

ACTS OF THE ELEVENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-second day of May, 1809, and ended on the twenty-eighth day of June, 1809.

JAMES MADISON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; ANDREW GREGG, President of the Senate pro tempore, on the 28th of June; J. B. VARNUM, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act respecting the ships or vessels owned by citizens or subjects of foreign nations with which commercial intercourse is permitted.*

May 30, 1809.

[Obsolete.]

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, all ships or vessels owned by citizens or subjects of any foreign nation with which commercial intercourse is permitted by the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," be permitted to take on board cargoes of domestic or foreign produce, and to depart with the same for any foreign port or place with which such intercourse is, or shall, at the time of their departure respectively, be thus permitted, in the same manner, and on the same conditions, as is provided by the act aforesaid, for vessels owned by citizens of the United States; any thing in the said act, or in the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in any of the several acts supplementary thereto, to the contrary notwithstanding.

APPROVED, May 30, 1809.

Act of March 1, 1809, ch. 24.

Ships and vessels of foreign nations with which intercourse is permitted by the act of March 1, 1809, shall be permitted to take cargoes and depart for any port with which intercourse is permitted.

Conditions.

STATUTE I.

CHAP. II.—*An Act making further appropriations to complete the fortifications commenced for the security of the ports and harbors of the United States, and to erect such fortifications as may be necessary for the protection of the northern and western frontiers of the United States.*

June 14, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of completing the fortifications commenced for the security of the seaport towns and harbors of the United States, and territories thereof; and for erecting such fortifications as may, in the opinion of the President of the United States, be deemed necessary for the protection of the northern and western frontiers, there be and hereby is appropriated the sum of seven hundred and fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, June 14, 1809.

Specific appropriation.

STATUTE I.

June 15, 1809.

[Obsolete.]

An agent to be appointed to appear before the board of commissioners for adjusting land titles at Kaskaskia.

CHAP. III.—*An Act authorizing the appointment of an agent for the land-office at Kaskaskia, and allowing compensation to the commissioners and clerk.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to employ an agent, whose compensation shall not exceed five hundred dollars in full for all his services, for the purpose of appearing before the board of commissioners for adjusting the claims to land in the Kaskaskia district, in behalf of the United States, to investigate the claims for land, and to oppose all such as he may deem fraudulent and unfounded.

SEC. 2. *And be it further enacted,* That five hundred dollars shall be allowed to each of the said commissioners and to the clerk of the board, as compensation for their services, rendered in the year one thousand eight hundred and eight.

APPROVED, June 15, 1809.

STATUTE I.

June 15, 1809.

Act of March 3, 1807, ch. 35.
Lands ceded by the Cherokees, &c. &c. to be offered for sale.

Reservations, &c. &c.

CHAP. IV.—*An Act supplementary to an act, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi Territory."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the lands ceded to the United States by the Cherokee and Chickasaw Indians, as lies within the Mississippi territory, and for which a land-office was directed to be established, by the second section of the act to which this act is a supplement, shall, with the exception of section number sixteen in each township, which shall be reserved for the use of schools within the same, and with the exception of the salt springs and lands contiguous thereto, which, by the direction of the President of the United States, may be reserved for the future disposal of the said United States, be offered for sale to the highest bidder, under the direction of the register of the land-office and of the receiver of public monies, at the place where the land-office is established; and on the day or days which shall have been designated by proclamation of the President of the United States for that purpose, the sales shall remain open for six weeks, and no longer; the lands shall not be sold for less than two dollars an acre, and shall be sold in tracts of the same size, and in all respects 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 Mississippi territory. All the lands of the United States in the said district, with the exceptions above mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are or may be provided by law, for the sale of the lands of the United States in the Mississippi territory; and patents shall be obtained for lands sold in said district, in the same manner, and on the same terms as are provided by law for other public lands sold in the Mississippi territory.

SEC. 2. *And be it further enacted,* That the superintendents of the public sales, directed by this act, shall each receive six dollars a day, for every day's attendance on the said sales.

APPROVED, June 15, 1809.

Compensation to superintendents of sales.

The sales to remain open for six weeks, after which the lands may be sold at private sale.

Act of March 3, 1803.

CHAP. V.—*An Act to continue in force “An act declaring the assent of Congress to a certain act of the state of South Carolina, passed the twenty-first of December, one thousand eight hundred and four.”*

STATUTE I.

June 15, 1809.

[Expired.]

Act of March 28, 1806, ch. 17, continued in force for five years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the twenty-eighth of March, one thousand eight hundred and six, entitled “An act declaring the consent of Congress to an act of the state of South Carolina, passed on the twenty-first day of December, one thousand eight hundred and four, so far as the same relates to authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports,” be and the same is hereby continued in force from the passage of this act for five years, and thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, June 15, 1809.

STATUTE I.

June 24, 1809.

CHAP. VII.—*An Act to fix 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 November next.

APPROVED, June 24, 1809.

Congress to meet on the fourth Monday in Nov. 1809.

STATUTE I.

June 28, 1809.

CHAP. VIII.—*An Act for the remission of certain penalties and forfeitures, and for other purposes.*

[Obsolete.]

President authorized to remit penalties and forfeitures, in the case of certain fugitives from Cuba, incurred under the act to prohibit the importation of slaves.

Act of March 2, 1807, ch. 22.

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 remit any penalty or forfeiture which may have been incurred in consequence of the violation of any of the provisions of the act, entitled “An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, one thousand eight hundred and eight,” by any person who may have been concerned in bringing into any port or place within the jurisdiction of the United States, any slave or slaves, owned by any person or persons, who shall have been forcibly expelled from the island of Cuba, by order of the government thereof: and the President of the United States is hereby further authorized to release all vessels and other effects, which may have been or may hereafter be seized therefor: *Provided*, that he shall be first satisfied in every case, that the person thus concerned in bringing in such slave or slaves as aforesaid, was impelled thereto, by circumstances which, in the judgment of the President of the United States, would justify the act; and without any intention on the part of such person voluntarily to evade any of the provisions of the act aforesaid: *And provided also*, that such slave or slaves shall have been brought into the United States in the same vessel and at the same time as their owner or owners respectively.

Proviso, that the President shall be satisfied that the person was impelled to import the slave or slaves; and provided, the slave has been brought in the same vessel with the owner.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to make any arrangement with the minister plenipotentiary of France, which he may deem necessary and proper for transporting such of the unfortunate exiles from the said island of Cuba, with their effects, as shall desire to depart from the United States to any port or place within the territories of France, her colonies or dependencies, any law to the contrary notwithstanding: *Provided*, that the vessels transporting the same shall depart only in ballast, and without taking on board any other cargo than such sea

President authorized to make arrangements with the French minister for transporting the exiles to France, &c. &c.

Appropriation.

Conditions upon which it is to be applied.

Interest of the U. States in the proceeds of the sale of the Clara given up.

stores as may be deemed necessary for the voyage in every case. And to enable the President to carry into effect any such arrangement, as well as for supplying, temporarily, such of the unfortunate exiles with the necessaries of subsistence, as may be in actual want thereof, there be appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary for these objects, to be paid out of any money in the treasury, not otherwise appropriated: *Provided however*, that all monies which may be drawn out of the treasury, in virtue of this act, shall be charged to the French government, under such stipulations for reimbursing the same, on the part of the minister plenipotentiary of France, as, in the judgment of the President. may be deemed proper for that object.

SEC. 3. *And be it further enacted*, That all claim and demand of the United States to any monies arising from the sale of the ship Clara, sold in pursuance of a decree of the district court for Orleans district, holden in March, one thousand eight hundred and nine, be, and the same is hereby relinquished and remitted to Andrew Foster and Jacob P. Giraud, late owners of the said ship Clara, any thing in any former law to the contrary notwithstanding.

APPROVED, June 28, 1809.

STATUTE II.

June 28, 1809.

[Expired.]

Act of March 1, 1809, ch. 24.

Certain parts of non-intercourse law continued in force.

Third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth and eighteenth sections.

Not to be construed to affect the commercial intercourse permitted by the eleventh section.

Declaratory clause.

Proviso, that all penalties, &c. shall remain.

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

Act of March 1, 1809, ch. 24.

Vessels prohibited from going to interdicted ports.

CHAP. IX.—*An Act to amend and continue in force certain parts of the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, 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 third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall continue in force until the end of the next session of Congress: *Provided*, that nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been or may be permitted in conformity with the provisions of the eleventh section of the said act.

SEC. 2. *And be it further enacted*, That all acts repealed, or mentioned or intended to be repealed by the said act to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies, shall be and remain repealed, notwithstanding any part of the same act which has been or may hereafter be revoked or annulled, or which may expire by its own limitation: *Provided*, that all the penalties and forfeitures which may have been incurred, or shall hereafter be incurred on account of any infraction 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, or of the act to enforce and make more effectual an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or of any of the provisions of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall after the expiration of any of the said acts or of any provision thereof, be recovered and distributed in like manner as if the said acts and every provision thereof had continued in full force and virtue.

SEC. 3. *And be it further enacted*, That during the continuance of this act, no ship or vessel, except such as may be chartered or employed for the public service by the President of the United States, shall be permitted to depart for any foreign port or place with which commercial intercourse has not been or may not be permitted by virtue of this act,

or of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes. And no ship or vessel bound to a foreign port or place with which commercial intercourse has been or may be thus permitted, except such as may be chartered or employed as aforesaid, shall be allowed to depart, 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, that the vessel shall not proceed to any port or place with which commercial intercourse is not thus permitted, nor be directly or indirectly engaged, during the voyage, in any trade with such port or place. And if any ship or vessel shall, contrary to the provisions of this section, depart from any port of the United States, without clearance, or without having given bond in the manner above mentioned, 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: *Provided always*, that the provisions of the eleventh section of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall extend to the prohibitions imposed by this section; which prohibitions shall cease to operate in the manner and under the limitations prescribed by the eleventh section aforesaid, in relation to any nation with which commercial intercourse may hereafter be permitted, in conformity with the provisions of the eleventh section aforesaid.

SEC. 4. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, shall, during the continuance and after the expiration thereof, be recovered and distributed, and may be remitted or mitigated in the manner prescribed by the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, and the acts therein referred to.

SEC. 5. *And be it further enacted*, That all the vessels which may have arrived at any port or place within the United States from Great Britain, her colonies or dependencies, between the twentieth day of May and the eleventh of June, one thousand eight hundred and nine, shall be exempted from all the forfeitures and penalties incurred in consequence of any violation of any of the provisions of the said act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies.

APPROVED, June 28, 1809.

Vessels going to ports other than forbidden ones to give bond, &c. &c.

Proviso, that the provisions of the eleventh section of the act of March 1, 1809, ch. 24, shall extend to prohibitions under this section.

Penalties and forfeitures, how to be recovered and distributed.

Act of March 1, 1809, ch. 24.

Vessels which may have arrived in the U. States between the 20th May and 11th June exempt from forfeiture, &c. &c.

STATUTE I.

CHAP. X.—*An Act supplementary to the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt."*

June 28, 1809.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested in the commissioners of the sinking fund, by the tenth section of the act to which this act is a supplement, shall extend to all the cases of reimbursement of any instalments or parts of the capital, or principal, of the public debt now existing, which may become payable according to law. And in every case in which a loan may be made accordingly, it shall be lawful for such loan to be made of the Bank of the United States, any thing in any act of Congress to the contrary notwithstanding.

APPROVED, June 28, 1809.

Act of March 3, 1795, ch. 45.

Powers of the commissioners of the sinking fund extended.

STATUTE I.

June 28, 1809.

[Obsolete.]

Specific appropriation.

Appropriation to defray the expense of the temporary Senate room.

CHAP. XI.—*An Act making an appropriation to finish and furnish the Senate chamber, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to defray the expenses of finishing and furnishing the permanent Senate chamber, its committee rooms, lobbies and other apartments, the sum of fifteen thousand dollars is appropriated, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted,* That to defray the expense incurred in fitting up the temporary Senate chamber, and repairing and providing articles of furniture, the further sum of sixteen hundred dollars be appropriated, the same to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, June 28, 1809.

STATUTE I.

June 28, 1809.

[Obsolete.]

Act of April 12, 1808, ch. 43.

CHAP. XII.—*An Act to suspend for a limited time the recruiting service.*

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 entitled "An act to raise for a limited time an additional military force," as authorizes the enlisting of men for the term of five years, unless sooner discharged, be and the same is hereby suspended until twenty days after the next meeting of Congress.

APPROVED, June 28, 1809.

STATUTE I.

June 28, 1809.

[Obsolete.]

Letters and packets from Thomas Jefferson be received and conveyed by post free of postage.

CHAP. XIV.—*An Act freeing from postage all letters and packets from 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 from Thomas Jefferson, late President of the United States, during his life, shall be received and conveyed by post, free of postage.

APPROVED, June 28, 1809.

STATUTE I.

June 28, 1809.

CHAP. XV.—*An Act making appropriations for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress.*

Appropriation.

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 stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress, the sum of nine thousand dollars be, and the same hereby is appropriated, payable out of any money in the treasury not otherwise appropriated.

APPROVED, June 28, 1809.

STATUTE I.

June 28, 1809.

CHAP. XVI.—*An Act authorizing the accounting officers of the Treasury Department to give credit to certain collectors of the customs for allowances paid by them to the owners and crews of fishing vessels.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury department be, and they are hereby authorized, in settling the accounts of the collectors of the customs, to give them credit for the respective sums which have been or may be paid for allowances to the owners and crews of fishing vessels, in lieu of drawback of the

duties paid on the salt used by the same, to the thirty-first of December, one thousand eight hundred and seven.

APPROVED, June 28, 1809.

CHAP. XVII.—*An Act concerning the Naval Establishment.*

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, in the event of a favourable change in our foreign relations, be and he is hereby authorized to cause to be discharged from actual service and laid up in ordinary, such of the frigates and public armed vessels, as in his judgment a due regard to the public security and interest will permit.

SEC. 2. *And be it further enacted,* That so much of the first section of an act, entitled "An act to authorize the employment of an additional naval force," passed at the last session of Congress, as requires the public armed vessels to be stationed at such ports and places on the sea-coast, or to cruise on the sea-coast of the United States and territories thereof, be, and the same is hereby repealed.

APPROVED, June 28, 1809.

STATUTE I.

June 28, 1809.

[Obsolete.]

President in the event of a favourable change in the foreign relations authorized to discharge and lay up in ordinary such of the frigates as he shall think proper.

Act of Jan. 31, 1809, ch. 11.