafter issue, and all recognizances returnable, and all suits and other proceedings of what nature or kind soever, which have been continued to the said district court on the first Monday in June next, from the last December term, shall be returned and held continued to the said second Monday in May next.

APPROVED, February 4, 1809.

STATUTE II.

Feb. 10, 1809.

[Obsolete.]

CHAP. XV.—*An Act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi, the canal of Carondelet.*

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

pleting the fortifications commenced for the security of the seaport towns and harbors of the United States and territories thereof, exclusive of the contemplated line of blocks and chains across the harbor of New York, there be, and hereby is appropriated the sum of four hundred and fifty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Appropriation.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause the canal of Carondelet, leading from Lake Ponchartrain, by way of the Bayou St. John, to the city of New Orleans, to be extended to the river Mississippi, and made sufficiently deep throughout to admit an easy and safe passage to gun boats, if, upon survey thereof, he shall be convinced that the same is practicable, and will conduce to the more effectual defence of said city; and that for the purpose of defraying the expense thereof, there be, and hereby is appropriated the sum of twenty-five thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

Canal of Carondelet, to be made under the direction of the President.

Appropriation.

APPROVED, February 10, 1809.

STATUTE II.

CHAP. XVI.—*An Act to revive and continue for a further time, the authority of the Commissioners of Kaskaskia.*

Feb. 15, 1809.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers heretofore vested in the register and receiver of public monies for the district of Kaskaskia be, and the same are hereby revived; and the said register and receiver shall be allowed until the first day of January next, to complete the investigation of claims to land in said district; they shall have full power to revise any of their former decisions, and also the same power and authority in relation to claims to land in the village of Pioria; notices of which have heretofore been filed as they have in relation to other claims in the said district; and the said register and receiver, and the clerk of the board, shall each be allowed an additional compensation of five hundred dollars, in full for his services in relation to such claims.

Powers vested in the register and receiver of Kaskaskia revived and continued to Jan. 1, 1810.

1806, ch. 40.

APPROVED, February 15, 1809.

STATUTE II.

CHAP. XVII.—*An Act to incorporate a company for opening the Canal in the City of Washington.*

Feb. 16, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Brent, Samuel N. Smallwood, Daniel Carroll of Duddington, John Law, William Brent, Frederick May, Elias B. Caldwell, James D. Barry, Griffith Coombe, and George Blagden, or any five of them be, and they are hereby appointed commissioners to open, or cause to be opened, a book for receiving and entering subscriptions for raising a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, and that one month's notice be given in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time and place of opening the said subscription book, and that the same be kept open until the sum of forty thousand dollars be subscribed: *Provided*, that no subscription shall be received unless the sum of ten dollars be paid into the hands of the persons authorized to receive the same, on each share subscribed for.

Commissioners, &c. appointed for receiving subscriptions.

Stockholders to have a meet-

SEC. 2. *And be it further enacted*, That as soon as the aforesaid sum of forty thousand dollars be subscribed, the said commissioners, or any

ing and appoint
directors, &c.

five of them, shall call a meeting of the stockholders at the city of Washington, by advertisement in one of the newspapers printed in Washington, Georgetown, and Alexandria, appointing a fit and convenient time and place of meeting; and the said stockholders shall proceed in person, or by proxy, to the election, by ballot, of a president and six directors for conducting the said undertaking, and managing the business of the company, for and during the term of one year from the time of their appointment.

Style of the
company.

SEC. 3. *And be it further enacted*, That the said stockholders and their successors, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated by the name of the "Washington Canal Company," and by that name may sue and be sued, implead and be impleaded, answer and be answered, and may make all necessary by-laws and regulations for the proper management of the business of the company: *Provided*, that the same be not contrary to the laws of the United States, or the laws in force in the district of Columbia.

Proviso.

Term of ser-
vice of the di-
rectors, &c. &c.

SEC. 4. *And be it further enacted*, That the said president and directors shall continue in office one year from the time of their election, and the directors may fill any vacancy which may happen in their own body during the term for which they were elected, and in case of the death, resignation or disqualification of the president, they may elect a president to serve for the residue of the term; and the said stockholders, in one year after the day on which the election of president and directors shall be first made, and on the same day in every year thereafter, (except the same shall happen on Sunday, in that case on the day succeeding) shall elect by ballot from among the stockholders one person as president, and six persons as directors; and the president and directors, for the time being, shall give public notice in one of the newspapers printed in Washington, Georgetown, and Alexandria, for a new election, at least ten days previous to the expiration of the time for which they were elected; and each stockholder shall be allowed one vote for every share by him or her held at the time in said company; and any stockholder, by a written authority, under his or her hand, and executed in the presence of two witnesses, may depute any other stockholder to vote and act as proxy for him or her at any general meeting.

Powers of the
directors of the
Washington Ca-
nal Company.

SEC. 5. *And be it further enacted*, That the said president and directors so elected, and their successors, shall be, and they are hereby authorized and empowered to agree with any person or persons, on behalf of said company, to cut the canal, as laid down on the plan of the city of Washington, erect such locks, and perform such other works as they shall judge necessary, for opening the canal aforesaid, and the forks thereof; and out of the monies arising from subscriptions, wharfage and tolls, to pay for the same; and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

Treasurer of
the company to
give bond, &c.

SEC. 6. *And be it further enacted*, That the treasurer of the said company shall, before he acts as such, give bond to the company in such penalty, and with such security as the said president and directors shall direct, conditioned for the faithful performance of the duties of his office.

Stockholders
to pay up the
remaining nine
tenths of their
shares, &c. &c.

SEC. 7. *And be it further enacted*, That the said president and directors so elected, and their successors, shall have full power and authority to demand and receive of the stockholders, in equal proportions, the remaining nine tenths of the shares, from time to time, as they shall judge necessary; and if any of the stockholders shall neglect or refuse to pay their proportions, within one month after the same shall have been ordered, the share or shares of such defaulter shall be forfeited: *Pro-*

vided, that notice shall be given, by advertisement, in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time when the same shall be ordered to be paid.

Proviso.

SEC. 8. *And be it further enacted*, That the said company shall not begin to collect wharfage or tolls, until the canal is made navigable for boats and scows drawing three feet water to pass through the same, from the Potomac river to the eastern branch thereof: And if at any time the said canal shall become obstructed, so that boats and scows drawing three feet water cannot pass through the same, from the Potomac river to the Eastern branch thereof, it shall not be lawful for the said company to collect any wharfage or tolls, until such obstruction shall have been removed.

When tolls shall be receivable.

SEC. 9. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation that he will well and faithfully discharge the duties of his office; and any four of the directors, with the president, shall constitute a quorum for transacting any business of the company.

President and directors to be sworn.

SEC. 10. *And be it further enacted*, That the shares in the said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct, and that the shares held by any individual shall be liable to be attached or taken by fieri facias, to satisfy the debts due from any such individual, in like manner as other personal property may be.

Shares to be personal property—made liable to executions, as such.

SEC. 11. *And be it further enacted*, That there shall be a general meeting of the stockholders on the first Monday in June, and the first Monday in December, in every year, in the city of Washington, to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings; and on finding them justly and fairly stated, the stockholders then present, or a majority of them, shall give a certificate thereof; and at such half yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered, and made to and among all the stockholders of the said company, in proportion to their several shares: *Provided*, that if the nett profits shall, in any year, exceed fifteen per centum on the sum actually expended by the said company, in opening the said canal, and completing the same, the fifteen per centum only of the nett profits shall be divided among the stockholders, and the excess shall be paid to the mayor and city council of the city of Washington, for the use of the said city.

Annual meetings to be held of the stockholders.

Dividends to be made.

Proviso.

SEC. 12. *And be it further enacted*, That for and in consideration of the expenses the said stockholders shall incur in cutting the canal, erecting locks, and in maintaining and keeping the same in repair, and in the enlargement and improvement of the same, the said company is hereby authorized to collect on all articles and materials landed on each side of the canal, from on board any boat or scow, or placed on either side of the said canal, for the purpose of being taken therefrom by any boat or scow, according to such rates as the president and directors may, from time to time, by their by-laws, order and direct: *Provided*, that the said rates shall, at no time hereafter, and in no particular, exceed the rates which are, or may be established by the owners of wharves in the city of Washington. And it shall and may be lawful for the said company to demand and receive, at the most convenient place, for all articles carried through the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat or scow twenty-five cents; for each barrel of flour two cents; for each barrel of beef or pork two cents; for each barrel of whiskey or brandy three cents; for each hog-head or pipe six cents; and upon all other articles, packages and com-

Tolls.

Proviso.

modities, one sixth part of the amount of tolls allowed by law to be received by the Potomac Company, at the Great Falls of the river Potomac. And the said company shall also have the exclusive right to establish a packet boat or boats upon the said canal for carrying passengers, and no other packet boat or boats, but such as are established or permitted by them, shall be allowed to carry passengers through the same for hire.

Public property free of toll.

Limitation of the time when the canal shall be finished.

Bridges may be erected over the canal.

Proviso.

Annual statement of the receipts and expenditures to be laid before Congress.

SEC. 13. *Provided always, and be it further enacted*, That all public property shall pass through the said canal free of toll, and also, that in case the said canal and one of the forks thereof, shall not be completed within the term of seven years from the passage of this act, in such manner as to admit boats and scows drawing three feet water to pass through the same, that the said canal shall revert to the United States, and all right and authority hereby granted to the said company shall cease and determine.

SEC. 14. *And be it further enacted*, That the said company shall, from time to time, whenever and wherever the mayor and city council shall order and direct, suffer bridges to be erected across the canal, and shall suffer the same when erected to be repaired: *Provided*, that every bridge so erected, shall be at least six feet above high water mark.

SEC. 15. *And be it further enacted*, That the president and directors of said company, after the said canal shall be opened and made passable for boats and scows drawing three feet water, shall annually, in the month of January, lay before the Congress of the United States, a just and true account of their receipts and expenditures, with a statement of the clear profits thereof.

APPROVED, February 16, 1809.

STATUTE II.

Feb. 17, 1809.

[Obsolete.]

CHAP. XVIII.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand, four hundred and twenty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two houses of Congress, twenty-eight thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and nine, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first day of April, one thousand eight hundred and six, thirteen thousand five hundred and sixty dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

Specific appropriations.

For printing and distributing the laws of the second session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with dispatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including the sum of one thousand dollars, for clerk hire, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the comptroller of the treasury, clerks and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

For expense of stationery, printing and incidental and contingent expenses of the comptroller's office, eight hundred dollars.

For compensation to the auditor of the treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the auditor's office, five hundred dollars.

For compensation to the treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the treasurer's office, three hundred dollars.

For compensation to the register of the treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

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

For fuel and other contingent and incidental expenses of the treasury department, four thousand dollars.

For defraying the expense of printing and stating the public accounts for the year one thousand eight hundred and nine, one thousand two hundred dollars.

For the purchase of books, maps and charts, for the use of the treasury department, four hundred dollars.

For compensation to a superintendent employed to secure the buildings and records of the treasury department, during the year one thousand eight hundred and nine, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.

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

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the accountant of the war department, clerks,

Specific ap-
propriations.

and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the accountant of the war department, one thousand dollars.

For compensation to the clerks employed in the paymaster's office, two thousand eight hundred dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation to the purveyor of public supplies, clerks, and persons employed in his office, and for expense of stationery, store rent and fuel for the said office, including the sum of five hundred dollars for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, five thousand one hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, seven hundred and fifty dollars.

1806, ch. 41. For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including the sum of one thousand five hundred and forty-five dollars, for compensation to clerks in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. pertaining to the Postmaster-General's office, two thousand five hundred dollars.

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

For compensation to the clerks of the several commissioners of loans, and for allowances to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the surveyor-general and his clerks, three thousand two hundred dollars.

For compensation to the surveyor of the lands south of the state of Tennessee, clerks employed in his office, and for stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the mint:

The director, two thousand dollars.

The treasurer, twelve hundred dollars.

The assayer, fifteen hundred dollars.

The chief coiner, fifteen hundred dollars.

The melter and refiner, fifteen hundred dollars.

The engraver, twelve hundred dollars.

One clerk, at seven hundred dollars.

And two clerks, at five hundred dollars each, one thousand dollars.

For wages to the persons employed in the different branches of melting, coining, carpenter's, millwright's and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron-work, and of six hundred dollars per annum, allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cast-rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, three thousand, two hundred dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

Specific appropriations.

For incidental and contingent expenses of the executive officers of the said territory, two thousand eight hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, seven thousand eight hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Indiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Michigan territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Illinois territory, six thousand six hundred dollars.

For expense of stationery, office rent and other contingent expenses of said territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the treasury, two thousand dollars.

For additional compensation to the clerks in the several departments of state, treasury, war and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum, in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents.

1806, ch. 41.

For compensation granted by law to the chief justice, the associate judges and district judges of the United States, including the chief justice and two associate judges for the district of Columbia, to the attorney-general, and to the district judge of the territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several district attorneys of the United States, three thousand four hundred dollars.

For compensations granted to the marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Orleans, including the compensation allowed to the marshals of New Jersey and North Carolina, for the three last quarters of the year one thousand eight hundred and eight, by the act of the twenty-fifth of February, one thousand eight hundred and eight, two thousand six hundred and fifty dollars.

For defraying the expenses of the supreme, circuit and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March one thousand eight hundred

Specific ap-
propriations.

and nine, to the fourth day of March, one thousand eight hundred and ten, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars and shoals, and certain contingent expenses, seventy-nine thousand and thirty-nine dollars and forty cents.

For erecting two lighthouses on Long Island sound, one on Watch-hill point, and the other on Sands or Watch point, the following sums, that is to say: the sum of two thousand six hundred and thirty-seven dollars and fifty cents, balance of a former appropriation for these objects carried to the "surplus fund," and the further sum of five thousand seven hundred dollars, in addition to the appropriations heretofore made for the same objects.

For placing buoys and beacons on or near the shoals and rocks in the channel leading into the harbor of Salem, in the state of Massachusetts, in addition to the sums heretofore appropriated for that purpose, sixty-seven dollars and twenty-nine cents.

For re-building two lighthouses on Plumb island, in the state of Massachusetts, ten thousand dollars.

For defraying the expenses of surveying the public land, within the several territories of the United States, eighteen thousand two hundred and forty dollars.

For expenses of the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, ten thousand dollars.

For the expense of taking the second census of the United States, being the balance of a former appropriation for that object, and carried to the surplus fund, thirteen thousand eight hundred and ninety dollars and ninety-six cents.

For the expense of returning the votes of President and Vice President of the United States, for the term commencing on the fourth day of March, one thousand eight hundred and nine, one thousand five hundred and ninety-three dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For the contingent expenses of intercourse with foreign nations, seventy-five thousand dollars.

For the expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the contingent expenses of intercourse with the Barbary powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the expenses of prosecuting claims in relation to captures, six thousand dollars.

1806, ch. 19. For defraying the expenses of regulating, laying out, and making a road from Cumberland, in the state of Maryland, to the state of Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, the balance of a former appropriation made by the aforesaid act, for that object, having been carried to the surplus fund, sixteen thousand and seventy-five dollars and fifteen cents.

1806, ch. 41. For defraying the expense of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of North latitude, agreeably to an act of Congress, passed on the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, two thousand four hundred

dollars, and a further sum of five thousand dollars, in addition to the sums heretofore appropriated for that object.

Specific appropriations.

For defraying the expense of opening a road or roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line, which was established by the treaty of Greenville, agreeably to the last above recited act; the balance of a former appropriation made for that object having been carried to the surplus fund, one thousand eight hundred dollars and forty-eight cents.

For defraying the expense of opening a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory, agreeably to the aforesaid act of the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, three thousand dollars.

1806, ch. 41.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted, in due course of settlement, at the treasury, four thousand dollars.

SEC. 2. *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 an act making provision for the debt of the United States, and out of any monies in the treasury, not otherwise appropriated.

1790, ch. 34.

APPROVED, February 17, 1809.

STATUTE II.

CHAP. XIX.—*An Act extending the right of suffrage in the Indiana territory, and for other purposes.* (a)

Feb. 27, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the citizens of the Indiana territory, entitled to vote for representatives to the general assembly thereof, shall, at the time of electing their representatives to the said general assembly, also elect one delegate from the said territory to the Congress of the United States, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States: any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

Delegates to Congress, by whom to be elected, and when.

1809, ch. 13.

SEC. 2. *And be it further enacted*, That the sheriffs of the several counties which now are, or may hereafter be established in the said territory respectively, shall, within forty days next after an election for a delegate to Congress, transmit to the secretary of the territory a certified copy of the returns from the several townships in their counties respectively. And it shall be the duty of the governor, for the time being, to give to the person having the greatest number of votes, a certificate of his election.

Returns of the election, how to be made.

SEC. 3. *And be it further enacted*, That so soon as the governor of the said territory shall divide the same into five districts, the citizens thereof entitled to vote for representatives to the said general assembly, shall, in each of the said districts, elect one member of the legislative council, who shall possess the same powers heretofore granted to the legislative council in the said territory, and shall hold their offices four years, and no longer; any thing in the ordinance for the government of the said territory to the contrary notwithstanding.

Representatives to the legislative council, how to be chosen.

SEC. 4. *And be it further enacted*, That the general assembly of the said territory shall have power to apportion the representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants, above the age of twenty-one years, in such counties: *Provided*, that there be not more

General assembly to apportion the representatives.

Proviso.

(a) See notes to act of February 3, 1809, chap. 13.

than twelve, nor less than nine, of the whole number of representatives; any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants, above the age of twenty-one years, in said territory; after which time the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

APPROVED, February 27, 1809.

STATUTE II.

Feb. 28, 1809.

CHAP. XX.—*An Act freeing from postage all letters and packets to Thomas Jefferson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to Thomas Jefferson, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

APPROVED, February 28, 1809.

STATUTE II.

Feb. 28, 1809.

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 61.

Act of March 2, 1805, ch. 24.

Act of Jan. 19, 1808, ch. 10.

Act of April 27, 1816, ch. 123.

Spanish grants, how to be established.

CHAP. XXII.—*An act for the disposal of certain tracts of land in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated, and to confirm the claims of Abraham Ellis and Daniel Harregal.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several tracts of land, in the Mississippi territory, the titles to which have been derived under Spanish claims and which have been disallowed by the boards of commissioners east and west of Pearl river, on suspicion of the grants, warrants or orders of survey, on which the claims are grounded, being antedated or otherwise fraudulent, and which are embraced in the report of the said boards of commissioners, laid before Congress, agreeable to the third section of an act, intitled, "An act supplementary to the act intitled An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions, as have been, or may be by law provided for the sale of the other public lands in the said territory; and any person or persons claiming under a Spanish grant, warrant or order of survey as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: *Provided,* such claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the United States, or in case the same is now inhabited and cultivated, in virtue of a pre-emption right, within one year from and after the passing of this act; and if any person or persons, claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner and within the time prescribed by this section, or shall be non-suit or discontinue the same, his or their right to commence such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

Proviso.

Grants to be valid, must have been surveyed before the 27th October, 1795.

SEC. 2. *And be it further enacted,* That if the person or persons claiming under such grant, warrant or order of survey, shall make it appear to the satisfaction of the court, before whom such suit or action shall be pending, that the tract of land therein specified, was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then, and in that case, the same shall be deemed and held to be good and valid, to all intents and purposes, any thing in this act to the contrary notwithstanding: But in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to

have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

SEC. 3. *And be it further enacted*, That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or any other court, for the recovery of the same land or any part thereof.

SEC. 4. *And be it further enacted*, That Abraham Ellis be, and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor-general of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

SEC. 5. *And be it further enacted*, That Daniel Harregal be and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land-office, west of Pearl river, in the Mississippi territory.

APPROVED, February 28, 1809.

Parole evidence lawful for supporting or invalidating grants.

Abraham Ellis confirmed in his title to a tract of land.

Daniel Harregal also confirmed in his title.

STATUTE II.

CHAP. XXIII.—*An Act for the relief of certain Alibama and Wyandott Indians.*

Feb. 28, 1809.

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 cause to be surveyed and designated by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the territory of Orleans, and west of the river Mississippi, and by lease vest the said tract of land in a certain tribe of Alibama Indians and their descendants, for the term of fifty years: *Provided nevertheless*, that it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer, or assignment, shall be null and void: *And provided also*, that if the said tribe of Indians shall remove from the said tract of land, their interest in, and to, the same shall thenceforth cease and determine.

SEC. 2. *And be it further enacted*, That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brown's town, and the other the village called Maguaga in the possession of the Wyandott tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandotts, and their descendants, and be secured to them in the same manner, and on the same terms and conditions as is provided in relation to the Alibama Indians, by the first section of this act.

APPROVED, February 28, 1809.

President to cause a tract of land in the Orleans territory to be laid off for the Alibama Indians.

Proviso.

Proviso.

Secretary of the Treasury to cause two tracts of land in Michigan to be laid off for the Wyandotts.

STATUTE II.

March 1, 1809.

[Expired.]

Act of June 28, 1809, ch. 9.

Entrance of the ports and harbors of the U. States forbidden to the public vessels of England and France, after March 1, 1809.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessaries.

Penalties, from 100 to 10,000 dollars.

CHAP. XXIV.—*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. *The Brig Penobscot v. The United States*, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercourse act; re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. *The schooner Hoppet v. The United States*, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. *The schooner Anne v. The United States*, 7 Cranch, 570.

The non-intercourse act of 28th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. *The ship Richmond v. The United States*, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. *The cargo of the ship Fanny*, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 3d section of the act of 28th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. *The Edward*, Scott claimant, 1 Wheat. 261; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. *The Sally and cargo*, 1 Gallis. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. *Ibid.*

also be imprisoned for a term not less than one month, nor more than one year.

SEC. 3. *And be it further enacted*, That from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the territories thereof be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction, and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

SEC. 4. *And be it further enacted*, That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof, any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares or merchandise whatever, being of the growth, produce or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided*, that nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

SEC. 5. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SEC. 6. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat,

After the 20th May, all vessels under the flag of Great Britain or France interdicted.

Any vessel under the flag of Great Britain or France shall be forfeited, and if with a cargo, the same to be forfeited.

Importation of goods, &c. from England and France and their dependencies forbidden.

Vessels excepted which cleared for any port beyond the Cape of Good Hope prior to December 22, 1807.

Forfeiture of prohibited articles, &c. &c.

With treble damages.

Articles prohibited to be forfeited if put into vessels, &c. &c. destined for the U. States after 20th May, 1809.

Treble the value of articles.

Prohibited articles not contained in manifest, or included in entry to be forfeited arriving after 20th May, 1809.

Powers of the collector, &c. &c. with respect to seizures.

Persons concealing goods liable to forfeiture.

Additions to the oaths on importation.

Oaths and affirmations to be taken by importers, &c.

Form of oath or affirmation.

President may cause by proclamation a renewal of intercourse.

raft or carriage, such ship or vessel, boat, raft or carriage shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SEC. 7. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board of any ship or vessel, boat, raft or carriage, arriving after the said twentieth of May next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import in relation to articles liable to duties on their importation into the United States.

SEC. 8. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now have by law in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

SEC. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the twentieth of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, (*insert the denomination and name of the vessel*) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. "I also swear, (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district."

SEC. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended

by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, that all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act.

SEC. 12. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been or may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 13. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, intituled "An act to enforce and make more effectual an act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above mentioned bond shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss at sea.

SEC. 14. *And be it further enacted*, That so much of the act laying

All penalties and forfeitures incurred to be collected.

Vessels bound to foreign ports not to trade with prohibited ports.

Embargo raised, except as to England and France, after March 15, 1809.

Act of Dec. 22, 1807, ch. 5.

Act of Jan. 8, 1808, ch. 6.

Proviso, that the repeal of these acts shall not release from penalties and forfeitures incurred.

Bonds to be given when vessels are bound to permitted ports, that the cargoes shall not be landed in any other places, &c. &c.

Act of Jan. 9, 1809, ch. 5.

Certain restrictions with respect to coasting vessels taken off.

No coasting vessel to depart without producing bond.

Distribution of penalties.

Regulations respecting coasting vessels bound to foreign ports.

Proviso, in favour of vessels whose employment has been confined to rivers.

Penalties, &c. &c.

Vessels departing without giving bond.

Non-importation acts repealed.

Act of April 18, 1806, repealed.
Proviso.

Penalties and forfeitures.

an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided however*, that all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts, as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

SEC. 15. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall, with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

SEC. 16. *And be it further enacted*, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

SEC. 17. *And be it further enacted*, That the act to prohibit the importation of certain goods, wares and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of the said acts shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 18. *And be it further enacted*, That all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for,

prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated or remitted, in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

APPROVED, March 1, 1809.

Recovery and mitigation of.

Act of March 2, 1799, ch. 22.

Act of March 3 1797, ch. 13.

1800, ch. 6.

Continuance of this act.

Repeal of the embargo acts.

STATUTE II.

CHAP. XXV.—*An Act making provision for the further accommodation of the household of the President of the United States.*

March 2, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he is hereby authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of any money in the treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

APPROVED, March 2, 1809.

Fourteen thousand dollars appropriated.

STATUTE II.

CHAP. XXVI.—*An Act to extend the time for making payment for the public lands of the United States.*

March 2, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who hath heretofore purchased any of the public lands of the United States, at any of the land-offices established for the disposal of the said lands, whether such purchase was made at public or private sale (sales by virtue of a pre-emption right only excepted), and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to

Act of April 30, 1810, ch. 33.
Further time allowed for completing payments to those who purchased lands.

Arrears of interest to be paid.

Payment of the residue with interest.

Penalty on failure to pay arrears of interest, &c.

Act of April 30, 1810, ch. 36.

say :—First, That all the arrears of interest, on the land purchased, to the end of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, That the residue of the sum, due on account of the principal of such purchase, shall be paid with interest thereon, in two equal annual payments, viz. one half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

APPROVED, March 2, 1809.

STATUTE II.

March 2, 1809.

CHAP. XXVII.—*An Act further to amend the Judicial System of the United States.*

Circuit court of the U. States to perform the duties of the district courts, in cases of the disability of the district judges.

Justices of the supreme court to direct the clerk of the district court to certify to the next circuit court all actions, &c. depending in the district court.

Notice to be published.

Justice of the supreme court to exercise the powers of district judge during disability of the district judge.

Nothing in this act shall require the judge of the supreme court to hold any special court or court of admiralty at any other time than the legal time of

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the disability of the district judge of either of the districts of the United States to hold a district court, and to perform the duties of his office, and satisfactory evidence thereof being shown to the justice of the supreme court, allotted to that circuit in which such district court ought by law to be holden; and on application of the district attorney or marshal of such district in writing to the said justice of the supreme court, said justice of the supreme court shall thereupon issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be holden in said district, all actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, that may be depending in said district court and undetermined, with all the proceedings thereon, and all files and papers relating thereto; which said order shall be immediately published in one or more newspapers, printed in said district, and at least thirty days before the session of such circuit court, and shall be deemed a sufficient notification to all concerned. And the said circuit court shall thereupon have the same cognizance of all such actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, and in the like manner as the district court of said district by law might have, or the circuit court, had the same been originally commenced therein; and shall proceed to hear and determine the same accordingly; and the said justice of the supreme court during the continuance of such disability shall moreover be invested with and exercise all, and singular, the powers and authority, vested by law in the judge of the district court in said district. And all bonds and recognizances taken for or returnable to such district court shall be construed and taken to be to the circuit court, to be holden thereafter, in pursuance of this act, and shall have the same force and effect in such circuit court, as they could have had in the district court to which they were taken: *Provided*, that nothing in this act contained shall be so construed as to require of the judge of the supreme court within whose circuit such district may lie, to hold any special court, or court of

admiralty, at any other time than the legal time for holding the circuit court of the United States in and for such district.

SEC. 2. *And be it further enacted*, That the clerk of such district court shall, during the continuance of the disability of the district judge, continue to certify as aforesaid, all suits or actions of what nature or kind soever, which may thereafter be brought to such district court, and the same transmit to the circuit court next thereafter to be holden in the same district; and the said circuit court shall have cognizance of the same in like manner as is herein before provided in this act, and shall proceed to hear and determine the same: *Provided nevertheless*, that when the disability of the district judge shall cease or be removed, all suits or actions then pending and undetermined in the circuit court, in which by law the district courts have an exclusive original cognizance, shall be remanded, and the clerk of the said circuit court shall transmit the same, pursuant to the order of said court, with all matters and things relating thereto, to the district court next thereafter to be holden in said district, and the same proceedings shall be had therein in said district court as would have been, had the same originated or been continued in the said district court.

SEC. 3. *And be it further enacted*, That in case of the district judge in any district being unable to discharge his duties, as aforesaid, the district clerk of such district shall be authorized and empowered, by leave or order of the circuit judge of the circuit in which such district is included, to take, during such disability of the district judge, all examinations and depositions of witnesses, and make all necessary rules and orders preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

APPROVED, March 2, 1809.

the session of the circuit court.

Duties of the district clerks under this act. Process &c. &c.

On the ceasing of the disability of the district judge, all causes shall be remanded to the district court.

District clerks during the disability of the judges, to take examinations, make rules, &c. &c.

STATUTE II.

CHAP. XXVIII.—*An Act further to amend the several acts for the establishment and regulation of the Treasury, War and Navy departments.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the monies paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public monies, shall render distinct accounts of the application of such monies according to the appropriation or appropriations under which the same shall have been drawn, and the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided nevertheless*, that during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion

March 3, 1809.

Act of May 8, 1792, ch. 37.

Act of March 3, 1795, ch. 48.

Act of April 21, 1808, ch. 43.

Act of March 3, 1817, ch. 45.

Act of May 1, 1820, ch. 50.

Warrants to be charged to the distinct appropriations on which they are founded.

Payments to be charged to specific appropriations.

Separate accounts to be rendered to Congress by the officers.

The President during the recess of Congress may order a portion of the monies appro-

applied for a particular branch of expenditure to be applied to another branch of expenditure in the same department; this application to be laid before Congress.

Comptroller of the treasury authorized to cause the settlement of certain accounts.

Annual statement to be laid before Congress by the comptroller of certain delinquencies.

Agents for the purchase of supplies and making of contracts, and disbursements.

The President may during the recess of the Senate appoint agents and fix the number and compensation.

Limitation of the compensation.

Agents, &c. to give bonds.

To keep the public money in banks, &c. &c.

Purchases and contracts, how to be made, &c. &c.

An annual statement of contracts and purchases to be laid before Con-

gress for the monies appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department, in which case a special account of the monies thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

SEC. 2. *And be it further enacted*, That it shall be the duty of the comptroller of the treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized to direct the auditor of the treasury, and the accountants of the war and navy departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the treasury, war or navy departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

SEC. 3. *And be it further enacted*, That exclusively of the purveyor of public supplies, paymasters of the army, pursers of the navy, military agents, and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner, of monies for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, that the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided*, that the compensation allowed to either shall not exceed one per centum on the public monies disbursed by him, nor in any instance the compensation allowed by law to the purveyor of public supplies.

SEC. 4. *And be it further enacted*, That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, shall, whenever practicable, keep the public monies in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and shall make monthly returns in such form as may be prescribed by the treasury department, of the monies received and expended during the preceding month, and of the unexpended balance in their hands.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplies or services which are or may, according to law, be made by, or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: And an annual statement of all such contracts and purchases, and also of the expenditure of the monies appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous

claims not otherwise provided for, and paid at the treasury, shall be laid before Congress at the beginning of each year, by the secretary of the proper department.

APPROVED, March 3, 1809.

STATUTE II.

CHAP. XXIX.—*An Act making a further appropriation towards completing the two wings of the Capitol at the city of Washington, and for other purposes.*

March 3, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, that is to say :

For improvements and repairs of the House of Representatives, six thousand dollars.

Specific appropriations.

For completing the work in the interior of the north wing, comprising the Senate chamber, court room, &c. &c. twenty thousand dollars.

For completing the staircase, and providing temporary and adequate accommodations for the library, in the room now used for that purpose, and in the one in which the Senate now sit, five thousand dollars.

For improvements and repairs of the President's house and square, including a carriage house, twelve thousand dollars.

SEC. 2. *And be it further enacted,* That the several sums of money hereby appropriated shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1809.

STATUTE II.

CHAP. XXX.—*An Act supplementary to the act intituled "An act to amend the charter of Georgetown."*

March 3, 1809.

Boundaries of Georgetown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following shall, and are hereby declared to be the limits of Georgetown, in the district of Columbia, any law or regulation to the contrary notwithstanding, that is to say : beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near to the bank of the river Potomac ; thence by a straight line drawn northerly through the middle of said street to the middle of First street ; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now enclosed as the property of the college ; thence northerly by the eastern line of said enclosure as far as the same extends ; thence in the same northerly direction to the middle of Fourth street ; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street ; thence northerly by a line drawn parallel to Fayette street at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary line of Beatty and Hawkins' addition to Georgetown ; thence westwardly by said boundary line as far as it extends ; thence by the courses and distances of the several other boundary lines of Beatty and Hawkins' addition aforesaid, that is to say : westwardly, northwardly, eastwardly and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street ; thence eastwardly by a line drawn through the middle of Road street, as it now runs, and as far as it extends ; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock creek ; thence by the middle of the same creek and the middle of the Potomac river to a

point directly opposite to the middle of College street aforesaid; thence to the place of beginning.

Corporation of Georgetown to cause a survey to be made of the town.

SEC. 2. *And be it further enacted*, That the corporation of Georgetown be, and they are hereby authorized and directed to cause a complete and accurate survey to be made of the said town agreeably to the courses and limits prescribed in the preceding section of this act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said town, and after the said survey shall have been so made, and approved by the corporation, the same shall be admitted to record in the clerk's office for the county of Washington in the district of Columbia.

To be recorded in the clerk's office of Washington county.

Rights and powers formerly granted to the corporation, to be exercised by them.

SEC. 3. *And be it further enacted*, That all the rights, powers and privileges heretofore granted to the said corporation by the general assembly of Maryland, and by the act to which this is a supplement, and which are at this time claimed and exercised by them, shall be and remain in full force and effect, and may and shall be exercised and enjoyed by them within the bounds and limits set forth and described in the first section of this act.

Corporation of the town may lay out streets, &c. &c.

Regulations for opening streets, &c.

SEC. 4. *And be it further enacted*, That the said corporation shall have power to lay out, open, extend and regulate streets, lanes and alleys, within the limits of the town, as before described, under the following regulations, that is to say: the mayor of the town shall summon twelve freeholders, inhabitants of the town, not directly interested in the premises, who, being first sworn to assess and value what damages would be sustained by any person or persons by reason of the opening or extending any street, lane or alley, (taking all benefits and inconveniences into consideration) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street, and shall also declare to what amount in money each individual benefited thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension: and the names of the person or persons so benefited, and the sums which they shall respectively be obliged to pay, shall be returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefited by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them, with interest thereon at the rate of six per cent. per annum, from the time limited for the payment thereof until paid; and the sums of money assessed and charged in manner aforesaid to each individual benefited in manner aforesaid, shall be a lien upon and bind all the property so benefited to the full amount thereof: *Provided always*, that no street, lane, or alley, shall be laid out, opened or extended, until the damages assessed to individuals in consequence thereof shall have been paid, or secured to be paid: *And provided also*, that nothing in this act contained shall be so construed or understood as to authorize the corporation of Georgetown to locate, lay out, or open any street, lane, alley or other way, through any of the squares or lots situated in that part of Thomas Beall's second addition to Georgetown, which lies north of Back street, without the consent and permission of the owner or proprietor of such square or lot, first had and obtained in writing, which consent and permission shall be acknowledged in the presence of, and such acknowledgment certified by the mayor of the town aforesaid, or some justice of the peace for the county of Washington.

Proviso.

The recorder to be a member of the corporation.

SEC. 5. *And be it further enacted*, That the recorder of the corporation shall be, and he is hereby declared to be a member of the board of aldermen, to all intents and purposes whatsoever.

APPROVED, March 3, 1809.

CHAP. XXXI.—*An Act to authorize the making of a Turnpike Road from Mason's Causeway, to Alexandria.*

STATUTE II.

March 3, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Mason, David Wiley, Henry Foxall, John Cox and John W. Bronaugh, be, and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books as they may deem proper, by themselves, or by their agents, subscriptions for raising a capital stock of twenty thousand dollars in shares of one hundred dollars each, for the purpose of opening, gravelling and improving a road from the west end of Mason's causeway to Alexandria, in the district of Columbia, the times, places, and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons, in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints as they may deem expedient: *Provided*, that the books for receiving and entering subscriptions shall be opened on or before the first day of May next, and that no subscription shall be received unless the sum of ten dollars be first paid into the hands of such agent or other person as said commissioners may authorize to receive it.

Commissioners to be appointed.

SEC. 2. *And be it further enacted,* That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them may, and when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the district of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their place, and may make such rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company: *Provided always*, that no stockholder shall, in person or by proxy, have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold, and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held under said number; and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the president, directors and company of the Georgetown and Alexandria turnpike road, and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking, and holding to them and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic may lawfully do.

Directors to be appointed.

Proviso, as to the powers of voting.

Meetings of
the company.
Their powers.

SEC. 3. *And be it further enacted*, That the said company shall meet on the first Monday in February, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company.

Printed cer-
tificates of
shares, &c. &c.

SEC. 4. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable, at his or her pleasure in person, or by attorney, in the presence of the president or treasurer, subject however to all payments due or to grow due thereupon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' notice in a public paper printed in each of the towns of Alexandria and Georgetown, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place shall be forfeited to the said company, and may be sold by them to any person or persons, willing to purchase, for such price as can be obtained, and in case such share or shares should not, on a sale so to be made, produce a nett sum equal to the portion or dividends then remaining to be paid thereon, such deficiency may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and prima facie evidence of the amount due on the share or shares held by such defendant.

Penalty on
non-payment of
instalments on
shares.

Meetings of
the president
and directors.

SEC. 5. *And be it further enacted*, That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer, and agree with and appoint all such surveyors, intendants, artists, or other agents as they shall judge necessary to carry on the intended works, and to fix their salaries, wages or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay monies due on their respective shares; to draw orders on the treasurer for all monies due from the said company, and generally to do and transact all such other matters, acts and things, as by the by-laws, rules, and regulations of said company, shall be required or permitted.

Route or
course of the
road.

SEC. 6. *And be it further enacted*, That the said president and directors shall cause to be surveyed, laid down, ascertained and fixed, the said turnpike road, from the west end of Mason's causeway, and passing near to the head of the tide water of Four Mile run, at a place called Adam's Mill, and thence to the limits of Alexandria, in such route or track for the same, as in the best of their judgment and skill

will combine shortness of distance with the most convenient ground, and the smallest expenditure of money; and it shall be lawful to and for the said president and directors, their surveyors and agents, to enter upon all and every the lands and enclosures in, through and over which the said turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone, and gravel, and other materials in the vicinity, that will be useful in making the said road: *Provided*, that the said road shall not be so laid out as to intersect the road laid out and established by the Washington and Alexandria turnpike company, without the consent of the said company.

Proviso.

SEC. 7. *And be it further enacted*, That it shall and may be lawful to and for the president and directors, by and with their superintendents, artists and labourers, with their tools and instruments, with carts, wagons and other carriages, and beasts of draft or burthen, to enter upon the lands in, over or near to which the route or tract of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done, by a reasonable agreement, if they can agree; but if they cannot agree, then by appraisement, to be made upon oath or affirmation, by three indifferent freeholders or any [two] of them agreeing, to be mutually chosen, or if they cannot agree in a choice, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by one of the judges of the circuit court of the district of Columbia, and having tendered the appraised value so as aforesaid to be made, it shall be lawful to cut, dig, take, and carry away any logs, stone, gravel, sand, or earth most conveniently situate for making or repairing said road; and it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any ground to be occupied by the road, and the necessary toll houses and gates for the right thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the said circuit court, the said judge shall issue a warrant, directed to the marshal of the district, to summon a jury of twenty-four inhabitants of the district of Columbia, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty thereafter; and the marshal upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every jurymen that shall appear, that he shall faithfully, justly and impartially, value the lands and all damages the owner thereof shall sustain, by opening the road through such land, according to the best of his skill and judgment, and that the inquisition thereupon taken, shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive upon all persons, and shall be paid by the president and directors to the owner of the land or his or her legal representative, and on payment thereof, said land shall be taken and occupied for a public road and for the necessary toll houses and gates, for ever. The said president and directors shall cause the said road to be laid out, not exceeding eighty feet in width, twenty-four feet whereof in breadth, at least, shall be made an artificial road of stone, gravel or other hard substance, of sufficient depth or thickness, to secure a solid and firm road, with a surface as even as the materials will admit, and so nearly level

Property thro' which the road is to pass, how to be condemned.

Proceedings.

Dimensions and quality of the road.

as that it shall in no place rise or fall more than an angle of four degrees with an horizontal line; and the said road shall for ever hereafter be maintained and kept in good and perfect repair; and wheresoever any bridge over any part of the said road shall be deemed necessary, the same shall be built of sound and suitable materials.

When the tolls may become receivable.

SEC. 8. *And be it further enacted*, That so soon as the president and directors shall have perfected the said road from the west end of Mason's causeway to Alexandria, and in the route aforesaid, they shall give public notice thereof in some newspaper printed in the district of Columbia, and it shall be lawful for them thereafter to erect and fix such and so many gates or turnpikes not exceeding three, upon and across the said road, as shall be necessary and sufficient to collect the tolls herein after granted to the said company, and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person or persons, riding, leading, or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, coach, cart, wagon, sleigh, sled, or any carriage of burthen or pleasure, from passing through the said gates, until the said tolls shall be paid, that is to say; for the whole distance in length of said road, and so in proportion for any lesser distance, viz.

Rates of tolls.

For every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, sixteen cents; for every horse or mule with or without a rider, four cents; for every sulkey, chair, chaise, or carriage of pleasure, with two wheels and one horse, eight cents; for every coach, chariot, stage wagon, coachee, phaeton or chaise, with four wheels and two horses, sixteen cents; for any carriage last mentioned with four horses, twenty cents; for every other carriage of pleasure under whatever name it may go, the like sums, according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, six cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed four inches in breadth, five cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceed twelve inches, one and a half cents for every horse drawing the same; and that all such carriages as aforesaid, to be drawn by oxen in the whole or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse: *Provided*, that no turnpike gate shall be erected within one mile of the line of the town of Alexandria.

No gate to be erected within one mile of Alexandria.

Regulations to be made by the president and directors.

Mile-stones to be put up.

SEC. 9. *And be it further enacted*, That it shall be lawful for the said president and directors, by their by-laws, to make any rule or regulation respecting the burdens on carriages to be drawn over the said road, which shall be deemed reasonable and proper, and from time to time to alter the same; and the said president and directors shall cause mile-stones to be placed on the side of said road, noting the distance from the north bounds of Alexandria, and at every gate or turnpike, shall cause the distance from the north bounds of Alexandria, and the distance from the west end of Mason's causeway, to be marked in legible characters on some conspicuous part of said gate; and shall cause, also, to be affixed at such places, a printed list of the tolls, which may be demanded of those using the said road; and for every day the same shall

List of tolls to be marked on the gates.

be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: all wagoners and drivers of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by another carriage of slower draft going in the same direction, keep their horses and carriage on the right hand side of the said road, leaving the other side of the road clear and free for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay two dollars to any person obstructed in his passage, who shall sue for the same, to be recovered, with costs, before any justice of the peace, in the same manner as small debts are recoverable; and moreover, shall be liable to the party injured, by suit at common law, for any special damage done.

Penalties for obstructing the road.

SEC. 10. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all monies to be received by them from the said commissioners, and from the stockholders, or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all monies by them to be expended, in the prosecution of their said work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully liquidated, paid and discharged; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders to be convened according to the provisions of this act, or their own by-laws and rules, to increase the number of shares to such extent as shall be necessary to accomplish the work, and to demand and receive the monies subscribed for such shares, in like manner and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

President and directors to cause accounts to be kept, &c.

May increase the stock.

SEC. 11. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all the monies to be received by their several collectors of tolls at the turnpike gates on the said road, and shall make and declare a half-yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half-yearly dividend aforesaid, in some newspaper printed in the district of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Dividends, how to be made and accounted for.

SEC. 12. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said road in good repair; and if in neglect of their said duty, the said corporation shall at any time suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and be it further enacted*, That whenever the nett proceeds of tolls collected on said road shall amount to a sum sufficient to reimburse the capital, which shall be expended in the purchase of said land and making said road, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the district of Columbia, in the county of Alexandria, the same shall become a free road, and

Road to be kept in repair.

Penalty.

When the road shall become a free one.

toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

Penalty for evading the payment of tolls.

SEC. 13. *And be it further enacted*, That if any person or persons, riding in, or driving any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll-gate under any pretended privilege or exemption, to which he or she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president and directors, not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, that it shall not be lawful for the company to ask, demand or receive from or for persons living on or adjacent to the said road, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the limits of the same may extend on the road, who shall not have any other convenient road or way by which they may pass from one part to another part thereof, any toll for passing on or by the said turnpike.

Proviso.

APPROVED, March 3, 1809.

STATUTE II.

March 3, 1809.

Act of July 11, 1798, ch. 72.

Act of March 2, 1799, ch. 37.

Augmentation of the marine corps authorized.

CHAP. XXXIII.—*An Act authorizing an augmentation of the Marine Corps.*(a)

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 shall be, and he is hereby authorized to cause the marine corps in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing and rations, and shall be employed under the same rules and regulations to which the said marine corps are, or shall, be entitled and subject.

Term of establishments.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, all enlistments in the said corps, shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

APPROVED, March 3, 1809.

STATUTE II.

March 3, 1809.

[Obsolete.]

Further appropriation.

CHAP. XXXIV.—*An Act supplemental to the act intituled "An act for establishing trading houses with the Indian tribes."*(b)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding forty thousand dollars, in addition to the sum heretofore appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner prescribed by the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby appropriated, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

Act of April 13, 1796, ch. 13.

Act of April 21, 1806, ch. 48.

Act of March 2, 1811, ch. 30.

Appropriation for an additional clerk in the superintendent's office.

SEC. 2. *And be it further enacted*, That the sum of eight hundred dollars be, and the same is hereby appropriated out of any monies in the treasury of the United States not otherwise appropriated, for an additional clerk in the office of the superintendent of Indian trade.

(a) See notes of the acts passed relating to the Marine Corps, vol. i. 594.

(b) See notes to the act of April 13, 1796, chap. 13.

SEC. 3. *And be it further enacted*, That the proviso to the twelfth section of the act, intituled "An act for establishing trading houses with the Indian tribes," be, and the same is hereby repealed.

SEC. 4. *And be it further enacted*, That the act to which this is a supplement, and also this act, shall, from and after the twenty-first day of April next, commence and be continued in force, for and during the term of three years, and no longer.

APPROVED, March 3, 1809.

A proviso of a former law repealed.

Act of April 21, 1806, ch. 48.

Continuance of this act and of the one to which it is a supplement.

STATUTE II.

March 3, 1809.

CHAP. XXXVI.—*An Act making appropriations for the support of the Military establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense of the military establishment of the United States for the year one thousand eight hundred and nine, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, eight hundred and sixty-eight thousand two hundred and forty dollars.

Specific appropriations.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and forty-one thousand two hundred and twenty-eight dollars and thirty-five cents.

For clothing, two hundred and ninety-three thousand two hundred and sixty-four dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, forty-five thousand dollars.

For camp equipage, fuel, tools and transportation, two hundred and seventy thousand dollars.

For ordnance, seventy-five thousand dollars.

For purchasing horses, saddles and bridles for the light dragoons, and for the light artillery fifty-one thousand seven hundred and twenty dollars.

For forage for the horses for the regiment of light artillery, ten thousand eight hundred dollars.

For fortifications, arsenals, magazines and armories, two hundred and nineteen thousand and thirty-four dollars and seventy-five cents.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agent's offices, and in the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and twenty-five thousand six hundred dollars.

For the purpose of paying James Powell, late collector of Savannah, the amount of monies advanced by him to Solomon Ellis, contractor for supplying rations to the troops of the United States, in the state of Georgia, including a commission of two per centum to the collector, twenty-seven thousand six hundred and twenty-one dollars and eight cents.

For the purpose of paying Ferdinand Phinizy, late contractor for supplying the troops in Georgia, a balance due to him as admitted by the comptroller of the treasury, on the twenty-fourth of July, one thousand seven hundred and ninety-nine, one thousand three hundred and ninety-three dollars and thirty-nine cents.

SEC. 2. *And be it further enacted*, That for defraying the expenses of the navy of the United States, during the year one thousand eight

Specific ap-
propriations.
1809, ch. 11.

hundred and nine, the following sums, including therein the sum of four hundred thousand dollars, already appropriated by an act, intituled "An act authorizing the employment of an additional naval force," the following sums be, and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million three hundred and twenty-three thousand and seventy-seven dollars.

For provisions, five hundred and sixty-seven thousand seven hundred and sixty-five dollars.

For medicines, instruments and hospital stores, thirty-five thousand dollars.

For repairs of vessels, four hundred and forty-five thousand dollars.

For freight, store rent, commissions to agents, and other contingent expenses, one hundred and fifty thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, one hundred and thirty-five thousand six hundred and forty-seven dollars and seventy cents.

For clothing for the same, thirty-two thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, one thousand three hundred and fifty-four dollars.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the marine corps, fourteen thousand one hundred and twenty-five dollars.

For the expense of navy-yards, comprising dock and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance and small arms, one hundred and fifty thousand dollars.

SEC. 3. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, March 3, 1809