

# ACTS OF THE TWELFTH 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 fourth day of November, 1811, and ended on the sixth day of July, 1812.*

JAMES MADISON, President; GEORGE CLINTON, Vice President, of the United States and President of the Senate; WILLIAM H. CRAWFORD, President of the Senate pro tempore, from the 26th of March, 1812; HENRY CLAY, Speaker of the House of Representatives.

### STATUTE I.

CHAPTER I.—*An Act to authorize the transportation of certain documents free of postage.*

Nov. 18, 1811.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the members of Congress, the secretary of the Senate, and the clerk of the House of Representatives be, and they are hereby respectively authorized to transmit, free of postage, the several messages of the President of the United States of the fifth and seventh days of November, in the year one thousand eight hundred and eleven, and the 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 direct, any law to the contrary notwithstanding.

APPROVED, November 18, 1811.

[Obsolete.]

Documents may be sent free of postage.

### STATUTE I.

CHAP. II.—*An Act to alter the time of holding one of the terms of the District Court in the district of Maine.*

Nov. 28, 1811.

*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 district court of the United States for the district of Maine, shall be holden at Wiscasset, within said district, on the second Tuesday of September, annually, instead of the first Tuesday of said month, any thing, in any former act, to the contrary notwithstanding.(a)

APPROVED, November 28, 1811.

District court to be held at Wiscasset, on the second Tuesday of September annually.

### STATUTE I.

CHAP. III.—*An Act making a further appropriation for the support of a Library.*

Dec. 6, 1811.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the

[Obsolete.]

(a) By the act of March 3, 1813, chap. 60, the time for holding the sessions of the district court at Wiscasset, was changed from the first Tuesday of March, to the last Tuesday of February.

By the act of April 3, 1818, chap. 9, the district court of Maine, before holden on the last day of May in each year, shall be holden at the same place on the first Tuesday of June in each year.

Appropriation of one thousand dollars.

balance of the former appropriations made to purchase books for the use of Congress, there shall be appropriated the sum of one thousand dollars yearly for the term of five years; to be paid out of any monies in the treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

APPROVED, December 6, 1811.

#### STATUTE I.

Dec. 12, 1811.

CHAP. IV.—*An Act extending the time for opening the several Land-offices established in the territory of Orleans.*

[Obsolete.]

Further time allowed for opening land-offices.

Act of Feb. 15, 1811, ch. 14.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the sixth section of an act, entitled "An act providing for the final adjustment of claims to lands and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose and approved February sixteenth, one thousand eight hundred and eleven," as directs that the several land-offices established in the territory of Orleans shall be opened on the first day of January and on the first day of February, one thousand eight hundred and twelve, be, and the same is hereby repealed.

Land-offices to be opened on such days as may be designated by the President.

SEC. 2. *And be it further enacted,* That the said land-offices shall, respectively, be opened on such day or days as the President of the United States shall, by proclamation, designate for that purpose; and the public land shall, in every other respect, be offered for sale at the said offices in the same manner as is directed by the aforesaid act.

APPROVED, December 12, 1811.

#### STATUTE I.

Dec. 12, 1811.

CHAP. VI.—*An Act allowing further time for completing the payments on certain lands held by right of pre-emption, in the Mississippi territory.*

[Obsolete.]

Purchasers allowed until the first of January, 1813, to complete their payments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the purchasers of public lands, by right of pre-emption in the Mississippi territory, who have made payment of their first instalment of the purchase money, be allowed until the first day of January, one thousand eight hundred and thirteen, to complete the payments on their lands, respectively, any law to the contrary notwithstanding.

APPROVED, December 12, 1811.

#### STATUTE I.

Dec. 12, 1811.

CHAP. VIII.—*An Act to authorize the surveying and marking of certain roads, in the state of Ohio, as contemplated by the treaty of Brownstown in the territory of Michigan.*

[Obsolete.]

Act of April 16, 1816, ch. 53.

Road from the rapids of the river Miami of Lake Erie to western line of Connecticut reserve.

*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 hereby is authorized to appoint three commissioners, who shall explore, survey and mark, by the most eligible course, a road from the foot of the rapids of the river Miami of Lake Erie, to the western line of the Connecticut reserve, and a road to run southwardly from Lower Sandusky to the boundary line established by the treaty of Greenville, which said road shall be sixty feet in width; and the said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of said surveys, shall cause the plats thereof to be deposited in the office of the treasury of the United States; and the said roads shall be considered as established and accepted, pursuant to the treaty held at Brownstown, in the terri-

Commissioners' report to be made to the President.

tory of Michigan, on the twenty-fifth day of November, one thousand eight hundred and eight.

SEC. 2. *And be it further enacted*, That the aforesaid roads shall be opened and made under the direction of the President of the United States, in such manner as he shall direct.

SEC. 3. *And be it further enacted*, That the said commissioners shall each be entitled to receive three dollars, and their necessary assistants one dollar and fifty cents, for each and every day which they shall be necessarily employed in the exploring, surveying and marking said roads; and for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said roads, there shall be and hereby is appropriated the sum of six thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, December 12, 1811.

Roads to be opened and made under the direction of the President.

Compensation of the commissioners and assistants.

#### STATUTE I.

CHAP. IX.—*An Act for the apportionment of Representatives among the several States, according to the third enumeration.*(a)

Dec. 21, 1811.

[Obsolete.]

Ratio of one representative to every thirty-five thousand.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the third day of March, one thousand eight hundred and thirteen, the House of Representatives shall be composed of members elected agreeably to a ratio of one representative for every thirty-five thousand persons in each state, computed according to the rule prescribed by the constitution of the United States, that is to say: Within the state of New Hampshire, six; within the state of Massachusetts, twenty; within the state of Vermont, six; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, twenty-seven; within the state of New Jersey, six; within the state of Pennsylvania, twenty-three; within the state of Delaware, two; within the state of Maryland, nine; within the state of Virginia, twenty-three; within the state of North Carolina, thirteen; within the state of South Carolina, nine; within the state of Georgia, six; within the state of Kentucky, ten; within the state of Ohio, six; within the state of Tennessee, six.

APPROVED, December 21, 1811.

#### STATUTE I.

CHAP. X.—*An Act for completing the existing Military Establishment.*

Dec. 24, 1811.

[Obsolete.]

Act of March 3, 1815, ch. 78.

The military establishment to be completed.

Pay and bounty to officers and men.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military establishment, as now authorized by law, be immediately completed.

SEC. 2. *And be it further enacted*, That there be allowed and paid to each effective, able bodied man, recruited or re-enlisted for that service, for the term of five years, unless sooner discharged, the sum of sixteen dollars; but the payment of one half of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment a certificate that he had faithfully performed his duty whilst in service, he shall moreover be allowed and paid, in addition to the aforesaid bounty, three months' pay, and one hundred and sixty acres of land; and the heirs and representatives of those non-commissioned officers or soldiers, who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay, and one hundred and sixty acres of land, to be designated, surveyed and laid off

Non-commissioned officers and soldiers when discharged to have one hundred and sixty acres of land and additional bounty.

(a) See act of January 14, 1802, chap. 1, page 128, and note.

1812, ch. 77. at the public expense, in such manner and upon such terms and conditions, as may be provided by law.

APPROVED, December 24, 1811.

STATUTE I.

Jan. 2, 1812.

[Obsolete.]

President at liberty to raise certain companies of rangers when invasion made or threatened.

CHAP. XI.—*An Act authorizing the President of the United States to raise certain companies of Rangers for the protection of the frontier of the United States.*

*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, whenever he shall have satisfactory evidence of the actual or threatened invasion of any state or territory of the United States, by any Indian tribe or tribes, be, and he is hereby authorized to raise, either by the acceptance of volunteers or enlistment for one year, unless sooner discharged, as many companies as he may deem necessary, not exceeding six, who shall serve on foot or be mounted, as the service in his opinion may require, shall act on the frontier as rangers, be armed, equipped and organized in such manner, and be under such regulations and restrictions, as the nature of the service, in his opinion, may make necessary.

1812, ch. 119.

How the said companies are to be constituted.

Pay, &c. &c.

SEC. 2. *And be it further enacted,* That each of the said companies of rangers shall consist of one captain, one first, one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates.

SEC. 3. *And be it further enacted,* That when the said rangers arm and equip themselves and provide their own horses, they shall be allowed each one dollar per day, and without a horse seventy-five cents per day, as full compensation for their services, rations or forage, as the case may be. The commissioned officers shall receive the same pay and rations as officers of the same grade in the army of the United States.

Compensation in case of wounds, &c.

To be subject to the rules and articles of war.

1802, ch. 9.

1813, ch. 23.

President may appoint the officers in recess of the Senate.

SEC. 4. *And be it further enacted,* That the officers, non-commissioned officers and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability, by wounds and otherwise, incurred in the service, as officers, non-commissioned officers and privates in the present military establishment, and with them shall be subject to the rules and articles of war, which have been established or may hereafter by law be established; and the provisions of the act, entitled "An act fixing the military peace establishment of the United States," so far as they may be applicable, shall be extended to all persons, matters and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same. This act shall take effect and be in force from and after the passage thereof, and continue in force for one year, and from thence to the end of the next session of Congress.

SEC. 5. *And be it further enacted,* That in the recess of the Senate, the President of the United States is hereby authorized to appoint all the officers proper to be appointed under this act; which appointments shall be submitted to the Senate at their next session for their advice and consent.

APPROVED, January 2, 1812.

STATUTE I.

Jan. 8, 1812.

[Obsolete.]

Road to be opened.

CHAP. XII.—*An Act to authorize the laying out and opening a public road from the line established by the treaty of Greenville, to the North Bend in the state of Ohio.*

*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 opened, a road from the point where the United States' road from Vincennes, to the former Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend in the state of Ohio.

SEC. 2. *And be it further enacted*, That for the purpose of defraying the expenses of opening the said road, there is hereby appropriated a sum of money not exceeding eight hundred dollars, payable out of any monies in the treasury not otherwise appropriated.

APPROVED, January 8, 1812.

Appropriation.

# STATUTE I.

## CHAP. XIV.—An Act to raise an additional Military Force.

Jan. 11, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be immediately raised, ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Certain regiments of artillery, &c. &c. to be raised.

How these regiments are to be constituted.

SEC. 2. *And be it further enacted*, That a regiment of infantry shall consist of eighteen captains, eighteen first lieutenants, eighteen second lieutenants, eighteen ensigns, seventy-two sergeants, seventy-two corporals, thirty-six musicians, and eighteen hundred privates, which shall form two battalions, each of nine companies. A regiment of artillery shall consist of twenty captains, twenty first lieutenants, twenty second lieutenants, forty cadets, eighty sergeants, eighty corporals, one hundred and sixty artificers, forty musicians, and fourteen hundred and forty privates, which shall form two battalions, each of ten companies. The regiment of cavalry shall consist of twelve captains, twelve first lieutenants, twelve second lieutenants, twelve cornets, twenty-four cadets, forty-eight sergeants, forty-eight corporals, twelve saddlers, twelve farriers, twelve trumpeters, and nine hundred and sixty privates, which shall form two battalions, each of six companies.

Regiment of cavalry.

SEC. 3. *And be it further enacted*, That to each regiment raised under this act, whether of infantry, artillery, or light dragoons, there shall be appointed one colonel, two lieutenant colonels, two majors, two adjutants, one quartermaster, one paymaster, one surgeon, two surgeon's mates, two sergeant majors, two quartermaster sergeants, and two senior musicians.

Officers to be appointed for the several regiments.

SEC. 4. *And be it further enacted*, That there shall be appointed two major generals, each of whom shall be allowed two aids, to be taken from the commissioned officers of the line, and five brigadier generals, each of whom shall be allowed a brigade major and an aid, to be taken from the captains and subalterns of the line; and there shall also be appointed one adjutant general and one inspector general, each with the rank, pay and emoluments of a brigadier general; the said adjutant general shall be allowed one or more assistants not exceeding three, to be taken from the line of the army, with the same pay and emoluments as by this act are allowed to a lieutenant colonel: the said inspector general shall be allowed two assistant inspectors, to be taken from the line of the army, each of whom shall receive, while acting in said capacity, the same pay and emoluments as by this act are allowed to a lieutenant colonel; there shall also be appointed such number of hospital surgeons and mates as the service may require, with one steward to each hospital.

General officers, &c. &c.

Two major generals and aids.

Brigadier general, adjutant general, and assistants.

Inspector general and assistants.

Hospital surgeons.

SEC. 5. *And be it further enacted*, That when an officer is detached to serve as brigade major or aid, or as assistant to the adjutant general or inspector general, on the appointment of a general officer, or as adjutant or quartermaster on the appointment of a colonel, he shall not thereby lose his rank.

Officers detached to serve as brigade majors, &c. &c. not to lose their rank.

SEC. 6. *And be it further enacted*, That the major generals respectively shall be entitled to two hundred dollars monthly pay, with twenty dollars allowance for forage monthly, and fifteen rations per day. Their aids de camp shall each be entitled to twenty-four dollars monthly, in

Pay, &c. &c. of the major general, &c. &c.

addition to their pay in the line, and ten dollars monthly for forage, and four rations. The brigadier generals respectively shall be entitled to one hundred and four dollars monthly pay, twelve rations per day and sixteen dollars per month for forage when not found by the public.

Pay and emol-  
uments of other  
officers, &c. &c.

SEC. 7. *And be it further enacted*, That all other officers, cadets, non-commissioned officers, musicians, artificers and privates, authorized by this act, shall receive the like pay, forage, rations, clothing and other emoluments, as the officers of the same grade and corps, cadets, non-commissioned officers, musicians, artificers and privates, of the present military establishment.

Component  
parts of rations.

SEC. 8. *And be it further enacted*, That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

Clothing for  
non-commis-  
sioned officers,  
&c. &c.

SEC. 9. *And be it further enacted*, That every non-commissioned officer, musician and private of the artillery and infantry shall receive annually the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaiters: And the Secretary of War is hereby authorized to cause to be furnished to the paymasters of the respective districts such surplus of clothing as he may deem expedient, which clothing shall under his direction be furnished to the soldiers when necessary at the contract prices, and accounted for by them out of their arrears of monthly pay.

Secretary of  
War to cause  
surplus clothing  
to be provided.

Rules and ar-  
ticles of war to  
be in force.

SEC. 10. *And be it further enacted*, That the officers, non-commissioned officers, musicians and privates of the said corps, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter, by law, established.

Premium for  
enlistments.

SEC. 11. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted by him for the term of five years and mustered, (and between the ages of eighteen and forty-five years,) the sum of two dollars: *Provided, nevertheless*, that this regulation, so far as respects the age of the recruit, shall not extend to musicians or to those soldiers who may re-enlist into the service: *And provided also*, that no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent in writing of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Regulation re-  
lative to enlist-  
ments not to  
extend to musi-  
cians or re-en-  
listments.

Enlistments  
of minors.

Bounty—how  
and when to be  
paid.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able bodied man, recruited as aforesaid, to serve for the term of five years, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service. And whenever any non-commissioned officer, or soldier, shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment, a certificate, that he had faithfully performed his duty whilst in service, he shall moreover be allowed and paid, in addition to the said bounty, three months' pay, and one hundred and sixty acres of land, and the heirs and representatives of those non-commissioned officers or soldiers who may be

Additional  
pay, in money  
and land, when  
to be paid.

killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and one hundred and sixty acres of land, to be designated, surveyed and laid off at the public expense, in such manner and upon such terms and conditions as may be provided by law.

SEC. 13. *And be it further enacted*, That the said corps shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

How the men are to be paid.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the persons so disabled to receive an allowance proportionate to the highest disability.

How the officers, non-commissioned officers, &c. &c. may become pensioners.  
Limitation of allowance as pensioners.

Proviso.

SEC. 15. *And be it further enacted*, That if any commissioned officer in the military establishment of the United States, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, that such half pay shall cease on the decease of such child or children.

Representatives of those killed, &c. entitled to pensions.

SEC. 16. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Penalties for desertion.

SEC. 17. *And be it further enacted*, That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States, to desert; or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, and be imprisoned any term not exceeding one year.

Penalties upon those not in service enticing soldiers to desert.

SEC. 18. *And be it further enacted*, That every officer, non-commissioned officer, musician and private, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will

Oaths of officers and soldiers.

observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Judge advocate for each division.

SEC. 19. *And be it further enacted*, That there shall be appointed to each division a judge advocate who shall be entitled to the same pay and emoluments as a major in the infantry, or if taken from the line of the army, shall be entitled to thirty dollars per month in addition to his pay, and the same allowance for forage as is allowed by law for a major of infantry.

Extra expense, not exceeding a limited sum, to be paid to officers acting upon courts martial.

SEC. 20. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Non-commissioned officers, soldiers, &c. exempted from arrest.

SEC. 21. *And be it further enacted*, That no non-commissioned officer, musician or private, during the term of his service, shall be arrested on mesne process, or taken or charged in execution for any debt or debts contracted before enlistment, which were severally under twenty dollars at the time of contracting the same, nor for any debt whatever contracted after enlistment.

Allowance to officers and soldiers discharged, for returning home.

SEC. 22. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

Rate of rations.

SEC. 23. *And be it further enacted*, That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

Chaplains to be appointed.

SEC. 24. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

General and field officers to receive pay only for the time when they are in actual service.

SEC. 25. *And be it further enacted*, That no general, field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

APPROVED, January 11, 1812.

#### STATUTE I.

Jan. 14, 1812.

CHAP. XV.—*An Act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold.*

Land sold and reverting for non-payment not to be sold for less than the price at public sale.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no tract or tracts of the reserved sections or other public lands of the United States, that have been or may hereafter be sold at public sale, and which may have, or shall, on account of failure to complete the payment of the purchase money, revert to the United States, shall hereafter be sold at private sale, at a price less than that for which the same tract was sold at public sale.

APPROVED, January 14, 1812.

#### STATUTE I.

Jan. 14, 1812.

CHAP. XVI.—*An Act authorizing the purchase of ordnance and ordnance stores, camp equipage and other Quartermaster's stores and small arms.*

[Obsolete.]  
Specific appropriation of one million five

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of one million five hundred thousand dollars be, and the same is hereby appropriated



for the purchase, under the direction of the President of the United States, of ordnance and ordnance stores, camp equipage and other quartermaster's stores for the use of the army of the United States.

SEC. 2. *And be it further enacted*, That the sum of four hundred thousand dollars be, and the same is hereby appropriated for the purchase, under the direction of the President of the United States, of saltpetre and sulphur, for making the same into powder, and for ordnance and small arms for the use of the navy of the United States.

APPROVED, January 14, 1812.

hundred thousand dollars.

Specific appropriation of four hundred thousand dollars for saltpetre and sulphur.

#### STATUTE I.

CHAP. XVII.—*An Act to alter the time of holding the District Courts of the United States, for the North Carolina district.*

Jan. 23, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That instead of the time heretofore established by law for the sessions of the district courts of the United States, in the North Carolina district, the said courts shall hereafter commence and be holden on the following days in each year, that is to say: At Edenton, in and for the district of Albermarle, on the third Monday of April, and third Monday of October; at Newbern, in and for the district of Pamlico, on the first Monday after the third Monday of April, and third Monday of October; at Wilmington, in and for the district of Cape Fear, on the second Monday after the third Monday of April, and third Monday of October, any thing contained in any former act or acts to the contrary notwithstanding. And all actions, suits, process, pleadings, recognizances, and all other proceedings of what nature or kind soever, civil or criminal, commenced or to be commenced, and made returnable to any of the said courts, in the month of February next, shall be continued respectively, and shall be returned to, and have day in the term of said courts next to be holden by virtue of this act, and the same proceedings shall be had thereon, with the same effect and power, they would have had if this alteration had not been made.

Act of March 9, 1808, ch. 29. Sessions of the court changed.

1826, ch. 129.  
1828, ch. 16.

Process, &c. &c. to be returnable, &c. &c. accordingly.

SEC. 2. *And be it further enacted*, That if the judge of the district courts aforesaid should fail to attend on the first day of the term of any of the said courts, respectively, it shall and may be lawful for the marshal of the district, and he is hereby authorized to adjourn the said court or courts, until the next succeeding day, and if the said judge does not attend before the expiration of the second day of the term of the said court or courts, respectively, it shall and may be lawful for the marshal aforesaid to adjourn the said court or courts to the term next in course, any thing in any former act or acts to the contrary notwithstanding.

APPROVED, January 23, 1812.

Marshal may adjourn the court upon the non-attendance of the judge, the two first days.

#### STATUTE I.

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

Jan. 31, 1812.

*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, entitled "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, entitled "An act to revive and continue in force for a further time, the first section of the act, entitled An act further to protect the commerce and seamen of the United States against the Barbary powers," passed on the twelfth day of January, one thousand eight hundred and ten, be, and the same is hereby

[Expired.]  
Act of April 21, 1806, ch. 38.  
Act of Feb. 27, 1813, ch. 40.  
The act continued in force. 1804, ch. 46.

1810, ch. 5.

## Proviso.

continued in force until the fourth day of March, one thousand eight hundred and thirteen: *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.

APPROVED, January 31, 1812.

## STATUTE I.

Feb. 6, 1812.

Act of Sept. 24, 1789, sec. 2. Sessions of the court changed to the fourth Tuesday of February, May, August and November.

Process, &c. &c. returnable, &c. &c. accordingly.

CHAP. XX.—*An Act to alter the times of holding the District Courts, within and for the district of Connecticut.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the district court within and for the district of Connecticut, shall hereafter be holden on the fourth Tuesdays of February, May, August and November, in each year, any law to the contrary notwithstanding. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to be commenced, or which are now pending in the district court in said district, may be returned to, and shall be continued to the district court, to be holden on the fourth Tuesday of February, one thousand eight hundred and twelve, as is herein provided.

APPROVED, February 6, 1812.

## STATUTE I.

Feb. 6, 1812.

Repealed by act January 29, 1813, ch. 15, sec. 18.

President may accept of the services of volunteer corps.

CHAP. XXI.—*An Act authorizing the President of the United States to accept and organize certain Volunteer Military Corps.*

*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 accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, not exceeding fifty thousand men; who shall be clothed, and in case of cavalry, furnished with horses at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service; and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong: *Provided*, that where any company, battalion, regiment, brigade or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender; and any vacancy thereafter occurring, shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, regiment, brigade or division, shall have been originally raised.

## Proviso.

1812, ch. 137.

Services of volunteers, when and how long they may be required.

Subject to the rules and regulations of war, when in service.

## Proviso.

SEC. 2. *And be it further enacted*, That any company, battalion, regiment, brigade or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall have accepted the same; and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and when so called into service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: *Provided*, that in lieu of clothing, every non-commissioned officer and private in any company, who may thus offer themselves, shall be entitled, when called into service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to organize the companies so tendering their service as aforesaid, into battalions, squadrons, regiments, brigades and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but, until called into actual service, such companies are not to be considered as exempt from the performance of militia duty, as is required by law, in like manner as before the passage of this act.

SEC. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer, for each and every such loss or damage.

SEC. 5. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalid pensioners of the United States, at such rate of pension, and under such regulations as are, or may be directed by law: *Provided always*, that the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel: and that the rate of pension to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 6. *And be it further enacted*, That the heirs and representatives of any non-commissioned officer or soldier, who may be killed in action, or die in the actual service of the United States, shall be entitled to receive one hundred and sixty acres of land; to be designated, surveyed and laid off at the public expense, in such manner, and upon such terms and conditions as may be provided by law.

SEC. 7. *And be it further enacted*, That upon the discharge of any non-commissioned officer or soldier, who shall have been accepted under the provisions of this act, and shall have been in actual service for a period not less than one month, and shall have obtained from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty while in service, such non-commissioned officer or soldier, if attached to the artillery or infantry, shall be presented with a musket, bayonet, and other personal equipments; or, if attached to the cavalry, with the sabre and pistols furnished him by the United States, as a public testimonial of the promptitude and zeal with which he shall have volunteered in support of the rights and honour of the country.

SEC. 8. *And be it further enacted*, That the sum of one million of dollars be appropriated to defray the expenses which may be incurred under the provisions of this act, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 6, 1812.

President authorized to organize the volunteer companies into battalions, &c. &c.

When.  
In the mean time they are not exempt from militia duty.

President authorized to have the volunteers compensated for certain injuries and losses.

Volunteers may be placed on pension list in certain cases.

Proportionable rates of pension.

Proviso.

Heirs and representatives of volunteers entitled to land.

Volunteers, upon being discharged entitled to personal equipments of muskets, &c.

Appropriation.

STATUTE I.

Feb. 20, 1812.

Act of April 16, 1814, ch. 61.  
Act of Feb. 27, 1815, ch. 63.

CHAP. XXII.—*An Act for the revision of former confirmations, and for confirming certain claims to land in the District of Kaskaskia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the register and re-

Register and receiver of the land-office at Kaskaskia to inquire into validity of certain claims to land.

A clerk to be employed by them.

Report to be made to Secretary of the Treasury, which is to be laid before Congress.

Commissioners, clerk and agent; their compensation; how to be paid.

Decisions of commissioners, when to be confirmed.

Proviso as to decisions in other cases.

ceiver of public monies of the land-office at Kaskaskia, and such other person as the President of the United States shall appoint for that purpose, be, and they are hereby authorized to examine and inquire into the validity of claims to land in the district of Kaskaskia, which are derived from confirmations made, or pretended to have been made, by the governors of the North West and Indiana territory, respectively. They shall employ a clerk, and shall, in relation to the claims aforesaid, have, in every respect, the same powers which had been vested in the commissioners appointed to ascertain the claims to land in the said district. And they shall report to the Secretary of the Treasury, to be by him laid before Congress at their next session, their opinion on each of the claims aforesaid.

SEC. 2. *And be it further enacted*, That the commissioners and clerk, appointed by this act, and such agent, as may be appointed on behalf of the United States by the Secretary of the Treasury, shall each receive five hundred dollars in full for the services performed by them under this act; which compensation, and also the contingent charges for office rent, fuel, stationery and summoning witnesses on the part of the United States, shall be paid out of the monies appropriated by law for surveying the public lands of the United States.

SEC. 3. *And be it further enacted*, That the decisions made by the commissioners, heretofore appointed for the purpose of examining the claims of persons to lands in the district of Kaskaskia, in favour of such claimants to town or village lots, out lots or rights in common, to commons and commonfields, as entered in the transcripts of decisions, bearing date the thirty-first day of December, one thousand eight hundred and nine, which have been transmitted by the said commissioners to the Secretary of the Treasury, according to law, be confirmed to all such rightful claimants according to their respective rights thereto: *Provided*, that nothing herein contained, shall be construed to confirm any particular decision, heretofore made in favour of any individual, or to affect the right of any other individual claiming the same land; but such conflicting claims shall be decided according to law by the proper tribunal.

APPROVED, February 20, 1812.

#### STATUTE I.

Feb. 20, 1812.

[Obsolete.]

Appropriation for six companies.

Act of Jan. 2, 1812, ch. 11.

Specific appropriations.

CHAP. XXIII.—*An Act making an appropriation for the expenses incident to the six companies of Mounted Rangers, during the year one thousand eight hundred and twelve.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of one hundred and eight thousand seven hundred and seventy-two dollars be, and the same is hereby appropriated for the pay, subsistence and forage, during the year one thousand eight hundred and twelve, of the six companies of mounted rangers, to be raised for the service of the United States, pursuant to an act, entitled "An act authorizing the President of the United States to raise certain companies of rangers, for the protection of the frontier of the United States," that is to say:

For the pay of the officers, non-commissioned officers and privates of the said companies, the sum of one hundred and four thousand eight hundred dollars.

For the subsistence of the officers, the sum of two thousand six hundred and twenty-eight dollars.

For forage, the sum of one thousand three hundred and forty-four dollars. The said sums to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 20, 1812.

CHAP. XXIV.—*An act authorizing the Secretary of the Treasury to locate the Lands reserved for the use of Jefferson College, in the Mississippi territory.*

STATUTE I.  
Feb. 20, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby authorized and empowered to locate in one body, the thirty-six sections of land reserved for the use of Jefferson college in the Mississippi territory, by an act, entitled "An act regulating the grants of land, and providing for the sale of the lands of the United States south of the state of Tennessee," passed on the third day of March, one thousand eight hundred and three, on any lands within the said territory not sold, or otherwise disposed of, and to which the Indian title has been extinguished.

APPROVED, February 20, 1812.

[Obsolete.]  
The Secretary of the Treasury to locate in one body the thirty-six sections of land reserved for Jefferson College by the act of March 3, 1803, sec. 12.

CHAP. XXV.—*An Act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States.*(a)

STATUTE I.  
Feb. 20, 1812.  
Act of March 1, 1817, ch. 30.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the

(a) The decisions of the Courts of the United States upon the law of Bail have been:  
*Bail in Criminal Cases.*—The circuit court has no authority to issue a *habeas corpus* for the purpose of surrendering a principal in discharge of his bail, when the principal is confined in jail merely under the process of a state court; nor will the court discharge the bail of such party, who has become bound by recognizance in the circuit court to answer, &c., merely on account of such impediment; but, in their discretion, the court will respite the recognizance. U. S. v. Jonathan French, 1 Gallis. C. C. R. 1.

The mere continuance of a cause, on sufficient grounds exhibited by the district attorney, constitutes no reason why the court should admit a defendant who is in confinement, to bail. But if the court is satisfied that the health of the accused is such as that his life will be endangered by his being kept in confinement until next term, it furnishes a strong ground for bail. The U. S. v. Jones, 3 Wash. C. C. R. 209.

Probable cause, on oath, must be stated, to justify the holding a defendant to bail under the 3d sec. of the act of Congress of 26th Feb. 1795, ch. 31. Leonard v. Caskin, Bee's Adm. Decis. 146.

Aaron Burr, charged with carrying on a military expedition against a nation with whom the United States were at peace, was admitted to bail. 1 Burr's Trial, 18.

The postponement of a criminal case, on the application of the defendant, to allow him an opportunity to obtain testimony, is not a cause of bail. The U. S. v. Stewart. C. C. U. S. of Pennsylvania, 2 Dall. 345.

The circumstances must be very strong, which will, at any time, induce the court to admit a person to bail who stands charged with high treason. *Ibid.*

The supreme court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a person committed for trial on a criminal charge, by a district judge of the United States. U. S. v. Hamilton, 3 Dall. 13.

The marshal of the United States of the Connecticut district, upon a writ of attachment sued out by the United States, to recover a penalty, may commit a defendant to prison for want of bail, without a mittimus from a state magistrate, as is required by the local laws of the state; for such municipal regulation does not bind the officers of the United States. Palmer v. Allen, 7 Cranch, 560; 2 Cond. Rep. 607.

*Bail in Civil Cases.*—The bail is fixed by the death of the principal, after the return of a capias ad satisfaciendum, and before the return of the scire facias; and the bail is not entitled to an exoneretur in such a case. Davidson v. Taylor, 12 Wheat. 604; 6 Cond. Rep. 660.

Demanding excessive bail, where the plaintiff has a good cause of action, or holding to bail where there is no cause of action, if done vexatiously, entitles the party injured to an action for a malicious prosecution. If bail be not demanded, no such action will lie. Ray v. Law, Peters' C. C. R. 207.

Pennsylvania. The circuit court will discharge, on common bail, a defendant who has been arrested for a debt contracted in the state in which he has, subsequent to the commencement of the suit, been discharged by the insolvent laws of the state. Read v. Chapman, Peters' C. C. R. 404.

Pennsylvania. Where a capias has been issued against a person who has been discharged from the debt for which it was issued, by the insolvent laws of the state in which it was contracted, the court will not quash the writ, but will discharge the defendant on common bail. *Ibid.*

On a rule to show cause why the defendant should not be discharged on common bail, he having been discharged under the insolvent laws of Pennsylvania; evidence to show that the discharge had been fraudulently obtained, cannot be given. Campbell et al. v. Claudius, Peters' C. C. R. 484.

Pennsylvania. Where the debt has been contracted and made payable out of the state, the circuit court will not discharge, on common bail, a defendant arrested for such debt, notwithstanding his discharge by the insolvent laws of the state in which the action was brought. *Ibid.*

After bail given, and plea pleaded, the defendant cannot arrest the judgment on the ground of a misnomer. Scull v. Briddle, 2 Wash. C. C. R. 200.

The proceedings were amended by the recognizance of bail, and the name of the defendant in the recognizance was inserted in the declaration. *Ibid.*

The court are not precluded from obtaining further satisfaction as to the debt sworn to in an affidavit to

Commissioners to be appointed by the circuit courts of the U. States,

circuit court of the United States, to be holden in any district in which the present provision, by law, for taking bail and affidavits in civil causes, (in cases where such affidavits are, by law, admissible) is inadequate, or on account of the extent of such district, inconvenient, to appoint such

hold to bail, because the affidavit is positive; but the necessity to examine the party who makes the affidavit, must be presented on the face of the same. *Oliver v. Parish*, 2 Wash. C. C. R. 462.

New York. Under the act of Congress of 6th January, 1800, the sheriff of a county is bound to take a bond for the limits, as provided by the state laws, from a prisoner confined on process from the courts of the United States; and false imprisonment would lie on his refusal. *United States v. Noah*, Paine's C. C. R. 368.

New York. Such a bond has, in all respects, the same incidents, and the like legal effects with a bond taken under the state laws. *Ibid.*

New York. It is assignable: and an assignment discharges the sheriff from a liability for a subsequent escape. *Ibid.*

New York. The United States are expressly named in the act, and bound by it; and an assignment of a bond to them when they are plaintiffs, is valid. *Ibid.*

New York. The Secretary of the Treasury having accepted such an assignment, the court presumed that he was authorized, and held the plaintiffs bound by his acceptance. *Ibid.*

New York. The term "process," in the act, includes executions, as well as mesne process. *Ibid.*

New York. After a prisoner has been enlarged upon a limit bond, the sheriff can confine him again only on the bail's becoming insufficient. He cannot accept a surrender of him; certainly not after an assignment of the bond. *Ibid.*

Pennsylvania. The bail to the sheriff entered special bail; on being excepted to, he refused to justify, whereupon he was sued on the bail bond, and he surrendered the principal before the return of the writ. Held, that the surrender was good, and the bail was entitled to relief on the usual terms. *Stockton v. Throgmorton*, 1 Baldwin's C. C. R. 148.

No justification of bail is necessary, when special bail is entered for the purpose of a surrender. *Ibid.* Bail may take the principal on a Sunday, or in another state. *Johnson v. Tomkins*, 1 Baldwin's C. C. R. 577.

If the defendant be discharged under an insolvent law of the state where the contract is made, after the bail bond has been assigned to the plaintiff, the court will not order an exoneretur to be entered on the bail piece. *Bosbyshell v. Oppenheimer*, 4 Wash. C. C. R. 317.

By the Pennsylvania practice, filing the declaration before the return of the writ, is not a waiver of the bail. The English rule is otherwise, unless the declaration be filed *de bene esse*. *Ibid.*

The undertaking of the appearance bail can be no otherwise fulfilled, than by the defendant giving special bail, if so ruled; and that bail justifying, if excepted to. *Ibid.*

If, instead of ruling the marshal to bring in the body of the defendant, the plaintiff accept an assignment of the bail bond, and bring a suit thereon, still the court will not fix the appearance bail, if certain terms are complied with; one of which is the defendant's entering special bail. *Ibid.*

On a rule on the plaintiff to show his cause of action, who thereupon filed a positive affidavit of the debt, the court will not order the party making the affidavit, to be examined on oath in court; no ground appearing to the court to justify a suspicion that the debt was not due. *Champion v. Ross*, 4 Wash. C. C. R. 325.

The court will not relieve the appearance bail, upon his delivering the principal in court, unless he put in and perfect special bail. *Bosbyshell v. Oppenheimer*, 4 Wash. C. C. R. 317.

Although the special bail may deliver up the principal at any time before the second scire facias, it does not follow that the appearance bail may do it. Their engagements are of a different nature. *Ibid.*

Where the defendant is discharged under the insolvent law of the state where the debt was contracted, and has given special bail, the court will order an exoneretur to be entered on the bail piece. *Richardson v. McIntyre*, 4 Wash. C. C. R. 412.

If the special bail surrender the principal, who has been discharged under an insolvent law, the court will discharge the principal from custody. *Ibid.*

Under the act of assembly of Virginia, the defendant may enter special bail, and defend the suit at any time before the entering up of judgment, upon a writ of inquiry executed; and the appearance of the defendant, or the entry of special bail, before such judgment, discharges the appearance bail. *Bartle v. Coleman*, 6 Wheat. 475; 5 Cond. Rep. 142.

If the defendant does not appear, or give special bail, the appearance bail may defend the suit, and is liable to the same judgment as the defendant would have been liable to; but the defendant cannot appear and consent to a reference, the report and judgment on which is to bind the appearance bail as well as himself. Such a joint judgment is erroneous, and will be reversed as to both. *Ibid.*

District of Columbia. The bail is fixed by the death of the principal after the return of the ca. sa. and before the return of the scire facias; and the bail is not entitled to an exoneretur in such a case. *Davidson v. Taylor*, 12 Wheat. 604; 6 Cond. Rep. 660.

Ohio. The recognizance of special bail being a part of the proceedings in a suit, and subject to the regulation of the court, the nature, extent, and limitations of the responsibility created thereby, are to be decided, not by a mere examination of the terms of the instrument, but by a reference to the known rules of the court, and the principles of law applicable thereto. Whatever, in the sense of these rules and principles, will constitute a discharge of the liability of the special bail, must be deemed included within the purview of the instrument, as much as if it were expressly stated. *Beers et al. v. Haughton*, 9 Peters, 329.

By the rules of the circuit court of Ohio, adopted as early as January, 1808, the liability of special bail was provided for and limited; and it was declared, that special bail may surrender their principal at any time before or after judgment against the principal, provided such surrender shall be before a return of a scire facias executed, or a second scire facias returned "nihil" against the bail. And this, in fact, constituted a part of the law of Ohio, at the time the present recognizance was given; the same having been so enacted by the legislature. This act of the legislature of Ohio, was in force at the time of the passage of the act of Congress of the 19th of May, 1823, regulating the process of the courts of the

and so many discreet persons, in different parts of the district, as such court shall deem necessary, to take acknowledgments of bail and affidavits; which acknowledgments of bail and affidavits shall have the like force and effect as if taken before any judge of said court; and any per- for taking bail and affidavits, and the acknowledgments so taken to have

United States, in the new states; and must therefore be deemed as a part of the "modes of proceeding in suits," and to have been adopted by it: so that the surrender of the principal within the time thus prescribed, is not a mere matter of favour of the court, but is strictly a matter of legal right. *Ibid.*

It is not strictly true, that on the return of "non est inventus" to a *capias ad satisfaciendum* against the principal, the bail is "fixed," in courts acting professedly under the common law, and independently of statute. So much are the proceedings against bail deemed a matter subject to the regulation and practice of the court, that the court will not hesitate to relieve them in a summary manner, and direct an exoneretur to be entered in cases by the indulgence of the court, by giving them time to render the principal until the appearance day of the last *scire facias* against them, as in cases of strict right. *Ibid.*

When bail is entitled to be discharged, *ex debito justitiæ*, they may not only apply for an exoneretur by way of summary proceeding, but they may plead the matter as a bar to the suit, in their defence. But when the discharge is matter of indulgence only, the application is to the discretion of the court; and an exoneretur cannot be insisted on, except by way of motion. *Ibid.*

When the party is, by the practice of the court, entitled to an exoneretur without a positive surrender of the principal, according to the terms of the recognizance; he is, a *fortiori*, entitled to insist on it by way of defence, when he is entitled, *ex debito justitiæ*, to surrender the principal. *Ibid.*

The doctrine is fully established, that where the principal would be clearly entitled to an immediate and unconditional discharge, if he had been surrendered, there the bail are entitled to relief by entering an exoneretur without any surrender. And, a *fortiori*, this doctrine will apply, when the law prohibits the party from being imprisoned at all, and where by the positive operation of law the surrender is prevented. *Ibid.*

Where the defendants in a judgment are not liable to be imprisoned, having been released under the insolvent laws of a state, the special bail is not bound to surrender them in his discharge. *Beers et al. v. Haughton, 1 M'Lean's C. C. R. 231.*

To an action on the recognizance of bail, he may plead the discharge of his principal. *Ibid.*

To hold to bail under the statute of Illinois, the affidavit must state more than the belief of the assent, or the legal import of the action on which it is founded. *Wright et al. v. Cayswell, 1 M'Lean's C. C. R. 471.*

The act of 20th February, 1839, which adopted the state laws, in regard to imprisonment of debtors, took immediate effect, as well in suits pending, as in other cases. *Gray, Sherwood & Co. v. Monroe et al., 1 M'Lean's C. C. R. 528.*

The law relates to the remedy, and under it, when appearance bail has been given, the defendant may, on motion, be discharged on common bail. *Ibid.*

*Bail in Admiralty, and in Prize Causes.*—Where the court of admiralty has parted with the possession of the property upon bail or stipulation, and it is necessary for the purposes of justice to retake the property into the custody of the court, the proper process against any person not a party to the stipulation, but who is alleged to have the actual or constructive possession, is a monition, and not an execution in the first instance. *The Gran Para, 10 Wheat. 497; 6 Cond. Rep. 199.*

Wherever a stipulation is taken in an admiralty suit for property subjected to legal process and condemnation, the stipulation is deemed a mere substitute for the thing itself; and the stipulators are liable to the exercise of all those authorities on the part of the court, which it could properly exercise if the thing was in custody. *The Palmyra, 12 Wheat. 1; 6 Cond. Rep. 397.*

Regularly there should be no delivery of prize property on bail, until after a hearing of the cause, and in most cases a sale is preferable to an appraisement. *The George, 2 Gallis. C. C. R. 249.*

Proceedings by libel were instituted upon a seizure of goods, and a bond given for their appraised value on the delivery of the goods to the claimant. Afterwards the libel was by amendment changed to an information, and the goods were condemned. On an application for an attachment against the obligors in the bond, it was held that although the case was not regularly within the 89th section of the collection law, yet a compliance with the stipulations in the bond might be enforced by attachment against the obligors. *United States v. Four Part Pieces of Woollen Cloth, 1 Paine, 435.*

And the court held that it made no difference that the obligors were only sureties, and had not themselves received the goods. *Ibid.*

If the claimant is not a party on the bond, all the obligors are to be deemed principals. *Ibid.*

The bond was taken in the district court of New York, and under the statute dividing the district, the proceedings were transferred to the district court of the northern district, and by a subsequent statute to this court, where the condemnation took place. The condition of the bond was to pay the appraised value of the goods into the district court, if they should be condemned in that court. Held, that a condemnation in this court had the same effect to forfeit the bond. *Ibid.*

In prize causes, before a hearing, the property is never delivered on bail, unless by consent. If it is perishable, the proper remedy is by an appraisement and sale; and in like manner the court will decree a sale, pending the proceedings, for any other justifiable cause. After a hearing, the property may, in the discretion of the court, be delivered on bail. In cases ordered for further proof, a delivery on bail is sometimes allowed, to the claimants; and if they decline, to the captors. But it is a proceeding adopted with extreme caution, as it opens a door to many inconveniences, and sometimes to frauds. In no case should a delivery on bail take place, until the court is fully satisfied that the appraisement is perfectly fair, and the property estimated at its full value. *The ship Euphrates, 1 Gallis. C. C. R. 451.*

Where, on the hearing, the property is acquitted, and an appeal is interposed to a tribunal not sitting within the same jurisdiction; or into which the property does not follow the cause, (as an appeal to the supreme court of the United States,) the claimants are generally allowed a delivery of the property, or in a case of sale of the proceeds on bail. Where there is a decree of condemnation, the same rule is generally adopted, as to the captors. But it is always an application to the sound discretion of the court; and

the same effect as if taken before any judge of said court.

Fees for taking them.

Discretionary power to courts of U. States, in cases of depositions in perpetuum rei memoriam.

son swearing falsely in and by any such affidavit, shall be liable to the same punishment as if the same affidavit had been made or taken before a judge of said court.

SEC. 2. *And be it further enacted*, That the like fees shall be allowed for taking such bail and affidavit as are allowed for the like services by the laws of the state, in which any such affidavit or bail shall be taken.

SEC. 3. *And be it further enacted*, That in any cause before a court of the United States, it shall be lawful for such court, in its discretion, to admit in evidence any deposition taken in perpetuum rei memoriam, which would be so admissible in a court of the state wherein such cause is pending according to the laws thereof.

APPROVED, February 20, 1812.

#### STATUTE I.

Feb. 21, 1812.

[Obsolete.]

Appropriation.

1812, ch. 16.

Specific appropriations.

CHAP. XXVI.—*An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and twelve.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the expenses of the military establishment of the United States for the year one thousand eight hundred and twelve, for the Indian department, and for the expense of fortifications, magazines, arsenals and armories, the following sums, including the sum of one million five hundred thousand dollars already appropriated by the first section of the act, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage and other quartermaster's stores and small arms," 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-nine thousand nine hundred and sixty-eight dollars.

For forage, one hundred and four thousand six hundred and twenty four dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

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

For bounties and premiums, seventy thousand dollars.

if there be danger of injustice, the court will withhold it from either party, and content itself with retaining the property, or with ordering a sale thereof, and a deposit of the proceeds in the registry. *Ibid.* 452.

If a bond, taken on the delivery of property on bail, be void, as not conforming to law, the court will enforce a re-delivery of the property by attachment. *The Struggle*, 1 Gallis. C. C. R. 476.

A bond voluntarily given upon the delivery of property on bail, on application of the claimant, is good; although the condition does not exactly conform to the act of Congress, under which it may have been intended to take it. *Ibid.*

The act of Congress of 2d March, 1799, chap. 22, is not understood as compulsory on the court as to the delivery on bail. It still rests in the discretion of the court. *Ibid.* 477.

The district courts of the United States have no authority, after an appeal, to bail or sell property. *The Grotius*, 1 Gallis. C. C. R. 503.

Whether the security for property, delivered on bail, be by bond or stipulation, is immaterial. On such security, a summary judgment may be entered for the appraised value, and for the costs. *The Alligator*, 1 Gallis. C. C. R. 145.

The district court, by virtue of its general admiralty jurisdiction, may deliver property on bail; and the form in which the security is taken is immaterial: on such security a summary judgment may be rendered to the appraised value. *The Lively*, 1 Gallis. C. C. R. 315.

It is the duty of commissioners to whom it is referred to estimate damages, to make their report as specific as the nature of the thing will admit; so that not only the result, but the detail of their judgment should appear. *Ibid.*

In cases of restitution with damages, in prize proceedings, if in order to ascertain the damages, an inspection or a sale of the cargo be, in the judgment of the commissioner or the parties, necessary; application should be made to the court for an order of unlivery and appraisement, or for a sale, as the case may require. *Ibid.*

No delivery of property on bail, in a prize cause, can be made legally, where the United States are parties, without due notice to the district attorney. *Ex parte Robbins*, 2 Gallis. C. C. R. 320.

If the cargo is liable to deteriorate or perish, or the ship to be injured by the delay incident to the salvage proceedings, the proper course is to apply to the court for a sale thereof. It is not a matter of right of either party to have a delivery on bail in such cases. *The Ship Nathaniel Hooper*, 3 Sumner's C. C. R. 542.



For the medical and hospital department, fifty thousand dollars.

For ordnance and ordnance stores, one million one hundred and thirty-five thousand dollars.

Specific appropriations.

For fortifications, arsenals, magazines and armories, including two thousand dollars for such a number of additional military storekeepers as may be required, two hundred and ninety-six thousand and forty-nine dollars and seventy-five cents.

For the quartermaster general's department, including camp equipage, fuel, tools, barracks, quarters, wagons and transportation, seven hundred and thirty-five thousand dollars.

For the purchase of horses for the dragoons and light artillery, one hundred and fifty thousand dollars.

For contingencies, fifty thousand dollars.

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

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

For the Indian department, one hundred and sixty-four thousand five hundred dollars.

For expenses of calling into actual service, in the years one thousand eight hundred and nine, one thousand eight hundred and ten, and one thousand eight hundred and eleven, the militia of the Louisiana and Indiana territories, and state of Kentucky, thirty-two thousand eight hundred dollars.

SEC. 2. *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, February 21, 1812.

#### STATUTE I.

CHAP. XXVII.—*An Act making appropriations for the support of an additional Military Force.*

Feb. 21, 1812.

[Obsolete.]

Appropriation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the necessary expense, to the first day of January next, of the troops to be raised by virtue of an act, entitled "An act to raise an additional military force," passed on the eleventh day of January, one thousand eight hundred and twelve, the following sums be, and the same hereby are respectively appropriated, that is to say:

1812, ch. 14.

For pay, one million four hundred and six thousand eight hundred and fifty-one dollars and ninety-five cents.

Specific appropriations.

For forage, one hundred and fifty-four thousand four hundred and thirty-five dollars and thirty cents.

For subsistence, one million seventy-four thousand and ninety-seven dollars and sixty-seven cents.

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

For bounties and premiums, four hundred and forty-two thousand two hundred and sixty dollars.

For the purchase of horses for the dragoons, and for the purchase of horses for the transportation of heavy artillery, ammunition and baggage, two hundred and eighty-two thousand dollars.

For the quartermaster general's department, including harness and other equipage, quarters, fuel, tools and transportation, four hundred and eight thousand seven hundred and sixty dollars.

For the medical and hospital department, one hundred and twenty-five thousand dollars.

Specific appropriations.

For contingencies, three hundred and fifty-five thousand nine hundred and eleven dollars and seventeen cents.

SEC. 2. *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, February 21, 1812.

#### STATUTE I.

Feb. 21, 1812.

CHAP. XXIX.—*An Act to establish a land district in the Illinois territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville.*

Land district formed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the public lands of the United States, heretofore included within the land district of Kaskaskia, as lies east of the third principal meridian, established by the surveyor general, shall, together with the public lands lying between the Vincennes and Kaskaskia districts, and not heretofore attached to any district, form a new land district. For the disposal of the said lands, a land-office shall be established at Shawneetown, under the direction of the register of the land-office and receiver of public monies, to be appointed for that purpose; who shall reside at the place, give security in the same manner, in the same sums, and whose compensation, emoluments and duties, and authority, shall, in every respect, be the same in relation to the lands which shall be disposed at their office, as are, or may be by law provided in relation to the registers and receivers of public monies in the several offices, established for the disposal of the lands of the United States, northwest of the river Ohio.

Land-offices in Illinois.

March 3, 1791, ch. 27.  
March 3, 1807, ch. 46.  
Feb. 21, 1812, ch. 29.  
Feb. 27, 1815, ch. 63.  
March 18, 1818, ch. 17.  
May 11, 1820, ch. 85.  
May 8, 1822, ch. 124.  
March 16, 1824, ch. 29.

How the lands are to be disposed of.

Part of the lands attached to the Vincennes district, how to be disposed of.

Act of April 30, 1810, ch. 35.

SEC. 2. *And be it further enacted*, That the said lands shall be disposed of in the same manner, and on the same terms and conditions as are, or may be provided by law for the sale of public lands in the district of Kaskaskia: *Provided*, that no tracts of land, excepted from the sales by virtue of any former act, shall be sold by virtue of this act: *And provided also*, that a tract of not less than six mile square shall be reserved by the President of the United States for the use and support of the public salt works on Saline creek.

SEC. 3. *And be it further enacted*, That so much of the lands attached to the district of Vincennes, by virtue of the first section of an act, entitled "An act providing for the sale of certain lands in the Indiana territory, and for other purposes," passed on the thirtieth day of April, one thousand eight hundred and ten, as lies east of the second principal meridian established by the surveyor general, shall be attached to, and become a part of the district of Jeffersonville, and shall be offered at public sale at the land-office for the said district, under the superintendence of the register and receiver of public monies for the said land-office, and shall be sold in every other respect in the same manner, and on the same terms and conditions, as are provided by the above mentioned act, except that the public sales for the said lands shall remain open only for six days.

APPROVED, February 21, 1812.

#### STATUTE I.

Feb. 24, 1812.

[Obsolete.]

Appropriation for the expenses of the navy.

CHAP. XXX.—*An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twelve.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the expenses of the navy, during the year one thousand eight hundred and twelve, the following sums, including therein the sum of four hundred thousand dollars already appropriated by the act, entitled "An act

authorizing the purchase of ordnance and ordnance stores, camp equipage and other quartermaster's stores and small arms," be, and the same hereby are respectively appropriated, that is to say :

Specific ap-  
propriations.  
1812, ch. 16.

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

For provisions, five hundred and fifty-nine thousand seven hundred and fifty-seven dollars.

For medicines, instruments, hospital stores, and all expenses on account of the sick, forty thousand dollars.

For repairs of vessels, three hundred and fifteen thousand dollars.

For freight, store rent and all other contingent expenses, one hundred and fifteen thousand dollars.

For the expenses of navy yards, comprising docks and other improvements, pay of superintendents, storekeepers, clerks and labourers, sixty thousand dollars.

For ordnance and ordnance stores, comprising cannon, carronades, muskets, pistols and other small arms, cannon ball and shot of every description, two hundred and eighty thousand dollars.

For the purchase of saltpetre and sulphur, and for making the same into powder, one hundred and eighty thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore and forage for the staff, one hundred and fifty-four thousand three hundred and forty-six dollars and eighty cents.

For clothing for the same, forty-nine thousand two hundred and eighty-one dollars and sixty cents.

For military stores for the same, one thousand seven hundred and seventy-seven dollars and fifty cents.

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

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

For the relief of the legal representatives of David Valenzin, deceased, being the amount of a former appropriation for that object, carried to the surplus fund, two thousand six hundred and sixty-five dollars and seventy cents.

SEC. 2. *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, February 24, 1812.

#### STATUTE I.

Feb. 24, 1812.

CHAP. XXXI.—*An Act supplementary to "An act to raise, for a limited time, an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever, in the opinion of the President of the United States, it is expedient to mount the light artillery, or any part thereof, horses and accoutrements shall be provided to equip the whole or such part as he may direct; and when the non-commissioned officers, musicians, artificers and privates are so equipped, the officers shall be entitled to the same forage, as is now provided for the officers of the same grade in the regiment of light dragoons: *Provided*, the officers furnish their own horses and accoutrements, and actually keep in service the same number of horses to entitle them to the aforesaid allowance for forage or its equivalent in money.

[Obsolete.]

Act of April  
12, 1808, ch. 43.  
Act of March  
3, 1815, ch. 73.  
Officers of light  
artillery to re-  
ceive the same,  
when mounted,  
as light dra-  
goons.

Proviso.

Saddler and farrier to be provided for each company of artillery, when mounted.

SEC. 2. *And be it further enacted*, That whenever the said light artillery are ordered to be mounted, there shall be provided one saddler and one farrier to each company, who shall be entitled to the same pay and emoluments as are now provided for saddlers and farriers in the regiment of light dragoons.

APPROVED, February 24, 1812.

STATUTE I.

Feb. 26, 1812.

[Obsolete.]

CHAP. XXXIII.—*An Act making appropriations for the support of Government for the year one thousand eight hundred and twelve.*

*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 are hereby 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, fifty 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 twelve, eight hundred dollars.

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

1806, ch. 41.

For compensation to the Secretary of State, clerks and persons employed in that department, including the sum of one thousand four hundred and seventy-eight dollars, in addition to the sum allowed for the compensation of his clerks by the act of the twenty-first of April, one thousand eight hundred and six, twelve thousand nine hundred and thirty-two dollars.

For compensation to a clerk on old records in the said department, for the year eighteen hundred and eleven, and the year eighteen hundred and twelve, fifteen hundred and seventy-four dollars.

For additional compensation to the clerks in the said department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand seventy-two dollars and fifty cents.

For the incidental and contingent expenses of the said department, one thousand three hundred and fifty dollars.

For printing and distributing the laws of the first session of the twelfth Congress, and printing the laws in newspapers, five thousand five hundred dollars.

For printing and binding five hundred copies of the census of one thousand eight hundred and ten, four thousand six hundred dollars.

1806, ch. 41.

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

six, and the further sum of seven hundred and fifty dollars to make good a deficiency in the appropriation of the year one thousand eight hundred and eleven, seventeen thousand and seventy-four dollars and eighty-one cents. Specific appropriations.

For 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 of April, one thousand eight hundred and six, thirteen thousand nine hundred and seventy-eight dollars and fifty cents.

1806, ch. 41.

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

For compensation to the auditor of the treasury, clerks and persons employed in his office, eleven thousand seven hundred and seventy-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, five thousand seven hundred and seventy-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, fifteen thousand seven hundred and fifty-two dollars and two cents.

1806, ch. 41.

For additional compensation to the clerks in the treasury department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and seven cents.

For compensation to the messenger of the register's office, for stamping and arranging ship's registers, ninety dollars.

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

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

1806, ch. 41.

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

Specific ap-  
propriations.

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

1806, ch. 41.

For compensation to the accountant of the war department, clerks and persons employed in his office, including the sum of two thousand dollars for clerk hire in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, twelve thousand six hundred and ten dollars.

1806, ch. 41.

For additional compensation to the clerks in the war department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six 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, including the sum of three hundred and twelve dollars for deficiency in the appropriation of the year one thousand eight hundred and eleven, and a further sum of one thousand two hundred dollars in addition to the sum heretofore appropriated for that object, four thousand nine hundred and twelve dollars.

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

1806, ch. 41.

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 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, eight thousand six hundred and eighty-five dollars.

For expenses of stationery, fuel, 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 one hundred and ten dollars.

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

1806, ch. 41.

For additional compensation to the clerks in the navy department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand nine hundred and thirty-five 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 two thousand seven 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, seventeen thousand nine hundred and seventy-five dollars.

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

For additional compensation to the clerks employed in the Postmaster-General's office, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

1806, ch. 41.

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

For compensation to the clerks of the commissioners of loans, and for

allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars. Specific appropriations.

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

For compensation to the surveyor of the lands south of Tennessee, clerks employed in his office, and for stationery and other contingencies, including the sum of fifteen hundred dollars for clerk hire in addition to the sums heretofore appropriated for that object, four thousand seven hundred dollars.

For compensation to the officers of the mint, viz:

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk at seven hundred dollars; and one clerk at five hundred dollars.

For wages to the persons employed in melting, coining, carpenters, millwrights, and smiths' work, including the sum of one thousand dollars allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, and of six hundred dollars allowed to an assistant engraver, eight thousand five hundred dollars.

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

For an allowance for wastage in the gold and silver coinage, three thousand dollars.

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

For clerk hire, expense of stationery, and other contingent expenses of said territory, one thousand eight hundred and fifty dollars.

For compensation to the governor, judges and secretary of the Mississippi territory, including the sum of six hundred dollars for clerk hire in the year one thousand eight hundred and eleven, nine 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 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 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 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 due course of settlement at the treasury, two thousand dollars.

Specific ap-  
propriations.

1811, ch. 40.

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, including the sum of one thousand dollars for the payment of the additional salaries for the year one thousand eight hundred and eleven, allowed to the judges of the district of Columbia, by the act of the third of March, one thousand eight hundred and eleven, sixty thousand nine hundred and fifty dollars.

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

For compensation granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee and Orleans, two thousand two hundred 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 a balance due for the salary of Robert H. Harrison, deceased, formerly a judge of the supreme court of the United States, the same having heretofore been carried to the surplus fund, five hundred and fifty-six dollars and sixteen cents.

For the payment of sundry pensions granted by the late and present 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 and twelve, to the fourth of March one thousand eight hundred and thirteen, 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, ninety-three thousand one hundred dollars and sixty-seven cents.

For defraying the expense of surveying the public land within the several territories of the United States, forty-eight thousand six hundred and twenty dollars.

For surveying the coast of the United States, being the balance of a former appropriation carried to the credit of the surplus fund, forty-nine thousand two hundred and eighty-four dollars and twenty-five cents.

For expenses of intercourse with foreign nations, seventy-three thousand dollars.

For the contingent expenses of intercourse with foreign nations, one hundred thousand dollars.

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

For the relief and protection of distressed American seamen, fifteen 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 Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, being so much of a former appropriation carried to the surplus fund, at the close of the year one thousand eight hundred and eleven, three thousand seven hundred and eighty-six dollars and sixty cents.

For expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, four thousand dollars.



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.

Specific ap-  
propriations.

For defraying the expenses authorized by the eleventh section of the act of March the second, eighteen hundred and eleven, entitled "An act for establishing trading houses with the Indian tribes," to be drawn annually by the President of the United States, for the payment of agents, assistant agents and clerks, including the sum of eleven thousand sixty-two dollars and fifty cents, which had accrued by said act, for the year eighteen hundred and eleven, twenty-five thousand eight hundred and twelve dollars and seventy-six cents.

1811, ch. 30.

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.

APPROVED, February 26, 1812.

STATUTE I.

CHAP. XXXIV.—*An Act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis, his patent right to the new and improved method of lighting Lighthouses, and for other purposes.*

March 2, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and empowered, under the directions of the President of the United States, to purchase of Winslow Lewis, his patent right to the plan of lighting lighthouses, by reflecting and magnifying lanterns, if the same shall be proved to be a discovery made by him; and to contract with the said Winslow Lewis, for fitting up and keeping in repair, any or all the lighthouses in the United States or the territories thereof, upon the new and improved plan of the reflecting and magnifying lanterns; or to contract with the said Winslow Lewis, for such sum as he may think for the interest of the United States: *Provided*, the sum so to be allowed, shall not in any case annually exceed the appropriation made for supplying the lighthouse establishment with oil in any given year, which has passed for a term not exceeding seven years, the said Lewis covenanting, with sufficient sureties, to fit up and keep in repair all the lighthouses in the United States or territories thereof, on the new and improved plan of lighting lighthouses by reflecting and magnifying lanterns; and the same to furnish and keep in repair for a term of years not less than seven, at the sole expense of the said Winslow Lewis, and to deliver over at the expiration of the term aforesaid, all the lighthouses fitted up according to the new and improved plan, to the United States in good repair, he, the said Winslow Lewis, warranting the same to remain in good repair for seven years more, from and after the expiration of the said contract.

Secretary of  
the Treasury  
authorized to  
purchase Wins-  
low Lewis' pa-  
tent right for  
lighting light-  
houses.

The sum to  
be allowed for  
lighting not to  
exceed the an-  
nual appropria-  
tion for the last  
seven years.

SEC. 2. *And be it further enacted*, That a sum not exceeding sixty thousand dollars be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to carry this law into effect.

Appropriation.

APPROVED, March 2, 1812.

STATUTE I.

CHAP. XXXV.—*An Act supplementary to "An act providing for the accommodation of the General Post-Office and Patent Office, and for other purposes."*

March 7, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster-General, under the direction of the President of the United States, be authorized

[Obsolete.]  
Act of April  
28, 1810, ch. 34.  
Postmaster-  
General, under

direction of the President, authorized to repair and finish the Great Hotel for the accommodation of the post-office department and patent office.

When these offices are to be removed.

#### Appropriation.

to repair and finish, in a suitable manner for the accommodation of the post-office department and the patent office, the two stories of the building purchased for the government, by authority of the aforesaid act, being the first and second stories, including also sundry repairs on the outside and in the garret of said building, upon the principles stated in the report of the Postmaster-General, dated January fifteenth, one thousand eight hundred and twelve.

SEC. 2. *And be it further enacted*, That as soon as the repairs can be properly made, and before the commencement of the next annual session of Congress, the general post-office and the city post-office shall be removed to said public building.

SEC. 3. *And be it further enacted*, That for the purpose of completing the aforesaid work, there be appropriated, from any monies in the treasury not otherwise appropriated, the sum of thirteen thousand two hundred and forty-seven dollars and sixty-one cents, including the sum of two thousand three hundred dollars, now in the treasury, and also the sum of one thousand three hundred and ninety-three dollars and seventy cents, now in the hands of Thomas Munroe, superintendent of the city of Washington, being unexpended balances of the sum of twenty thousand dollars, authorized by the act of April twenty-eighth, one thousand eight hundred and ten, to which this act is a supplement.

APPROVED, March 7, 1812.

#### STATUTE I.

March 10, 1812.

[Obsolete.]

Board of commissioners', west of Pearl river, accounts to be settled and paid.

CHAP. XXXVI.—*An Act for the relief of the Board of Commissioners west of Pearl river.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper accounting officers at the treasury be, and they are hereby directed to audit and settle the accounts of the board of commissioners west of Pearl river, in the Mississippi territory, and to allow each of them the sum of six dollars per day for every day's actual attendance on the board, subsequent to the first day of April, one thousand eight hundred and six, except for the eighty-four days, already provided for.

APPROVED, March 10, 1812.

#### STATUTE I.

March 10, 1812.

[Obsolete.]

Appropriation of five hundred thousand dollars in addition to former appropriations.

CHAP. XXXVII.—*An Act making a further appropriation for the defence of our Maritime Frontier.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated, in addition to the sums already appropriated, for the purposes of fortifying and defending the maritime frontier of the United States; and that the same be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 10, 1812.

#### STATUTE I.

March 10, 1812.

Act of Feb. 27, 1813, ch. 38.

Further time given for registering claims in the land-office at Opelousas.

CHAP. XXXVIII.—*An Act giving further time for registering claims to land in the western district of the territory of Orleans.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person or persons claiming lands in the western district of the territory of Orleans, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land-office, for the said district, shall be allowed until the first day of November next, to deliver notices in writing, and the written evidences of their claims to the register of the land-office at Opelousas; and the notices and evidences so

delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

SEC. 2. *And be it further enacted*, That the register and receiver of public monies of the said land-office at Opelousas, shall have the same powers and perform the same duties in relation to the claims thus filed before the first day of November next, as if notice of the same had been given before the first day of July, one thousand eight hundred and eight, except that their decisions shall be subject to the revision of Congress. And it shall be the duty of the said register and receiver to make to the Secretary of the Treasury, a report of all the claims thus filed with the register of the land-office, together with the substance of the evidence in support thereof, with their opinion, and such remarks thereon as they may think proper; which report, together with a list of the claims, which, in the opinion of the register and receiver, ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress at their next session, for their determination thereon. The said register and receiver shall have power to appoint a clerk, whose duty shall be the same, in relation to the claims filed as aforesaid, as was required of the clerk to the board of commissioners for adjusting claims to land in the said district; and the said register, receiver and clerk, shall each be allowed fifty cents for each claim filed according to this act, and on which a decision shall be made, whether such decision be in favour of, or against the claim; which allowance, of fifty cents, shall be in full compensation for their services under this act.

APPROVED, March 10, 1812.

Duties of the register and receiver of public monies of the land-office at Opelousas.

The reports of the register and receiver to be laid before Congress.

Allowance on claims filed.

# STATUTE I.

CHAP. XXXIX.—*An Act to alter the time of holding the Circuit Courts of the United States at Knoxville, in the District of East Tennessee, in the state of Tennessee.*

March 10, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the first section of an act, entitled "An act to amend an act entitled An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee and Ohio," passed on the twenty-second day of March, eighteen hundred and eight, as provides that the sessions of the said circuit courts shall be held at Knoxville, in East Tennessee, on the third Monday of October annually, shall be and is hereby repealed; and from and after the passing of this act, the said circuit courts shall be held at Knoxville, in the district of East Tennessee, on the second Monday in October, annually, and continue until all the business therein depending be disposed of; and that all actions, causes, pleas, processes and other proceedings relative to any cause, civil or criminal, which shall be returnable to, or depending in the said circuit court of the United States, to be held at Knoxville, on the third Monday of October next, shall be returned, and held, continued to, and be proceeded upon on the second Monday in October next, in the same manner they would have been if this change had not been made.

APPROVED, March 10, 1812.

Act of March 22, 1808, ch. 38. Sessions of the circuit court changed to the second Monday in October, at Knoxville, in East Tennessee. sec.

1807, ch. 16. 1831, ch. 1.

Process, &c. &c. returnable, &c. &c. accordingly.

## STATUTE I.

March 12, 1812.

Steamboats  
belonging to  
aliens, to be  
enrolled and  
licensed.

Act of Feb. 18,  
1793, ch. 8.

Owners of such  
boats to give  
bonds, &c.

CHAP. XL.—*An Act respecting the enrolling and licensing of Steamboats.*

*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, a steamboat employed, or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien, resident within the United States, may, and shall be enrolled and licensed, as if the same belonged to a citizen of the United States, according to, and subject to all the conditions, limitations and provisions contained in the act, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," except that, in such case, no oath or affirmation shall be required that the said boat belongs to a citizen or citizens of the United States.

SEC. 2. *And be it further enacted,* That the owner or owners of such steamboat, upon application for enrolment or license, shall give bond to the collector of the district, to and for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned, that the said boat shall not be employed in other waters than the rivers and bays of the United States.

APPROVED, March 12, 1812.

## STATUTE I.

March 14, 1812.

Act of July 6,  
1812, ch. 136.  
Limitation of  
sum to be bor-  
rowed.

The U. States  
may reimburse  
any sum bor-  
rowed after  
twelve years.

Certificates of  
stock to be con-  
stituted.

Interest there-  
on.  
How trans-  
ferable.

Proviso.

Funds pledged  
for paying prin-  
cipal and inter-  
est.

CHAP. XLI.—*An Act authorizing a loan for a sum not exceeding eleven millions of dollars.*

*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 borrow on the credit of the United States, a sum not exceeding eleven millions of dollars, at an interest not exceeding six per centum per annum, payable quarter yearly, to be applied, in addition to the monies now in the treasury, or which may be received from other sources, to defray any of the expenses which have been, or may, during the present session of Congress, be authorized by law, and for which appropriations have been, or may, during the present session of Congress, be made by law: *Provided,* that no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed, at any time after the expiration of twelve years, from the first day of January next.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, to cause to be constituted certificates of stock signed by the register of the treasury, or by a commissioner of loans, for the sum to be borrowed by virtue of this act, or for any part thereof, bearing an interest of six per centum, and reimbursable as aforesaid; which stock, thus created, shall be transferable in the same manner as is provided by law for the transfer of the existing public debt of the United States: and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the President of the United States to cause the said certificates of stock, or any part thereof, to be sold: *Provided,* that no such stock shall be sold under par.

SEC. 3. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the

interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act; it shall accordingly be the duty of the commissioners of the sinking fund, to cause to be applied and paid out of the said fund yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 4. *And be it further enacted*, That it shall be lawful for any of the banks in the district of Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, any thing in any of their charters of incorporation to the contrary notwithstanding.

APPROVED, March 14, 1812.

Faith of the U. States pledged for the establishment of sufficient revenue to make up deficiencies.

Lawful for the banks in the district of Columbia to make the loan or any part thereof.

STATUTE I.

CHAP. XLII.—*An Act supplementary to "An act to raise an additional Military Force."*

March 17, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the non-commissioned officers, musicians and privates of the light dragoons shall receive the same uniform clothing as is now provided by law for the artillery and infantry, excepting one pair of gaiters and four pairs of shoes, in lieu of which, each person shall be annually entitled to receive one pair of boots, and two pair of shoes.

Act of Jan. 11, 1812, ch. 14. Uniform clothing to the non-commissioned officers.

SEC. 2. *And be it further enacted*, That the non-commissioned officers, musicians and privates of the regiment of light artillery, shall receive the same clothing as the light dragoons, when ordered to be mounted.

Light artillery to receive the same clothing as the light dragoons.

SEC. 3. *And be it further enacted*, That all the officers, excepting general officers, who may be appointed during the present session of Congress, under the "Act to raise an additional military force," shall take rank in such manner as the President of the United States shall direct, without regard to priority of appointment.

Officers to take rank, except the generals, as the President may direct.

APPROVED, March 17, 1812.

STATUTE I.

CHAP. XLIII.—*An Act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States.* (a)

March 19, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the tenth section of the act, entitled "An act to incorporate the subscribers to the Bank of the United States," shall be, and the same is hereby repealed.

[Obsolete.] The tenth section of the act incorporating the bank repealed.

APPROVED, March 19, 1812.

(a) The 10th section of the act incorporating the Bank of the United States, February 25, 1791, chap. 10, repealed by this law, was as follows:—

Section 10, of the act of February 25, 1791, chap. 10: "And be it further enacted, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be received in all payments to the United States.

## STATUTE I.

March 26, 1812.

Terms of the court changed.

At Portsmouth on the first day of May, and Exeter on the first day of October; at Newport on the fifteenth of June; at Providence on the fifteenth of November; at Boston on the fifteenth of May, and the fifteenth of October.

Proceedings to conform therewith.

Act of March 3, 1797, ch. 27.

1802, ch. 23, sec. 4.

CHAP. XLV.—*An Act to alter the times of holding the Circuit Courts of the first district.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the terms now established by law, the circuit court of the first circuit shall annually be holden as follows: at Portsmouth, on the first day of May, and at Exeter, on the first day of October, within and for the district of New Hampshire; at Newport, on the fifteenth day of June, and at Providence, on the fifteenth day of November, within and for the district of Rhode Island; and at Boston, on the fifteenth day of May, and the fifteenth day of October, within and for the district of Massachusetts. And whenever any of the said days shall happen on a Sunday, then the said court, hereby directed to be holden on said day, shall be holden on the next day thereafter.

SEC. 2. *And be it further enacted,* That all actions, suits, writs, processes and other proceedings which now are pending, in said court, or which now are or may hereafter be commenced for, or be returnable to the said court at the proper term thereof, now established by law, within and for the respective districts aforesaid, shall depend, have day, be returnable to, heard, tried and determined in the said court at the first term thereof, which shall hereafter be holden within and for the respective districts aforesaid, according to the provisions of this act, any thing in any former act or acts to the contrary notwithstanding.

APPROVED, March 26, 1812.

## STATUTE I.

March 28, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Quartermaster's department how composed.

1812, ch. 92.

Rank, pay, &c. &c. of the quartermaster general, &c. &c.

1808, ch. 43.

Their duties, &c. &c.

CHAP. XLVI.—*An Act to establish a Quartermaster's Department, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be and hereby is established a quartermaster's department for the army of the United States, to consist of a quartermaster general, four deputy quartermasters, and as many assistant deputy quartermasters, as, in the opinion of the President of the United States, the public service may require; the quartermaster general and deputy quartermasters to be appointed by the President, by and with the advice and consent of the Senate; and the assistant deputy quartermasters by the President alone. And he hereby is authorized moreover to appoint such additional number of deputy quartermasters, not exceeding four, to be taken from the line or not, at his discretion, as in his judgment the public service may require.

SEC. 2. *And be it further enacted,* That the quartermaster general shall be entitled to the rank, pay and emoluments of a brigadier general, (under the act of the twelfth of April, one thousand eight hundred and eight,) with forage for two additional horses; the deputy quartermasters, when not taken from the line, shall be entitled to receive sixty dollars per month, five rations per day and forage for two horses, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision; the assistant deputy quartermasters, when not taken from the line, shall be entitled to and receive forty dollars per month, three rations per day, and forage for one horse, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision.

SEC. 3. *And be it further enacted,* That in addition to their duties in the field, it shall be the duty of the quartermaster general, his deputies, and assistant deputies, when thereto directed by the Secretary of War, to purchase military stores, camp equipage and other articles requisite for the troops, and generally to procure and provide means of transport

(a) See notes to act of April 29, 1802, chap. 23.

for the army, its stores, artillery and camp equipage. That the quartermaster general shall account as often as may be required, and at least once in three months, with the department of war, in such manner as shall be prescribed, for all property which may pass through his hands, or the hands of the subordinate officers in his department, or that may be in his or their care or possession, and for all monies which he or they may expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department, and that he, his deputies and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof.

SEC. 4. *And be it further enacted*, That there shall be a commissary general of purchases, and as many deputy commissaries, as, in the opinion of the President of the United States, the public service may require, to be appointed by the President, by and with the advice and consent of the Senate.

Commissary general, &c. &c. to be appointed.

SEC. 5. *And be it further enacted*, That it shall be the duty of the commissary general of purchases, under the direction and supervision of the Secretary of War, to conduct the procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States; and it shall be the duty of the deputy commissaries, when directed thereto, either by the Secretary of War, the commissary general of purchases, or, in cases of necessity, by the commanding general, quartermaster general, or deputy quartermasters, to purchase all such of the aforesaid articles as may be requisite for the military service of the United States.

Their duties, &c. &c.

SEC. 6. *And be it further enacted*, That neither the quartermaster general nor the commissary general shall, directly or indirectly, be concerned or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel; nor shall either of them purchase by himself or another, in trust for him, public lands or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if either the said quartermaster general or commissary general shall offend against any of the prohibitions of this act, the parties so offending shall, upon conviction, forfeit to the United States, the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be for ever thereafter incapable of holding any office under the United States.

Quartermaster general and commissary general, &c. &c. inhibited from trade.

1812, ch. 92.

SEC. 7. *And be it further enacted*, That the salary of the commissary general of purchases shall be three thousand dollars per annum; and the compensation to a deputy commissary, shall not exceed two and one half per centum on the public monies disbursed by him, nor in any instance, the sum of two thousand dollars per annum.

Compensation of the commissary general, &c. &c.

SEC. 8. *And be it further enacted*, That the commissary general of purchases shall, before he enters upon his duties, give bond with sufficient surety, to be approved of by the Secretary of War, in the sum of fifty thousand dollars, and the deputy commissaries, each in the sum of ten thousand dollars, with condition for the faithful performance of the duties of their office respectively, which bonds shall be lodged with the comptroller of the treasury.

Commissary general to give bond, &c. &c.

SEC. 9. *And be it further enacted*, That from and after the last day of May next, so much of the act, entitled "An act to establish the office of purveyor of public supplies," as relates to the appointment and services of a purveyor of public supplies, be, and the same is hereby repealed; and in the mean time, the purveyor shall deliver over to the

Office of purveyor abolished.

1795, ch. 27.

Quartermaster and commissary general's letters to be free.

Compensation of the clerks of the quartermaster and commissary general's offices.

Wagon-masters to be appointed by the quartermaster general.

Wagon-masters inhibited from dealing in wagons, &c.

Compensation of the wagon-masters.

Forage-master to be appointed.

Forage-master prohibited from trading in articles of forage.

Compensation of forage-master, &c. &c.

Conductors of artillery to be appointed.

Repeal of part of a former act.

1802, ch. 9.

Deputy com-

commissary general or one of his deputies, the public stores and property of all sorts in his possession, who shall receipt to him for the same.

SEC. 10. *And be it further enacted*, That all letters and packets to and from the quartermaster general and commissary general, shall be free from postage.

SEC. 11. *And be it further enacted*, That there be allowed for the compensation of the necessary clerks in the quartermaster general's office, a sum not exceeding fifteen hundred dollars a year; and for the compensation of the clerks of the commissary general, a sum not exceeding seventeen hundred dollars per annum, with such books and stationery as may be necessary to the quartermaster general's and commissary general's departments.

SEC. 12. *And be it further enacted*, That the quartermaster general be authorized to appoint a principal wagon-master and as many wagon-masters as he may judge necessary for the service of the army, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster general or any of his deputies, to provide and conduct the wagons and other means of transport necessary and proper for the military service of the United States.

SEC. 13. *And be it further enacted*, That no wagon-master shall, directly or indirectly, be concerned or interested in any wagon, or means of transport employed in the service of the United States; nor in the purchase or sale of any horses, harness, wagons or other means of transport, procured for, or belonging to the United States, except as agent for the United States.

SEC. 14. *And be it further enacted*, That the principal wagon-master shall be entitled to receive forty dollars per month, three rations per day and forage for one horse; and each wagon-master shall be entitled to receive thirty dollars per month, two rations per day and forage for one horse.

SEC. 15. *And be it further enacted*, That the quartermaster general be authorized to appoint one principal forage-master, and as many assistant forage-masters as the nature of the service may require, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster general, or any of his deputies, to provide and deliver out forage necessary and proper for the military service of the United States; nor shall any forage-master be directly or indirectly concerned in the purchase or sale of any article of forage procured for or belonging to the United States, except as an agent for the United States.

SEC. 16. *And be it further enacted*, That the principal forage-master shall be entitled to and receive forty dollars per month, three rations per day and forage for two horses; and that the other forage-masters shall be entitled to and receive thirty dollars per month, two rations per day and forage for one horse.

SEC. 17. *And be it further enacted*, That there shall be four conductors of artillery, who shall be appointed by the President alone, each of whom shall be entitled to the pay and emoluments of a lieutenant of artillery.

SEC. 18. *And be it further enacted*, That this act shall go into operation on the first day of April next; and that so much of the act fixing the military peace establishment of the United States, as respects the appointment of military agents and assistant military agents, be, and the same is hereby repealed, from and after that day; but all those agents shall continue to perform their respective duties in the mean time, and until the deputy and assistant deputy quartermasters shall be appointed and ready to enter on the execution of their respective offices; to whom the said military agents and assistant military agents, shall then deliver all the public stores and property in their possession.

SEC. 19. *And be it further enacted*, That all persons attached to the



public service by virtue of this act, shall be subject to military law, except the deputy commissaries.

SEC. 20. *And be it further enacted*, That the President may, and he hereby is authorized in the recess of the Senate, to appoint the quartermaster general, deputy quartermasters, commissary general, and deputy commissaries, or any of them; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

APPROVED, March 28, 1812.

missaries exempt from military law.

President authorized to make the appointments in recess of Senate.

#### STATUTE I.

March 30, 1812.

Act of March 1, 1817, ch. 81. Certain frigates to be repaired and put into commission. Appropriation.

Officers of the navy may be increased accordingly.

An annual appropriation for the purchase of materials adapted to the rebuilding and repair of certain frigates.

How the sums appropriated are to be paid.

Gun boats to be distributed to be used as circumstances may require.

Pursers to be appointed by the President with the approbation of the Senate.

#### CHAP. XLVII.—*An Act concerning the Naval Establishment.*(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 be, and he is hereby authorized and empowered to cause to be immediately repaired, equipped and put into actual service, the frigates Chesapeake, Constellation and Adams; and that a sum not exceeding three hundred thousand dollars be, and is hereby appropriated for that purpose.

SEC. 2. *And be it further enacted*, That the officers and seamen of the navy may be increased so far as may be necessary to officer, man and equip the vessels so to be put into service, any law to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the sum of two hundred thousand dollars, annually, for three years, viz: one thousand eight hundred and twelve, one thousand eight hundred and thirteen and one thousand eight hundred and fourteen, be appropriated towards the purchase and supply of a stock of every description of timber required for ship building and other navy purposes; and that the first appropriation thereof be made in the purchase of timber suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston.

SEC. 4. *And be it further enacted*, That the sums herein specifically appropriated shall be paid out of any monies in the treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That as soon as it shall be deemed compatible with the good of the public service, the gun boats now in commission be laid up, and with those not in commission, be distributed in the several harbors of the maritime frontier which are most exposed to attack, to be carefully kept and used as circumstances may require.

SEC. 6. *And be it further enacted*, That the pursers in the navy of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that from and after the first day of May next, no person shall act in the character of purser, who shall not have been thus first nominated and appointed, excepting pursers on distant service who shall not remain in service after the first day of July next, unless nominated and appointed as aforesaid. And every purser, before entering upon the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of ten thousand dollars, conditioned faithfully to perform all the duties of purser in the navy of the United States.

APPROVED, March 30, 1812.

#### (a) Preceding acts relating to the Navy of the United States:—

Act of March 22, 1794, . . . . .	Vol. i. 350.
Act of April 20, 1796, . . . . .	" i. 453.
Act of July 1, 1797, . . . . .	" i. 523.
Act of April 27, 1798, . . . . .	" i. 552.
Act of May 4, 1798, . . . . .	" i. 556.
Act of June 22, 1798, . . . . .	" i. 575.
Act of February 25, 1799, . . . . .	" i. 621.

Act for the government of the navy of the United States, March 2, 1799, chap. 24, Vol. i. 709.

## STATUTE I.

April 3, 1812.

CHAP. XLVIII.—*An Act granting to the corporation of the city of New Orleans the use and possession of a lot in the said city.*

Right of the United States to a certain portion of ground in the city of New Orleans ceded to the city.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the right and claim of the United States to the use, possession and occupancy of a space of one hundred and fifty by one hundred and twenty-five feet of a vacant lot of ground, in the city of New Orleans, bounded by Bienville and Custom-house streets, and by Levee street and the high road, be, and the same is hereby vested in the corporation of the said city. And the said corporation is authorized to use, possess and occupy the same, for the purpose of erecting or causing to be erected and kept in operation a steam engine, or engines, for conveying water into the said city, and all buildings necessary to the said purpose: *Provided*, that if the said space of ground shall not be occupied for the said purpose, within the term of three years, from and after the passing of this act, or shall at any time thereafter cease to be so occupied, for the term of three years, the right and claim of the United States thereto, shall remain unimpaired: *And provided also*, that this act shall not affect the claim, or claims of any individual or individuals, if any such there be.

Proviso, that the ground shall be occupied within three years.

Proviso.

APPROVED, April 3, 1812.

## STATUTE I.

April 4, 1812.

CHAP. XLIX.—*An Act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time.*

[Expired.]

Embargo laid for ninety days.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an embargo be, and hereby is laid for the term of ninety days from and after the passing of this act, on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels in ballast, with the consent of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided*, that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast or with the goods, wares and merchandise on board of such foreign ship or vessel when notified of this act.

Proviso.

Bonds to be given that all goods, &c. &c. shipped in the ports of the U. States shall be relanded in others of the United States.

SEC. 2. *And be it further enacted,* That during the continuance of this act, no registered or sea letter vessel shall be allowed to depart from any one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel, shall first give bond, with one or more sureties, to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, conditioned that the goods, wares or merchandise, with which she shall be laden, shall be relanded in some port of the United States.

Penalties for going to foreign ports.

SEC. 3. *And be it further enacted,* That if any ship or vessel shall, during the continuance of this act, depart from any port of the United States, without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, proceed to a foreign port or place, or trade with, or put on board of any other ship or vessel, any goods, wares or merchandise, of foreign or domestic growth or manufacture, such ships or vessels, goods, wares and merchandise shall be wholly forfeited, and, if the same shall not be seized, the owner or owners, agent, freighter or factors, of any such ship or vessel, shall for every such offence forfeit and pay a sum equal to double the value of the ship or vessel and cargo,

and shall never thereafter be allowed a credit for duties on any goods, wares or merchandise, imported by him or them into any of the ports of the United States; and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in such prohibited foreign voyage, shall each respectively forfeit and pay a sum not exceeding twenty thousand, nor less than one thousand dollars for every such offence, whether the vessel be seized and condemned or not; and the oath or affirmation of any master or commander, knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 4. *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, entitled "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 may be examined, mitigated or remitted, in like manner, and under like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, entitled "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: *Provided*, that all penalties and forfeitures which shall have been incurred by virtue of this act, previous to the expiration thereof, may and shall thereafter be recovered and distributed in like manner, as if this act had continued in full force and virtue.

APPROVED, April 4, 1812.

Penalties, how to be recovered, distributed, &c.

1799, ch. 22.

1797, ch. 13.

1800, ch. 6.

Proviso.

STATUTE I.

CHAP. L.—*An Act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state.(a)*

April 8, 1812.

Act of Feb.

15, 1811, ch. 21.

Act of May

22, 1812, ch. 93.

WHEREAS, the representatives of the people of all that part of the territory or country ceded, under the name of "Louisiana," by the treaty

(a) The decisions of the Supreme Court on the extension of the laws of the United States to Louisiana, and the practice of the courts of the United States in the district of Louisiana, have been:—

As, by the laws of Louisiana, questions of fact in civil cases are tried by the court, unless either of the parties demand a jury, in an action of debt on a judgment, the interest on the original judgment may be computed, and make part of the judgment in Louisiana, without a writ of inquiry, and the intervention of a jury. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. *Soulard et al. v. The United States*, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government, is not changed. The new government takes the place of that which is passed away. *Ibid*.

By the provisions of the acts of Congress, Louisiana, when she came into the Union, had organized therein a district court of the United States, having the same jurisdiction, except as to appeals and writs of error, as the circuit courts of the United States in other states; and the modes of proceeding in that court, were required to be according to the principles, rules, and usages which belong to courts of equity, as contradistinguished from courts of common law. And whether there were or not, in the several states, courts of equity proceeding according to such principles and usages, made no difference, according to the construction uniformly given by the supreme court. *Livingston v. Story*, 9 Peters, 632.

The provisions of the act of Congress of 1824, relative to the practice of the courts of the United States in Louisiana, contain the descriptive term civil actions, which embrace cases at law and in equity; and may be fairly construed as used in contradistinction to criminal causes. They apply equally to cases in equity; and if there are any laws in Louisiana directing the mode of proceeding in equity causes, they are adopted by that act, and will govern the practice in the courts of the United States. *Ibid*.

Under the law of Louisiana, there are two kinds of pledges, the pawn and the antichresis. A thing is said to be pawned, when a movable is given as a security; the antichresis consists of immovables. *Livingston v. Story*, 11 Peters, 351.

L. conveyed, in 1822, in fee simple, to F. and S., certain real estate in New Orleans, by deed, for

Preamble.

made at Paris, on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine; thence, by a line to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence, due north, to the northernmost part of the thirty-third degree of north latitude; thence, along the said parallel of latitude, to the river Mississippi; thence, down the said river, to the river Iberville; and from thence, along the middle of the said river, and lakes Maurepas and Ponchartrain, to the gulf of Mexico; thence, bounded by the said gulf, to the place of beginning, including all islands within three leagues of the coast; did, on the twenty-second day of January, one thousand eight hundred and twelve, form for themselves a constitution and state government, and give to the said state the name of the state of Louisiana, in pursuance of an act of Congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union, on an equal footing with the original states, and for other purposes." And the

1812, ch. 57.

Act of Feb. 20,  
1811, ch. 21.

a sum of money paid to him, and took from them a counter-letter, signed by them; by which it was agreed, that on the payment of a sum stated in it, on a day stated, the property should be reconveyed by them to L.; and if not so paid, the property should be sold by an auctioneer; and, after repaying, out of the proceeds, the sum mentioned in the counter-letter, the balance should be paid to L. The money was not paid on the day appointed, and a further time was given for its payment, with additional interest and charges; and if not paid at the expiration of the time, it should be sold by an auctioneer. An agreement was at the same time made by L., that the counter-letter should be delivered up to F. and S., and cancelled. The money not being paid, it was again agreed between the parties, that if on a subsequent day fixed upon, it should not, with an additional amount for interest, &c., be paid, the property should belong absolutely to F. and S. The money was not paid, and F. and S. afterwards held the property as their own. The supreme court held this transaction to be an antichresis, according to the civil code of Louisiana: and on a bill filed in the district court of the United States, for the eastern district of Louisiana, in 1832, decreed that the rents and profits of the estate should be accounted for by S., who had become the sole owner of the property by purchase of F.'s moiety, and that the property should be sold by an auctioneer, unless the balance due S., after charging the sum due at the time last agreed upon for the payment of the money, and legal interest, with all the expenses of the estate, deducting the rents and profits, should be paid to S.; and on payment of the balance due S., the residue should be paid to the legal representative of L. *Ibid.*

The antichresis must be reduced to writing. The creditor acquires by this contract, the right of reaping the fruits, or other rewards of the immovables given to him in pledge, on condition of deducting, annually, their proceeds from the interest, if any be due to him, and afterwards from the principal of his debt. The creditor is bound, unless the contrary is agreed on, to pay the taxes, as well as the annual charges of the property given to him in pledge. He is likewise bound, under the penalty of damages, to provide for the keeping and necessary repairs of the pledged estate; and may lay out, from the revenues of the estate, sufficient for such expenses. *Ibid.*

The creditor does not become proprietor of the pledged immovables, by the failure of payment at the stated time; any clause to the contrary is null: and in that case, it is only lawful for him to sue his debtor before the court, in order to obtain a sentence against him, and to cause the objects which have been put into his hands, to be seized and sold. *Ibid.*

The debtor cannot, before the full payment of his debt, claim the enjoyment of the immovables which he has given in pledge; but the creditor, who wishes to free himself from the obligations under the antichresis, may always, unless he has renounced this right, compel the debtor to retake the enjoyment of his immovables. *Ibid.*

The doctrine of prescription, under the civil law, does not apply to this case, which is one of pledge; and if it does, the time before the institution of this suit had not elapsed, in which, by the law of Louisiana, a person may sue for immovable property. *Ibid.*

By the contract of antichresis, the possession of the property is transferred to the person advancing the money. In case of failure to pay, the property is to be sold by judicial process; and the sum which it may bring, over the amount for which it was pledged, is to be paid to the person making the pledge. *Ibid.*

If any rule has been made by the district court of Louisiana, abolishing chancery practice in that court, it is a violation of those rules which the supreme court of the United States has passed to regulate the courts of equity of the United States. Those rules are as obligatory on the courts of the United States in Louisiana, as they are upon all other courts of the United States; and the only modifications or additions which can be made by the circuit or district courts, are such as shall not be inconsistent with the rules prescribed. When the rules prescribed by the supreme court do not apply, the practice of the circuit and district courts shall be regulated by the practice of the high court of chancery in England. Story v. Livingston, 13 Peters, 359.

The supreme court has said, upon more than one occasion, after mature deliberation upon able arguments of distinguished counsel against it, that the courts of the United States in Louisiana, possess equity powers under the constitution and laws of the United States. That if there are any laws in Louisiana, directing the mode of procedure in equity causes, they are adopted by the act of 26th May, 1829; and will govern the practice in the courts of the United States. But if there are no laws regulating the practice in any equity causes, the rules of chancery practice in Louisiana, mean the rules prescribed by the supreme court, for the government of the courts of the United States, under the act of Congress of May 8, 1792, chap. 36, sec. 2. *Ibid.*

said constitution having been transmitted to Congress, and by them being hereby approved; therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the said state shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever, by the name and title of the state of Louisiana: *Provided*, that it shall be taken as a condition upon which the said state is incorporated in the Union, that the river Mississippi, and the navigable rivers and waters leading into the same, and into the gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said state as to the inhabitants of other states and the territories of the United States, without any tax, duty, impost or toll therefor, imposed by the said state; and that the above condition, and also all other the conditions and terms contained in the third section of the act, the title whereof is herein before recited, shall be considered, deemed and taken, fundamental conditions and terms, upon which the said state is incorporated in the Union.

SEC. 2. *And be it further enacted,* That until the next general census and apportionment of representatives, the said state shall be entitled to one representative in the House of Representatives of the United States; and that all the laws of the United States, not locally inapplicable, shall be extended to the said state, and shall have the same force and effect within the same, as elsewhere within the United States.

SEC. 3. *And be it further enacted,* That the said state, together with the residue of that portion of country which was comprehended within the territory of Orleans, as constituted by the act, entitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," shall be one district, and be called the Louisiana district; and there shall be established in the said district, a district court, to consist of one judge, who shall reside therein, and be called the district judge; and there shall be, annually, four stated sessions of the said court held at the city of Orleans; the first to commence on the third Monday in July next, and the three other sessions progressively, on the third Monday of every third calendar month thereafter. The said judge shall, in all things, have and exercise the same jurisdiction and powers which, by the act, the title whereof is in this section recited, were given to the district judge of the territory of Orleans; and he shall be allowed an annual compensation of three thousand dollars, to be paid quarter yearly at the treasury of the United States. The said judge shall appoint a clerk of the said court, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees heretofore allowed to the clerk of the Orleans territory.

SEC. 4. *And be it further enacted,* That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall, moreover, be paid two hundred dollars, annually, as a compensation for all extra services.

SEC. 5. *And be it further enacted,* That nothing in this act shall be construed to repeal the fourth section of an act, entitled "An act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and

Louisiana to be admitted into the Union, as an independent state.

Proviso.

Act of April 14, 1812, ch. 57.

To have one representative in the House of Representatives till otherwise provided.

Laws of the United States to be in force there.

Louisiana made a judicial district.

Act of March 26, 1804, ch. 38.

Terms of the court.

Salary of the judges, &c. &c.

Attorney to be appointed.

Marshal also.

Salary of the marshal.

This act not to produce the repeal of a former one.  
1804, ch. 13.

the French republic; and for other purposes;" and that the collection district shall be and remain as thereby established.

SEC. 6. *And be it further enacted*, That this act shall commence and be in force from and after the thirtieth day of April, eighteen hundred and twelve.

APPROVED, April 8, 1812.

STATUTE I.

April 8, 1812.

CHAP. LIII.—*An Act in addition to the act entitled "An act to raise an additional military force," passed January the eleventh, one thousand eight hundred and twelve.*

*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 hereby is empowered to cause to be enlisted for the term of eighteen months, unless sooner discharged, such part of the light dragoons, artillery and infantry, authorized by the act, entitled "An act to raise an additional military force," as he may deem expedient: *Provided*, the whole number, so to be enlisted for eighteen months, shall not exceed fifteen thousand, any thing in the said recited act to the contrary notwithstanding.

Act of Jan.  
11, 1812, ch. 14.

SEC. 2. *And be it further enacted*, That the non-commissioned officers, musicians and privates, so to be enlisted, shall be entitled to the bounty of sixteen dollars, and the same pay, clothing and rations, the same provisions for wounds or disabilities, and to all other allowances (the bounty in land excepted) provided by the said before recited act, for the non-commissioned officers, musicians and privates, who may be raised under the same, and shall be held to perform the same duties, and be subject to the same rules and regulations.

APPROVED, April 8, 1812.

STATUTE I.

April 10, 1812.

CHAP. LIV.—*An Act for the relief of the officers and soldiers who served in the late campaign on the Wabash.*

Officers and soldiers to receive compensation as allowed to militia called into actual service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the officers, according to the rank assigned them by Governor Harrison, and which they held on the seventh day of November, one thousand eight hundred and eleven, the non-commissioned officers and soldiers of the volunteers and militia, and the legal representatives of those who were killed or died of their wounds, composing the army that served in the late campaign on the Wabash against the hostile Indians, shall receive the same compensation which is allowed by law to the militia of the United States when called into the actual service of the United States.

Pensions to wounded officers and soldiers and to the families of such as were killed.

In case of death or marriage of widow, half pension to go to children under sixteen years.

SEC. 2. *And be it further enacted*, That the officers, according to the rank which they held as aforesaid, the non-commissioned officers and soldiers, of the volunteers or militia, who served in the said campaign, and who were killed or died of wounds received in said service, leaving a widow, or if no widow, shall have left a child or children, under the age of sixteen years, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay to which the deceased was entitled at the time of his death, or receiving the wound of which he died, for and during the term of five years; and in case of the death or intermarriage of such widow, before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer or soldier, whilst under the age of sixteen years; and in like manner the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the

age aforesaid: *Provided*, that no greater sum shall be allowed in any case to the widow or to the child or children of any officer than the half pay of a lieutenant colonel.

Limitation of amount.

SEC. 3. *And be it further enacted*, That every officer, according to the rank which he held as aforesaid, non-commissioned officer and private, of the volunteers and militia, who served in the said campaign, and who have been disabled by known wounds received in said service, shall be placed on the list of invalids of the United States, at such rate of pension as shall be directed by the President of the United States, upon satisfactory proof of such wound and disability being produced to the Secretary of War, agreeably to such rules as he may prescribe: *Provided*, that the rate of compensation for such wounds and disabilities shall never, for the highest disability, exceed half the monthly pay of such officer, at the time of being so wounded or disabled, and that the rate of compensation to a non-commissioned officer and private, shall never exceed five dollars per month; and all inferior disabilities shall entitle the person so disabled, to receive a sum in proportion to the highest disability; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Pensions to be in proportion to the wounds, &c.

Compensation for disabilities not to exceed half monthly pay.

SEC. 4. *And be it further enacted*, That any person or persons belonging to the said army, who may have had a horse or horses killed or lost during the late battle on the Wabash, shall be entitled to, and receive the value thereof: *Provided*, that the proof of the value of such horse or horses shall be by affidavit of the quartermaster of the corps to which the owner may have belonged, or of two other credible witnesses.

Horses killed in the battle of the Wabash to be paid for.

SEC. 5. *And be it further enacted*, That to the heirs or legal representatives of every person who was killed, and to every person who was wounded in the said campaign, who were purchasers of public lands of the United States, and whose lands had not, before the seventh of November, one thousand eight hundred and eleven, been actually sold or reverted to the United States, for the non-payment of part of the purchase money, a further time of three years shall be allowed, in addition to the time allowed by former laws, to complete their payments; which further time of three years shall commence from the respective times when their payments should have been completed according to former laws.

Further time given to such as were wounded, or to the representatives of those killed to make payment for public lands.

APPROVED, April 10, 1812.

STATUTE I.

CHAP. LV.—*An Act to authorize a detachment from the Militia of the United States, (a)*

April 10, 1812.

[Expired.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the

(a) A justice of the peace, in the District of Columbia, is an officer of the government of the United States, and is exempt from militia duty. *Wise v. Withers*, 3 Cranch, 331; 1 Cond. Rep. 552.

The court martial has not exclusive jurisdiction of that question, and its sentence is not conclusive. *Ibid.*

Transpass lies against a collector of militia fines, who distrains for a fine imposed by a court martial, upon a person not liable to be enrolled in the militia; the court martial having no jurisdiction in such cases. *Ibid.*

The act of the state of Pennsylvania of 28th March, 1814, providing, by the 21st section, that the officers and privates of the militia of Pennsylvania, neglecting or refusing to serve when called into actual service, in pursuance of any order or requisition of the President of the United States, shall be liable to the penalties defined in the act of Congress of 28th February, 1795, chap. 36, or to any penalty which may be imposed since the date of the act, or which may hereafter be prescribed by any law of the United States; and also providing for the trial of such delinquents by a state court martial, and that a list of the delinquents fined by such court, should be furnished to the marshal of the United States, and also to the comptroller of the treasury of the United States, in order that the further proceedings directed to be had thereon by the laws of the United States might be completed; is not repugnant to the laws and the constitution of the United States. *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

The act of February 28, 1795, chap. 36, to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repel invasions, is within the constitutional authority of Congress. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

President authorized to call upon the executives for their quotas of militia to be equipped and armed.

Detachment of militia, how to be officered: general officers to be apportioned.

Pay and rations of the commissioned officers.

Term of service of the detachment not to exceed six months: non-

United States be, and he is hereby authorized to require of the executives of the several states and territories, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the department of war; and, in cases where such returns have not been made, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the detachment of militia aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories; the President of the United States apportioning the general officers among the respective states and territories, as he may deem proper: and the commissioned officers of the militia, when called into actual service, shall be entitled to the same pay, rations and emoluments as the officers of the army of the United States.

SEC. 3. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous; and during the time of their service the non-commissioned officers, musicians and privates, shall be entitled to the

The President is the sole and exclusive judge whether the exigency has arisen, in which he is authorized to call out the militia. *Ibid*.

Where a party justifies, in an action against him, under the orders of the President calling out the militia, it is not necessary that he should aver in his pleadings, that the exigency had actually occurred; it is sufficient that the President has so decided, and has issued his orders; and if the fact of the existence of the exigency were averred, it might be traversed. *Ibid*.

Nor is it necessary to set forth the orders of the President at large; it is sufficient to state that the call made by the governor of the state was in obedience to the orders of the President. *Ibid*.

A requisition from the President upon the governor, is an order, in legal intendment. *Ibid*.

A militia man who refuses to obey the order of the President, calling him into public service, is liable to be tried for the offence, under the 5th section of the act of 1795. *Ibid*.

The 64th of the rules and articles of war, enacted by the act of April 10, 1806, chap. 20, which provides that general courts martial may consist of any number of commissioned officers, from five to thirteen inclusively, but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service, being in a matter submitted to his sound discretion, is conclusive. *Ibid*.

This article, however, is not obligatory in cases where the court martial is convened to try militia-men who have neglected to obey the orders of the President, calling them into public service. *Ibid*.

Where there is no positive statutory regulation as to the number of persons of whom the court is to be constituted, reference must be had to the general usage of the military service, or what may be called the customary military law. *Ibid*.

Courts martial, when duly organized, are bound to execute their duties, and regulate their modes of proceeding by this customary military law in the absence of positive enactment. *Ibid*.

In a case out of the operation of the articles of war, the sentence of a court martial, which has been approved by the President, is sufficiently approved. *Ibid*.

A court martial regularly called under the act of 1795, does not expire with the termination of the war then existing; nor is its jurisdiction to try offences in any way dependent upon the fact of war or peace. *Ibid*.

Where, in an action of replevin, the defendant being a deputy marshal of the United States, avowed and justified the taking of the plaintiff's goods, by virtue of a warrant issued to the marshal of the district, to collect a fine imposed by the judgment of a court martial, described as a general court martial, composed of officers of the militia of the state of New York, in the service of the United States, (six in number, and naming them,) duly organized and convened by general orders issued pursuant to the act of Congress of February 28, 1795, chap. 36, for the trial of those of the militia of the state of New York, ordered into the service of the United States, in the third military district, who had refused to rendezvous and enter into the service of the United States, in obedience to the order of the commander in chief of the state of New York, of the 4th and 29th of August, 1814, issued in compliance with the requisition of the President, made in pursuance of the same act of Congress; and alleging that the plaintiff being a private in the militia, neglected and refused to rendezvous, &c.; and was regularly tried by the said general court martial, and duly convicted of the said delinquency: Held, that the avowry was good. *Ibid*.

Alien enemies, who had enrolled themselves as volunteers, and been accepted by the President, under the act of February 6th, 1812, chap. 21, are not entitled to a discharge on the ground of such alienage; there being no law enjoining the President from accepting their services. *Wilson et al. v. Izard et al.*, Paine's C. C. R. 68.

It seems that the President had a right to accept volunteers to serve at a particular post, as well as for general service; the act being silent on the subject: at any rate, he had a discretion on the subject, not to be controlled by a court of justice. *Ibid*.

The insertion in the enrolment, of the officer's name, under whom the volunteers were to serve, was meant merely to ascertain the post where they were to serve, by designating its commander; and not to attach them to his personal command, so that he could not be changed. *Ibid*.



same pay and rations as is provided by law for the militia of the United States when called into actual service.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to call into actual service any part, or the whole of said detachment, in all the exigencies provided by the constitution; and the officers, non-commissioned officers, musicians and privates of the said detachment shall be subject to the penalties of the act, entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five;" and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

SEC. 5. *And be it further enacted*, That no non-commissioned officer, musician or private belonging to the aforesaid detachment of militia, who shall be ordered into actual service by the President of the United States, shall be subject to corporal punishment by whipping, any thing contained in any act to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement and deprivation of part of the rations shall be substituted in such manner as is herein after provided.

SEC. 7. *And be it further enacted*, That any non-commissioned officer or private belonging to the aforesaid detachment of militia, who shall, while in actual service, be convicted before any court martial of any offence, which before the passing of this act might or could have subjected such person to be whipped, shall, for the first offence, be put under such stoppages of pay as such court martial shall adjudge, not exceeding the one half of one month's pay for any one offence; but such offender may, moreover, at the discretion of such court martial, be confined under guard, on allowance of half rations, any length of time, not exceeding ten days for any one offence, or may, at the discretion of such court martial, be publicly drummed out of the army.

SEC. 8. *And be it further enacted*, That the sum of one million of dollars be, and the same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated, towards defraying any expense incurred by virtue of the provisions of this act.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, April 10, 1812.

commissioned officers, &c. &c. their pay, emoluments, &c. &c.

President may call out the whole or part of the detachment into actual service.

1795, ch. 36.

No officer or soldier shall be liable to punishment by whipping.

Whipping abolished, &c. other punishments substituted.

Non-commissioned officers, how punishable.

Stoppage of pay and confinement.

Specific appropriation.

Commencement and termination of this act.

#### STATUTE I.

CHAP. LVI.—*An Act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time.*(a)

April 14, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful,

Exportation of specie and

(a) 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 9th, 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, there sold to a merchant of that place, and thence exported to New Orleans during the operation of that act of Congress, 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 1st, 1809, was in force between the 2d of February, and 2d of March, 1811, by virtue of the President's proclamation of November 2d, 1810. *Schooner Anne v. The United States*, 7 Cranch, 570; 2 Cond. Rep. 611.

goods of foreign  
manufacture  
forbidden.

Act of April  
4, 1812, ch. 49.

Proviso.

1812, ch. 49.

Any portion  
of the land or  
naval force of  
the United  
States may be  
employed to  
prevent a vio-  
lation of the  
embargo.

Penalties, &c.  
&c. how to be  
recovered.

1812, ch. 49.

during the continuance of the act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States, for a limited time," to export from the United States or the territories thereof, in any manner whatever, any specie, nor any goods, wares or merchandise of foreign or domestic growth or manufacture; and if any person shall, with intent to evade this law, export or attempt to export any specie, goods, wares or merchandise from the United States or the territories thereof, either by land or water, such specie, goods, wares and merchandise, together with the vessel, boat, raft, cart, wagon, sleigh or other carriage in which the same shall have been exported or attempted to be exported, shall, together with the tackle, apparel, horses, mules and oxen, be forfeited, and the owner or owners of such specie, goods, wares or merchandise, and every other person knowingly concerned in such prohibited exportation, on conviction thereof, shall each respectively forfeit and pay a sum not exceeding ten thousand dollars for every such offence: *Provided however*, that nothing in this section contained, shall be construed to prevent the departure of vessels, which according to the act last above mentioned, are or may be permitted to depart in the manner and under the restrictions provided by the said act.

SEC. 2. *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 any part of the land or naval forces, or militia of the United States or of the territories thereof, as may be judged necessary, for the purpose of preventing the illegal departure of any ship or vessel, or the illegal exportation of any specie, or of any goods, wares or merchandise, contrary to the provisions of this, or of the last above mentioned act, and for the purpose of detaining, taking possession of, and keeping in custody, any such ship or vessel, specie, goods, wares or merchandise.

SEC. 3. *And be it further enacted*, That all penalties and forfeitures, incurred by virtue of this act, shall and may be prosecuted, sued for, recovered and distributed, and may be mitigated and remitted in the manner provided by the act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," and also, that the penalties and forfeitures incurred by virtue of this act may be recovered subsequently to the expiration thereof, in the same manner as if this act had continued in full force and virtue.

APPROVED, April 14, 1812.

#### STATUTE I.

April 14, 1812.

CHAP. LVII.—*An Act to enlarge the limits of the state of Louisiana.*

Act of Feb.  
15, 1811, ch. 14.  
Act of April  
8, 1812, ch. 50.  
Limits of the  
state enlarged.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds, to wit: Beginning at the junction of the Iberville, with the river Mississippi; thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the eastern mouth of the Pearl river; thence up the

The non-intercourse act of the 28th of 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 out to sea again, she might wait in the waters of the United States, for orders. *The United States v. The Cargo of the Ship Fanny*; Jennings, Master, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the third section of the act of Congress of the 28th of 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.

eastern branch of Pearl river to the thirty-first degree of north latitude; thence along the said degree of latitude to the river Mississippi; thence down the said river to the place of beginning, shall become and form a part of the said state of Louisiana, and be subject to the constitution and laws thereof, in the same manner, and for all intents and purposes as if it had been included within the original boundaries of the said state.

SEC. 2. *And be it further enacted*, That it shall be incumbent upon the legislature of the state of Louisiana, in case they consent to the incorporation of the territory aforesaid, within their limits, at their first session, to make provision by law for the representation of the said territory in the legislature of the state, upon the principles of the constitution, and for the securing to the people of the said territory, equal rights, privileges, benefits and advantages with those enjoyed by the people of the other parts of the state; which law shall be liable to revision, modification and amendment by Congress, and also in the manner provided for the amendment of the state constitution, but shall not be liable to change or amendment by the legislature of the state.

APPROVED, April 14, 1812.

Legislature to make provision for the representation of the people and territory thus incorporated at their first session.

#### STATUTE I.

CHAP. LVIII.—*An Act giving further time for registering claims to land in the eastern district of the territory of Orleans.*

April 14, 1812.

Act of Feb. 27,

1813, ch. 38.

Further time allowed for registering claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person or persons claiming lands in the eastern district of the territory of Orleans, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land-office for the said district, shall be allowed until the first day of November next to deliver notices in writing, and the written evidences of their claims, to the register of the land-office at New Orleans; and the notices and evidences so delivered, within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims, never after admitted as evidence in any court of the United States, against any grant derived from the United States.

Limitation of notices.

SEC. 2. *And be it further enacted*, That the register and receiver of public monies of the said land-office at New Orleans, shall have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of November next, as if notice of the same had been given before the first day of July, one thousand eight hundred and eight, except that their decision shall be subject to the revision of Congress. And it shall be the duty of the said register and receiver to make to the Secretary of the Treasury a report of all the claims thus filed with the register of the land-office, together with the substance of the evidence in support thereof, with their opinion and such remarks thereon as they may think proper; which report, together with a list of the claims which, in the opinion of the register and receiver, ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress, at their next session, for their determination thereon. The said register and receiver shall have power to appoint a clerk, whose duties shall be the same, in relation to the claims filed as aforesaid, as was required of the clerk to the board of commissioners for adjusting claims to lands in the said district; and the said register, receiver and clerk, shall each be allowed fifty cents for each claim filed according to this

Duties of register and receiver, &c. &c.

To report to the Secretary of the Treasury.

Allowance of fees.

act, and on which a decision shall be made, whether such decision be in favour of, or against the claim; which allowance of fifty cents shall be in full compensation for their services under this act.

APPROVED, April 14, 1812.

STATUTE I.

April 23, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

A corps of artificers to be attached to the quartermaster's department.

Pay of superintendent of artificers, assistants, &c.

Regular returns to be made to the Secretary of War by the superintendent.

Term of service of the corps.

Appropriation of thirty thousand dollars.

CHAP. LIX.—*An Act for the organization of a Corps of Artificers.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be attached to the quartermaster general's department, and subject to the orders of the officers thereof, a corps of artificers, to consist of one superintendent, to be appointed by the President of the United States, four assistants, two master masons, two master carpenters, two master blacksmiths, two master boat-builders, two master armorers, two master saddle and harness makers, twenty house carpenters, five ship carpenters, twenty blacksmiths, sixteen boat-builders, sixteen armorers, twelve saddle and harness makers and twenty-four labourers, to be selected from the privates of the army, when authorized thereto by the commanding general, or engaged from among the citizens by the superintendent.

SEC. 2. *And be it further enacted,* That the pay of the superintendent of artificers, shall be forty-five dollars per month, three rations per day, and forage for one horse; that the pay of the four assistants, be each thirty dollars per month and two rations per day; that the pay of the twelve master workmen be each thirty dollars per month and one ration and one half of a ration per day; that the pay of the other workmen be each sixteen dollars per month, and one ration and one half of a ration per day.

SEC. 3. *And be it further enacted,* That it shall be the duty of the superintendent of artificers to render a correct report, once each month, of the corps, to the quartermaster general, and on oath to make out the pay roll thereof; which pay roll shall be examined by the quartermaster general, or, in his absence, by one of the deputy quartermasters, and by him be countersigned, and faithfully and without delay to execute all such orders as he may receive from the Secretary at War, any officer of the quartermaster's department, or from the officer commanding in the field or garrison to which his corps or any part thereof may be attached.

SEC. 4. *And be it further enacted,* That this corps shall be engaged for and during the term of three years, unless sooner discharged by the President of the United States.

SEC. 5. *And be it further enacted,* That for defraying the expense that may be incurred in the execution of this act, the sum of thirty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, April 23, 1812.

STATUTE I.

April 23, 1812.

Act of March 3, 1817, ch. 99.

Patents, to be granted to persons whose claims have been confirmed.

CHAP. LXII.—*An Act to authorize the granting of Patents for Land, according to the Surveys that have been made; and to grant Donation Rights to certain Claimants of Land in the district of Detroit, 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 patents shall be granted to the persons whose claims to land have been confirmed in the district of Detroit, in conformity to the surveys which have been made under the direction of the surveyor general, and the general plat of which has been returned to the Secretary of the Treasury, notwithstanding the surveys shall not, in every respect, correspond with the description of the tracts as confirmed by the commissioners for adjusting land claims in

(a) See notes to the act of March 3, 1807, chap. 34.

the said district: *Provided*, that the confirmation of the commissioners and certificate of the register shall, in every other respect, be conformable to law.

SEC. 2. *And be it further enacted*, That every person, whose claim has been confirmed by the commissioners aforesaid to a tract of land bordering on the river Detroit, and whose tract, as confirmed, does not extend in depth eighty arpens, French measure, shall be entitled to a donation of any vacant tract of land adjacent to and back of the land confirmed to him as aforesaid, provided that such donation shall not exceed forty arpens, French measure, in depth, nor in quantity of land that contained in the tract already confirmed to him, nor shall in any case the tract confirmed as aforesaid, and that allowed as a donation, together exceed eighty arpens, French measure, in depth, and in all cases where, by reason of bends in the said river, and of adjacent prior claims, each claimant cannot obtain a tract equal in quantity to the tract already confirmed to him, the vacant land applicable to the object shall be divided between the claimants in such manner as shall appear to the commissioners for adjusting the claims most equitable. And every person claiming a donation in virtue of this section shall, on or before the first day of December next, deliver to the register of the land-office at Detroit, a notice, in writing, of the situation and extent of his claim, which he shall file in his office on receiving twenty-five cents from the party or parties for each claim; and if such person shall neglect to deliver such notice within the time limited, his right to a donation, under this section, shall become void. And the commissioners for adjusting claims to land in the said district shall, as soon as may be after the first of December next, proceed to examine and decide, according to the provisions of this section, on the claims filed as aforesaid; and when it shall appear to the said commissioners that the claimant is entitled to a donation of land, they shall give a certificate stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this section, which tract shall be surveyed in conformity with the decision of the commissioners, at the expense of the party, under the direction of the surveyor general, by such of his assistants residing in the said district as the said surveyor general shall appoint for that purpose. The expense of surveying shall be the same, and the plats of surveys and transcript of the decisions of the commissioners in favour of claimants shall be made and transmitted to the Secretary of the Treasury in the same manner; and the certificates granted by the commissioners shall be entered with the register of the land-office, and certificates of the register be granted to the party or parties on payment of the same fees, and patents granted, in every respect, in the same manner as is directed by the third section of an act, entitled "An act regulating the grants of land in the territory of Michigan," passed the third day of March, one thousand eight hundred and seven.

SEC. 3. *And be it further enacted*, That the heirs of Joseph Harrison, late of Detroit, deceased, be permitted to enter with the register of the land-office, for the district of Detroit, their claim to any tract or tracts of land in the said district; and such entry shall have the same effect, and the commissioners shall have the same powers, and act thereon in the same manner, as if the entry had been made before the first day of January, one thousand eight hundred and nine; and in case of a decision in favour of their claim or claims, a patent or patents shall be granted for the lands so claimed and confirmed to them, any law to the contrary notwithstanding.

APPROVED, April 23, 1812.

Proviso, that the confirmation shall be conformable to law.

Donations of vacant lands, how regulated.

Where bends of the river, an equal quantity to be granted, as commissioners may determine.

Commissioners to give a certificate.

Act of March 3, 1807, ch. 34.

Heirs of Joseph Harrison may be permitted to make an entry in the land-office for the district of Detroit.

## STATUTE I.

April 23, 1812.

CHAP. LXIII.—*An Act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia.*

Specific grants to sundry persons.

Act of March 16, 1804, ch. 23.

Act of February 24, 1810, ch. 12.

Reservations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following persons, claiming lands under the act, entitled "An act to revive and continue in force an act, entitled An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," passed on the sixteenth day of March, one thousand eight hundred and four, shall, respectively, be entitled to the following quantities of land, that is to say: Charlotte Hazen, widow of Moses Hazen; Chloe Shannon, wife of James Noble Shannon and relict of Obadiah Ayer, deceased; the heirs of Elijah Ayer and the heirs of Israel Ruland, respectively, nine hundred and sixty acres; Elijah Ayer, jun. and the heirs of Anthony Burk, respectively, three hundred and twenty acres: And that the following persons, claiming lands under the act, entitled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed on the twenty-fourth day of February, one thousand eight hundred and ten, shall, respectively, be entitled to the following quantities of land, that is to say: The heirs of James Boyd, two thousand two hundred and forty acres; the heirs of Nathaniel Reynolds, the heirs of Edward Antill and Joshua Sprague, respectively, nine hundred and sixty acres; Robert Sharp, John Fulton and John Morrison, each, six hundred and forty acres; James Sprague, David Dickey, John Taylor, and the heirs of Gilberts Seamans, deceased, respectively, three hundred and twenty acres; which several tracts of land shall be located within the boundaries of the fractional townships, reserved and set apart for the purpose of satisfying the claims of the refugees from Canada and Nova Scotia; and the locations shall be made, and patents granted, in the manner and on the conditions prescribed by former laws, except as to the time for making the locations; which locations shall be made on the day or days that the Secretary of the Treasury shall judge most convenient for the claimants, and shall designate for the purpose.

APPROVED, April 23, 1812.

## STATUTE I.

April 23, 1812.

CHAP. LXIV.—*An Act giving further time to the purchasers of Public Lands, northwest of the river Ohio, to complete their payments.*

Act of July 6, 1812, ch. 134.  
Purchasers prior to 1st April, 1808.

Allowed three years from 1st January, 1813.

Land to be sold on failure to pay.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person, who, prior to the first day of April, one thousand eight hundred and eight, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, at any of the land-offices established for the disposal of the public lands northwest of the river Ohio, and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further term of three years from the first day of January, one thousand eight hundred and thirteen, for the payment of the residue of the principal and interest due on account of such purchase, to be paid in four equal annual payments, the first whereof to be on the said first day of January, one thousand eight hundred and thirteen: and in case of failure in paying any of the said annual payments at the time when the same shall become due, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions heretofore prescribed for the sale of lands purchased of the United States, and not paid for within the limited time.

APPROVED, April 23, 1812.

CHAP. LXVI.—*An Act to continue in force for a limited time, an act entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act passed on the twentieth day of February, one thousand eight hundred and four, entitled "An act continuing for a limited time the salaries of the officers of government therein mentioned," shall be and continue in force for the term of three years, and to the end of the next session of Congress thereafter, and no longer.

SEC. 2. *And be it further enacted,* That for paying the salaries of the secretaries of state, treasury, war and navy, the comptroller, auditor and register of the treasury, the treasurer of the United States, the accountants of the war and navy departments, the postmaster-general and the first assistant postmaster-general, in addition to the sums already appropriated by the "Act making appropriations for the support of government for the year one thousand eight hundred and twelve," there be appropriated the further sum of seven thousand seven hundred and fifty-two dollars and fifty cents, to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, April 24, 1812.

## STATUTE I.

April 24, 1812.

Act of Feb. 20, 1804, ch. 12.  
Act of April 27, 1816, ch. 103.  
Act of Feb. 20, 1819, ch. 15.  
Act of 1804 continued for three years.

Additional appropriation of \$7,752 50.

1812, ch. 33.

## STATUTE I.

April 25, 1812.

Act of April 18, 1814, ch. 85.  
Act of May 8, 1822, ch. 128.

CHAP. LXVII.—*An Act for ascertaining the titles and claims to Lands in that part of the Louisiana which lies east of the river Mississippi and island of New Orleans.*(a)

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

(a) On the 12th February, 1813, Congress passed an "act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi territory, and west of the river Perdido." This act was not promulgated until the publication of the "Session acts" of the first session of the fifteenth Congress, which terminated April 20, 1818. See "resolution and acts relative to the occupation of Florida by the United States," Appendix to the acts of the first session of the fifteenth Congress, 1818, Vol. 3, p. 472.

Upon the titles to lands in this country, the following decisions have been made by the Supreme Court:—

By the treaty of St. Ildefonso, made on the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty, the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which at the time of the cession was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States; that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. Foster et al. v. Neilson, 2 Peters, 306.

If a Spanish grantee had obtained possession of the land in dispute so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic Majesty before the 24th January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is, that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

Two land districts to be laid off.

Commissioners to be appointed.

Clerk.

Oath.

Commissioners and clerks to attend in the parishes.

Twenty days' notice to be given.

taining the titles and claims to lands in that tract of country which lies south of the Mississippi territory, east of the river Mississippi and island of New Orleans, and west of the river Perdido, and a line drawn with the general course thereof to the southern boundary of the said Mississippi territory, the lands within the said limits shall be laid off into two land districts, between which Pearl river shall be the boundary; and for each of which districts a commissioner for land claims shall be appointed by the President of the United States, with the advice and consent of the Senate. The said commissioners shall, respectively, have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall, in addition to the other duties required of him by this act, perform the duties of translator, when required by the commissioner. And the said commissioners and clerk shall, before entering on the duties of their appointments, respectively take an oath or affirmation, truly and faithfully to execute the duties imposed on them by this act.

SEC. 2. *And be it further enacted*, That for the more convenient ascertainment of the titles and claims to lands as aforesaid, it shall be the duty of each of the said commissioners, respectively, and their clerks, to attend in each of the several parishes in his district, at such time and place therein as he shall appoint, for the purpose of receiving notices and evidences of titles and claims to lands within the same; and when the commissioners shall have appointed the time and place for his attendance in any parish, he shall cause public notice thereof to be given to the inhabitants of the same, for at least twenty days previous to the time of his commencing the business of his appointment therein.

SEC. 3. *And be it further enacted*, That each commissioner, after he shall have attended for a reasonable and sufficient length of time in each parish of his district, for the claimants of lands within the same to have

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Congress, in order to guard against imposition, declared, by the law of 1804, that all grants of land made by the Spanish authorities in the territory west of the Perdido, after the treaty of St. Ildefonso, should be null and void, excepting those to actual settlers, acquired before December 20, 1803. *Garcia v. Lee*, 12 Peters, 511.

The controversy relative to the country lying between the Mississippi and the Perdido rivers, and the validity of the grants made by Spain in the disputed territory after the cession of Louisiana to the United States, were carefully examined in the case of *Foster & Elam v. Neilson*. The supreme court, in that case, decided that the question of boundary between the United States and Spain was a question for the political departments of the government: that the legislative and executive branches having decided the question, the courts of the United States are bound to regard the boundary determined by them as the true one; that grants made by the Spanish authorities of lands, which, according to this boundary line, belonged to the United States, gave no title to the grantees, in opposition to those claiming under the United States; unless the Spanish grants were protected by the subsequent arrangements made between the two governments; and that no such arrangements were to be found in the treaty of 1819, by which Spain ceded the Floridas to the United States, according to the fair import of its words, and its true construction. *Ibid*.

In the case of *Foster & Elam v. Neilson*, the supreme court said that the Florida treaty of 1819, declares that all grants made before the 24th of January, 1818, by the Spanish authorities, "shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic Majesty;" and in deciding the case of *Foster & Elam*, the court held, that even if this stipulation applied to lands in the territory in question, yet the words used did not import a present confirmation by virtue of the treaty itself, but that they were words of contract: "that the ratification and confirmation which were promised, must be the act of the legislature; and until such shall be passed, the court is not at liberty to disregard the existing laws on the subject." Afterwards, in the case of the *United States v. Percheman*, 7 Peters, 86, in reviewing the words of the 8th article of the treaty; the court, for the reasons there assigned, came to a different conclusion; and held, that the words were words of present confirmation, by the treaty, where the land had been rightfully granted before the cession; and that it did not need the aid of an act of Congress to ratify and confirm the grant. This language was, however, applied by the court, and was intended to apply to grants made in a territory which belonged to Spain at the time of the grant. The case then before the court was one of that description. It was in relation to a grant of land in Florida, which unquestionably belonged to Spain at the time the grant was made; and where the Spanish authorities had an undoubted right to grant, until the treaty of cession in 1819. It is of such grants that the court speak, when they declare them to be confirmed and protected by the true construction of the treaty; and that they do not need the aid of an act of Congress to ratify and confirm the title of the purchaser. The court do not apply this principle to grants made within the territory of Louisiana. The case of *Foster & Elam v. Neilson* must, in all other respects, be considered as affirmed by the case of *Percheman*; as it underwent a careful examination in that case, and as none of its principles were questioned except that referred to. *Ibid*.



delivered the notices and evidences of their claims, shall establish his office at such place in his district as he shall judge most convenient, and of which he shall give public notice; and every person claiming lands within his district, who shall have neglected, or by any circumstance have been prevented from delivering a notice and evidence of his claims, during the time the commissioner attended in the parish in which the lands he may claim are situate, shall be at liberty, at any time before the end of six months from and after such office shall have been established, to deliver a notice and the evidence of his claims; and it shall have the same effect as if delivered in the parish wherein the lands claimed are situated.

Each Commissioner to keep an office.

Six months allowed to deliver notice and evidence.

Any French, British, or Spanish grants.

To be delivered for recording.

Recording fees.

Complete French, British or Spanish grants.

Neglect to give notice invalidates the claim.

1814, ch. 85.

And prevents proof of claim being evidence against other grants.

Duty and power of commissioners.

Clerk to enter evidence.

Surveyor of lands south of the Tennessee, powers enlarged.

SEC. 4. *And be it further enacted*, That every person claiming lands in the tract of country aforesaid, by virtue of any grant, order of survey, or other evidence of claim whatsoever, derived from the French, British or Spanish governments, shall deliver to the commissioner for land claims, when attending for the purpose, in the parish in which the lands claimed may lie, a notice in writing, stating the nature and extent of his claims, together with a plat (in case a survey shall have been made) of the tract or tracts claimed; and shall deliver to the commissioner when attending as aforesaid, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the clerk, in books to be kept for that purpose, on his receiving from the party or parties at the rate of twelve and a half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French, British or Spanish grant, it shall not be necessary for the claimant to have any other evidence of his claim entered at large on the record, except the original grant or patent, together with the order of survey, and the plat; all the other conveyances or deeds may be abbreviated in the entry; but the chain of title, and the date of every transfer shall appear on the record. And if such person shall neglect to deliver such notice in writing of his claim, together with the plat (in case the lands claimed shall have been surveyed) as aforesaid, or cause to be recorded such written evidence of the same within the time and times as aforesaid, his claim shall never after be recognized or confirmed by the United States; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant which may hereafter be derived from the United States.

SEC. 5. *And be it further enacted*, That the said commissioners shall have power, in their respective districts, to inquire into the justice and validity of the claims filed with them as aforesaid: it shall be their duty to ascertain in every case, whether the lands claimed have been inhabited and cultivated; at what time such inhabitation and cultivation commenced; when surveyed, and by whom and what authority; and into every other matter respecting the claims which may affect the justice and validity thereof; and for that purpose shall have power to administer oaths, and to compel the attendance of, and examine witnesses and such other testimony as may be adduced; to have access to all records of a public nature, relative to the granting, sale, transfer or titles of lands within their respective districts, and to take transcripts from such record or records or any part thereof; and the evidence thus adduced and obtained, shall, by the clerk, be entered in a book to be kept for that purpose.

SEC. 6. *And be it further enacted*, That the powers vested by law, in the surveyor of the lands of the United States south of the state of Tennessee, shall extend over all the public lands in the said tract of country.

Abstracts to be made out and forwarded to the Secretary of the Treasury by the commissioners.

SEC. 7. *And be it further enacted*, That the said commissioners shall respectively, under such instructions as the Secretary of the Treasury may, with the approbation of the President of the United States, transmit to them in relation thereto, prepare, and cause to be prepared, abstracts from the records of the claims filed as aforesaid, in which the claims shall be arranged into classes, according to their respective merits, and other circumstances whereby they may be diversified; the abstracts shall contain the substance of the evidence adduced in support of, or obtained respecting the claims, and shall contain such other information and remarks as may be necessary to a proper decision thereon, which abstracts the commissioners shall respectively, as soon as may be, report to the Secretary of the Treasury, and shall by him be laid before Congress at the next session thereafter for their determination thereon.

A list of actual settlers to be made by commissioners and reported to Congress.

SEC. 8. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and required to collect and report to Congress, at their next session, a list of all the actual settlers on land in said districts, respectively, who have no claims to land derived either from the French, British or Spanish governments, and the time at which such settlements were made.

Rates of compensation.

SEC. 9. *And be it further enacted*, That each of the said commissioners shall be allowed as compensation for his services in relation to the said claims, at the rate of fifteen hundred dollars a year; and each of the clerks, at the rate of one thousand dollars a year: *Provided*, that not more than eighteen months' compensation be thus allowed to the commissioner and clerk for the district east of Pearl river; nor more than two years' compensation be allowed to the commissioner and clerk for the district west of Pearl river; and the commissioner for the eastern district, on making his report to the Secretary of the Treasury, as aforesaid, shall be entitled to receive in addition seven hundred and fifty dollars, and his clerk five hundred dollars; and the commissioner for the western district, on making his report aforesaid, shall receive one thousand dollars, and his clerk seven hundred and fifty dollars; and the said allowances shall be in full for their services under this act.

Proviso.

APPROVED, April 25, 1812.

#### STATUTE I.

April 25, 1812.

CHAP. LXVIII.—*An Act for the establishment of a General Land-Office in the Department of the Treasury.*(a)

Office established.

Commissioner to be appointed.

His duties.

Chief clerk to be appointed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established in the department of the treasury an office, to be denominated the General Land-Office; the chief officer of which shall be called the commissioner of the general land-office, whose duty it shall be, under the direction of the head of the department, to superintend, execute and perform, all such acts and things, touching or respecting the public lands of the United States, and other lands patented or granted by the United States, as have heretofore been directed by law to be done or performed in the office of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, or which shall hereafter by law be assigned to the said office.

SEC. 2. *And be it further enacted*, That there shall be in the said office, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk of the general land-office, who, in all cases, when the said principal office shall become vacant, during such vacancy, shall have the charge and custody of the seal, and of all records, books and papers, belonging to the said office.

(a) See act of July 4, 1836, chap. 352.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed and employed in the said office, shall, before he enters on the duties of his office or appointment, take an oath or affirmation, truly and faithfully to execute the trust committed to him.

Oaths of office to be taken by all persons employed.

SEC. 4. *And be it further enacted*, That the said commissioner shall cause a seal of office to be made and provided for the said office, with such device as the President of the United States shall approve; and copies of any records, books or papers, belonging to the said office, under the signature of the said commissioner, or, when the office shall be vacant, under the signature of the chief clerk; and the said seal shall be competent evidence in all cases in which the original records, books or papers could be evidence.

A seal to be provided.

Copies of records under the signature of the commissioner and the seal evidence.

Act of July 4, 1836, ch. 352, sec. 7.

SEC. 5. *And be it further enacted*, That the said commissioner shall, forthwith, after his appointment, be entitled to the custody, and shall take charge of the said seal, and also of all records, books and papers, remaining in the offices of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, touching or concerning the public lands of the United States; and the said records, books and papers shall become, and be deemed the records, books and papers, of the said office.

Commissioner to have the custody of the seal and of the books, papers and records relating to land.

SEC. 6. *And be it further enacted*, That the said commissioner shall, when required by the President of the United States, or either house of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands, and concerning the business of his office, as shall be directed.

Commissioner upon the requisition of the President or Congress, to make plats, &c.

SEC. 7. *And be it further enacted*, That in all cases in which land has heretofore, or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of War: and such warrants shall be recorded in the said land-office, in books to be kept for the purpose, and shall be located as is, or may be provided by law; and patents shall afterwards be issued accordingly.

Warrants to be given by Secretary of War for military lands.

Patents to be issued.

SEC. 8. *And be it further enacted*, That all patents issuing from the said office, shall be issued in the name of the United States, and under the seal of the said office, and be signed by the President of the United States, and countersigned by the commissioner of the said office; and shall be recorded in the said office, in books to be kept for the purpose.

Patents how to be executed.

Act of July 4, 1836, ch. 352, sec. 10.

SEC. 9. *And be it further enacted*, That all returns relative to the public lands, heretofore directed to be made to the Secretary of the Treasury, shall hereafter be made to the said commissioner, who shall have power to audit and settle all public accounts relative to the public lands: *Provided*, that it shall be the duty of the said commissioner, upon the settlement of any such account, to certify the balance, and transmit the account with the vouchers and certificate to the comptroller of the treasury, for his examination and decision thereon.

Returns to be made to the Secretary of the Treasury.

Accounts to be settled at the commissioner's office.

Proviso.

SEC. 10. *And be it further enacted*, That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title or interest, in any public land, either in his own right, or in trust for any other person, or in the name or right of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting the business of the office. And any person offending in the premises against the prohibitions of this act, shall forfeit and pay one hundred dollars; and, upon conviction, shall be removed from office.

No person employed in the office to be engaged, directly or indirectly in the purchase of public lands.

Act of July 4, 1836, ch. 352, sec. 14.

SEC. 11. *And be it further enacted*, That the commissioner of the said land-office, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and shall receive an annual salary, equal to the salary of the auditor of the treasury, payable

Commissioner of the land-office, how to be appointed.

## Compensation.

Commissioner  
to have the pri-  
vilege of frank-  
ing.

1810, ch. 37,  
sec. 24.

Clerks to be  
employed.

Proviso.

quarterly; and the sum of two thousand two hundred and fifty dollars is hereby appropriated for the said compensation, during the year one thousand eight hundred and twelve, to be paid out of any monies in the treasury not otherwise appropriated—and the said commissioner shall have the same privilege with the comptroller of the treasury, of sending and receiving letters and packages, and also final certificates and patents for land, free of postage.

SEC. 12. *And be it further enacted*, That the commissioner of the land-office shall be authorized to employ a sufficient number of clerks: *Provided*, that their annual compensation shall not exceed in the whole, seven thousand dollars; and the said compensation shall be paid in the following manner during the year one thousand eight hundred and twelve; that is to say: three thousand eight hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of the Treasury; one thousand four hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of State: and three hundred dollars shall be paid out of the monies appropriated for the compensation of clerks, during said year, in the office of the Secretary of War.

APPROVED, April 25, 1812.

## STATUTE I

April 25, 1812.

CHAP. LXIX.—*An Act to revive and continue in force "An act to provide for persons who were disabled by known wounds received in the Revolutionary War," 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 the act, entitled "An

(a) Acts relative to Revolutionary Invalid Pensions:—

An act providing for the payment of the invalid pensioners of the United States. (Expired.) September 29, 1789, chap. 24.

An act further to provide for the payment of the invalid pensioners of the United States. (Expired.) July 16, 1790, chap. 27.

An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions. (Obsolete.) March 23, 1792, chap. 11.

An act to regulate the claims to invalid pensions. (Obsolete.) February 28, 1793, chap. 17.

An act concerning invalids. (Obsolete.) June 7, 1794, chap. 57.

Resolution. (Obsolete.) June 9, 1794.

Resolution. (Obsolete.) April 18, 1796.

An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war. (Repealed.) March 3, 1803, chap. 37.

An act for the relief of certain military pensioners in the state of South Carolina. (Obsolete.) March 3, 1804, chap. 18.

An act in addition to "an act making provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war." March 3, 1805, chap. 44.

An act to provide for persons who were disabled by known wounds received in the revolutionary war, April 10, 1806, chap. 25.

An act to revive and continue in force, "an act to provide for persons who were disabled by known wounds received in the revolutionary war," and for other purposes. (Expired.) April 25, 1812, chap. 69.

An act to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war, March 18, 1818, chap. 18.

An act concerning invalid pensioners. (Expired.) March 3, 1819, chap. 97.

An act in addition to an act entitled, "An act to provide for persons engaged in the land and naval service of the United States, in the revolutionary war," passed the 18th day of March, 1818, May 1, 1820, chap. 51.

An act to revive and continue in force, "an act to provide for persons who were disabled by known wounds received in the revolutionary war," and for other purposes. (Expired.) May 15, 1820, ch. 108.

An act to revive and continue in force an act entitled, "An act to provide for persons who were disabled by known wounds received in the revolutionary war." (Expired.) February 4, 1822, chap. 6.

An act supplementary to the acts providing for certain persons engaged in the land and naval service of the United States, March 3, 1823, chap. 58.

An act for the relief of certain surviving officers and soldiers of the army of the revolution, May 15, 1828, chap. 53.

An act supplementary to the "act for the relief of certain surviving officers and soldiers of the army of the revolution," June 7, 1832, chap. 126.

act to provide for persons who were disabled by known wounds received in the revolutionary war," passed on the tenth of April, one thousand eight hundred and six, shall be, and the same is hereby revived and continued in force for and during the space of six years from the passage of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

Former act revived and continued in force.

SEC. 2. *And be it further enacted*, That the agents for the payment of invalid pensioners of the United States, shall in future be required to give bond with two or more sureties, to be approved by the Secretary for the department of War, in a sum not exceeding five thousand dollars for the faithful discharge of the duties confided to them respectively.

Agents for paying invalid pensions to give bonds, &c. &c.

APPROVED, April 25, 1812.

#### STATUTE I.

CHAP. LXX.—*An Act authorizing the departure of ships and vessels from the ports and harbors of the United States, in certain cases.*

April 27, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any ship or vessel which heretofore has been, or which hereafter may be chartered and laden on account of the government of the United States, shall be permitted to depart from the ports and harbors of the United States, and the territories thereof, any thing in any former law to the contrary notwithstanding.

Vessels chartered by government, permitted to depart.

APPROVED, April 27, 1812.

#### STATUTE I.

CHAP. LXXI.—*An Act authorizing the appointment of an additional Judge of the District Court, for the district of New York.*

April 29, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the district court in the New York district shall consist of two judges, to wit, of the present judge of said district so long as he shall continue in office, and such other district judge or judges, as may from time to time be appointed, who shall reside in said district, and severally exercise like powers, as may be exercised by the present judge of said district, and receive the same compensation whereto he is entitled.

Act of April 9, 1814, ch. 49.  
Act of March 3, 1815, ch. 94.  
District court to consist of two judges.

SEC. 2. *And be it further enacted*, That the senior judge of the district, when present, shall preside in said district court, and whenever the judges shall differ in opinion in any cause, the order or judgment of court in every such case, shall be made and rendered in conformity with the opinion of the presiding judge. And said court may be held, and the business thereof proceeded with, by one judge in the absence of the other. And the senior judge of the district for the time being, is hereby designated, and is to be deemed the district judge, who, together with one of the justices of the supreme court, is to compose the circuit court of the United States in said district; but in the absence of said senior judge from said court, his place may be supplied by the other judge of the district.

Senior judge's opinion to be the judgment of the court.

One judge may constitute the court, either, in the absence of the other, to assist in forming the circuit court.

An act to amend the act entitled, "An act for the relief of certain surviving officers and soldiers of the revolutionary army," July 14, 1832, chap. 237.

Resolution in relation to the execution of an act supplemental to an act for the relief of certain officers and soldiers of the revolution, July 14, 1832.

An act to amend an act entitled, "An act for the relief of certain officers and soldiers of the revolutionary army," February 19, 1833, chap. 31.

Resolution in relation to the execution of the act supplemental to the act for the relief of certain officers and soldiers of the revolution, March 2, 1833.

An act granting half pay to widows or orphans when their husbands or fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes, July 4, 1836, chap. 362.

An act granting half pay and pensions to certain widows, July 7, 1838, chap. 189.

An act to amend the act of July 18, 1836 and 1838, allowing pensions to certain widows, August 23, 1842, chap. 191.

An act to continue the pensions to certain widows, June 17, 1844, chap. 102.

Times and places of holding the district court at Utica, Geneva and Salem.

A clerk to be appointed to reside at Utica.

Act of Feb. 28, 1799, ch. 19.

SEC. 3. *And be it further enacted*, That there shall be held annually four additional sessions of the district court for the district of New York, to wit: at Utica, on the first Tuesdays of April and October; at Geneva, on the third Tuesday of September; and at Salem on the third Tuesday of October. A clerk shall be appointed by the district judges of said district, who shall reside at Utica, and attend said court at the places aforesaid, and do all the duties of said office of clerk, which may accrue at or from the sessions of the court at said places, both in and out of court, and be allowed the same fees and compensation as by law is allowed to clerks of the district courts. The said judges may allot themselves as they shall think fit for the purpose of their holding separately the several stated and special courts to be held by virtue of this or any other act for the district of New York.

APPROVED, April 29, 1812.

#### STATUTE I.

April 29, 1812.

Act of March 3, 1815, ch. 78.

A company of bombardiers, sappers and miners to be formed.

To be officered from the corps of engineers.

The same pay and emoluments as allowed in the regiment of artillerists.

Military academy how constituted.

Act of March 16, 1802, ch. 9, sec 28.

Professor of natural philosophy.

Professor of mathematics.

Professor of engineering.

Assistant professor.

Proviso.

Number of cadets limited

#### CHAP. LXXII.—*An Act making further provision for the Corps of Engineers.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be added to the corps of engineers, two captains, two first lieutenants, two second lieutenants, with the usual pay and emoluments, according to their grades respectively, and one paymaster, to be taken from the subalterns of engineers, with the pay and emoluments of a regimental paymaster; and that there be attached to the said corps, either from the troops now in service, or by new enlistments, as the President of the United States may direct, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers and sixty-two men, which non-commissioned officers, musicians, artificers and men, together with the artificers and men already belonging to the corps of engineers, shall be formed into a company, to be styled a company of bombardiers, sappers and miners, and be officered from the corps of engineers, according as the commanding officer of that corps may, with the approbation of the President of the United States, direct; and the said non-commissioned officers, musicians, artificers and men, shall be allowed the same pay and emoluments as are allowed to the non-commissioned officers, musicians, artificers and men in the regiment of artillerists.

SEC. 2. *And be it further enacted*, That the military academy shall consist of the corps of engineers, and the following professors, in addition to the teachers of the French language and drawing already provided, viz: one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant colonel, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a lieutenant colonel; one professor of mathematics, with the pay and emoluments of a major, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments, as shall equal those of a major; one professor of the art of engineering in all its branches with the pay and emoluments of a major, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or emoluments while performing these duties: *Provided*, that nothing herein contained shall entitle the academical staff, as such, to any command in the army separate from the academy.

SEC. 3. *And be it further enacted*, That the cadets heretofore appointed in the service of the United States, whether of artillery, cavalry,

riflemen or infantry, or that may in future be appointed as herein after provided, shall at no time exceed two hundred and fifty: that they may be attached at the discretion of the President of the United States, as students to the military academy, and be subject to the established regulations thereof; that they shall be arranged into companies of non-commissioned officers and privates, according to the directions of the commandant of engineers, and be officered from the said corps, for the purposes of military instruction; that there shall be added to each company of cadets four musicians; and the said corps shall be trained and taught all the duties of a private, non-commissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp: that the candidates for cadets be not under the age of fourteen, nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve five years, unless sooner discharged; and all such cadets shall be entitled to and receive the pay and emoluments now allowed by law to cadets in the corps of engineers.

to two hundred and fifty.

Regulations concerning them.

Age and qualifications of the candidates.

Term of service.

When cadets shall be considered as candidates for promotion.

Proviso.

Appropriation for military academy.

SEC. 4. *And be it further enacted*, That when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be judged competent to perform; and in case there shall not at the time be a vacancy in such corps, he may be attached to it at the discretion of the President of the United States, by brevet of the lowest grade, as a supernumerary officer, with the usual pay and emoluments of such grade, until a vacancy shall happen: *Provided*, that there shall not be more than one supernumerary officer to any one company at the same time.

SEC. 5. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, for erecting buildings, and for providing an apparatus, a library and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for such an institution.

SEC. 6. *And be it further enacted*, That so much of the twenty-sixth section of the act entitled "An act fixing the military peace establishment, passed the sixteenth day of March, one thousand eight hundred and two," as confines the selection of the commander of the corps of engineers to the said corps, be, and the same is hereby repealed.

Twenty-sixth section of act of March 16, 1802, ch. 9, repealed.

APPROVED, April 29, 1812.

STATUTE I.

CHAP. LXXV.—*An Act further to amend the Charter of the City of Washington.* (a)

May 4, 1812.

[Repealed.]

*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 Monday of June next, the corporation of the city of Washington shall

Act of May 3, 1802, ch. 53.  
Act of Feb. 24, 1804, ch. 14.

(a) In the sales of lots, in the city of Washington, the lots are not chargeable for their proportion of the internal alley laid out for the common benefit of the lots; although the practice so to charge them has been heretofore universally acquiesced in by purchasers; and if a purchaser has acquiesced in that practice, and has received a conveyance accordingly without objection, yet he does not thereby acquire a fee simple in such proportion of the alley; and he may in equity, recover back the purchase money which he has paid therefor. *Pratt and others v. Law, Campbell, &c.*, 9 Cranch, 456; 3 Cond. Rep. 460.

In 1822, Congress passed an act authorizing the corporation of Washington to drain the ground in and near certain public reservations, and to improve and ornament certain parts of the public reservations. The corporation are empowered to make an agreement, by which parts of the location of the canal shall be changed, for the purpose of draining and drying the low grounds near the Pennsylvania avenue, &c. To effect these objects, the corporation is authorized to lay off in building lots certain parts of the public

Act of Feb. 27, 1819, ch. 44.  
 Act of Feb. 28, 1820, ch. 15.  
 Act of May 15, 1820, ch. 81.

be composed of a mayor, a board of aldermen and a board of common council, to be elected by ballot, as herein after directed. The board of aldermen shall consist of eight members, to be elected for two years, two to be residents of and chosen from each ward by the qualified voters resident therein; and the board of common council shall consist of

reservations, No. 10, 11, and 12, and of other squares, and also a part of B. street, as laid out and designated in the original plan of the city, which lots they may sell at auction, and apply the proceeds to those objects, and afterwards to enclosing, planting and improving other reservations, and building bridges, &c.; the surplus, if any, to be paid into the treasury of the United States. The act authorizes the heirs, &c. of the former proprietors of the land on which the city was laid out, who may consider themselves injured by the purposes of the act, to institute in the circuit court a bill in equity, in the nature of a petition of right, against the United States, setting forth the grounds of any claim they may consider themselves entitled to make, to be conducted according to the rules of a court of equity; the court to hear and determine upon the claim of the plaintiffs, and what portion, if any, of the money arising from the sale of the lots they may be entitled to, with a right of appeal to the supreme court. The plaintiffs, Van Ness and wife, filed in the circuit court their bill against the United States and the corporation of Washington, claiming title to the lots which had been thus sold, under David Burns, the original proprietor of that part of the city, and father of one of the plaintiffs, on the ground that by the agreement between the United States and the original proprietors, upon laying out the city, those reservations and streets were, for ever, to remain for public use; and, without the consent of the proprietors, could not be otherwise appropriated or sold for private use; that the act of Congress was a violation of that contract; that by such sale and appropriation for private use the right of the United States thereto was determined, or that the original proprietors re-acquired a right to have the reservations, &c. laid out in building lots for their joint and equal benefit with the United States, or that they were in equity entitled to the whole or a moiety of the proceeds of the sales of the lots. Held, by the supreme court, that no rights or claims exist in the former proprietors or their heirs, and that the proceedings of the corporation of Washington, under and in conformity with the provisions of the act, are valid and effectual for the purposes of the act. *Van Ness et al. v. The City of Washington and the United States*, 4 Peters, 232.

The official tax books of the corporation of Washington, made up by the register from the original returns or lists of the assessors laid before the court of appeals, he being empowered by the ordinances of the corporation to correct the valuations made by the assessors, are evidence; and it is not required that the assessor's original lists shall be produced in evidence, to prove the assessment of the taxes on real estate in the city of Washington. *Ronkendorf v. Taylor's Lessee*, 4 Peters, 349.

In an ex parte proceeding, as a sale of land for taxes under a special authority, great strictness is required. To divest an individual of his property against his consent, every substantial requisite of the law must be complied with. No presumption can be raised, in behalf of a collector who sells real estate for taxes, to cure any radical defect in his proceedings; and the proof of regularity devolves upon the person who claims under the collector's sale. *Ibid*.

Proof of the regular appointment of the assessors is not necessary. They acted under the authority of the corporation, and the highest evidence of this fact is the sanction given to their returns. *Ibid*.

The act of Congress, under which the lot in the city of Washington in controversy was sold, required that public notice of the time and place of sale of lots, the property of non-residents, should be given, by advertising "once a week" in some newspaper in the city for three months. Notice of the sale of the lot in controversy was published for three months; but in the course of that period, eleven days at one time, at another ten days, and at another eight days transpired in succeeding weeks, between the insertions of the advertisement in the newspapers. "A week" is a definite period of time, commencing on Sunday and ending on Saturday. The notice was published Monday, January 6th, and was omitted until Saturday, January 18th, leaving an interval of eleven days. Still the publication on Saturday was within the week preceding the notice of the 6th; and this was sufficient. It would be a most rigid construction of the act of Congress, justified neither by its spirit nor its language, to say that this notice must be published on any particular day of a week. If published once a week for three months, the law is complied with, and its object effectuated. *Ibid*.

No doubt can exist that a part of a lot may be sold for taxes, where they have accrued on such part. *Ibid*.

The lot on which the taxes were assessed, belonged to two persons as tenants in common. The assessment was made by a valuation of each half of the lot. To make a sale of the interest of one tenant in common for unpaid taxes valid, it need not extend to the interest of both claimants; one having paid his tax, the interest of the other may well be sold for the balance. *Ibid*.

The advertisement purported to sell "half of lot No. 4, in square No. 491;" and the other half was advertised in the same manner, as belonging to the other tenant in common. This was not a sufficient advertisement; and a sale made under the same was void. It is not sufficient that in an advertisement of land for sale for unpaid taxes, such a description is given as would enable the persons desirous of purchasing, to ascertain the situation of the property by inquiry; nor, if the purchaser, at the sale, had been informed of every fact necessary to enable him to fix a value upon the property, would the sale be valid, unless the same information had been communicated to the public in the notice. *Ibid*.

The 10th section of the act of Congress provides that real property in Washington, on which two or more years' taxes shall be due and unpaid, may be sold, &c. In this section a distinction is made between a general and a special tax. Property may be sold to pay the former as soon as two years' tax shall be due; but to pay the latter, property cannot be sold until the expiration of two years after the second year's tax becomes due. The taxes for which the property in controversy was sold, became due, by the ordinance of the corporation, on the 1st day of January, 1821 and 1822. The special tax for paving was charged against the lot in 1820, and became due on the first of January, 1821: but the ground on which it was assessed, was not liable to be sold for the tax until the 1st of January, 1823. The first notice of the sale was given on the 6th of December, 1822, nearly a month before the lot was liable to be sold for the special tax of 1820. Held, by the supreme court, that the whole period should have elapsed, which was necessary to render the lot liable to be sold for the special tax, before the advertisement was published. *Ibid*.



twelve members, to be elected for one year, three to be residents of and chosen from each ward in manner aforesaid: and each board shall meet at the council chamber on the second Monday in June next (for the despatch of business) at ten o'clock in the morning, and on the same day and at the same hour annually thereafter. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day. The board of aldermen, immediately after they shall have assembled in consequence of the first election shall divide themselves by lot into two classes; the seats of the first class shall be vacated at the expiration of one year, and the seats of the second class shall be vacated at the expiration of two years, so that one half may be chosen every year. Each board shall appoint its own president from among its own members, who shall preside during the sessions of the board, and shall have a casting vote on all questions where there is an equal division: *Provided*, such equality shall not have been occasioned by his previous vote.

Act of May 26, 1824, ch. 85.  
Corporation of the city—how composed.

Proviso.

SEC. 2. *And be it further enacted*, That no person shall be eligible to a seat in the board of aldermen or board of common council, unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the city of Washington one whole year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and possessed of a freehold estate in the said city of Washington, and shall have been assessed two months preceding the day of election. And every free white male citizen of lawful age, who shall have resided in the city of Washington for the space of one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed on the books of the corporation not less than two months prior to the day of election, shall be qualified to vote for members to serve in the said board of aldermen and board of common council, and no other person whatever shall exercise the right of suffrage at such election.

Qualifications of the elected.

And electors.

SEC. 3. *And be it further enacted*, That the present mayor of the city of Washington shall be, and continue such until the second Monday in June next, on which day, and on the second Monday in June annually thereafter, the mayor of the said city shall be elected by ballot of the board of aldermen and board of common council in joint meeting, and a majority of the votes of all the members of both boards shall be necessary to a choice; and if there should be an equality of votes between two persons, after the third ballot, the two boards shall determine the choice by lot. He shall, before he enters upon the duties of his office, take an oath or affirmation, in the presence of both boards, "lawfully to execute the duties of his office to the best of his skill and judgment, without favour or partiality." He shall, ex-officio, have and exercise all the powers, authority and jurisdiction of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of a majority of the members of the board of aldermen, appoint to all offices under the corporation, (except the commissioners of election,) and any such officer shall be removed from office on the concurrent remonstrance of a majority of the two boards. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the two boards. He shall appoint proper persons to fill up all vacancies during the recess of the board of aldermen, to hold such appointment until the end of the then ensuing session. He shall have power to convene the two boards, when in his opinion the good of the community may require it; and he shall lay before them from time to time, in writing, such alterations in the laws of the corporation, as he shall deem necessary or proper, and shall receive for his services annually, a just and reasonable compensation,

Present mayor to be continued in office till June.

Mayor thereafter to be annually appointed.

His duties, &c. &c.

Qualifications  
of mayor.

to be allowed and fixed by the two boards, which shall neither be increased nor diminished during the period for which he shall have been elected. Any person shall be eligible to the office of mayor, who is a free white male citizen of the United States, who shall have attained to the age of thirty years, and who shall be the bona fide owner of a freehold estate in the said city, and shall have been resident in the said city two years immediately preceding his election: and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability or removal from the city, the said two boards shall elect another in his place to serve the remainder of the year.

Times and  
modes of elec-  
tions for the  
boards of alder-  
men and com-  
mon council.

Elections.

SEC. 4. *And be it further enacted*, That the first election for members of the board of aldermen and board of common council, shall be held on the first Monday in June next, and on the first Monday in June annually thereafter; the first election to be held by three commissioners, to be appointed in each ward by the mayor of the city, and at such place in each ward as he may direct; and all subsequent elections shall be held by a like number of commissioners, to be appointed in each ward by the two boards in joint meeting, which several appointments, except the first, shall be at least ten days previous to the day of each election. And it shall be the duty of the mayor, for the first election, and of the commissioners for all subsequent elections, to give at least five days' previous public notice of the place in each ward where such elections are to be held. The said commissioners shall, before they receive any ballot, severally take the following oath or affirmation, to be administered by the mayor of the city or any justice of the peace for the county of Washington: "I, A. B. do solemnly swear, or affirm (as the case may be), that I will truly and faithfully receive and return the votes of such persons as are by law entitled to vote for members of the board of aldermen and board of common council in ward, No. according to the best of my judgment and understanding; and that I will not, knowingly, receive or return the vote of any person who is not legally entitled to the same, so help me God." The polls shall be opened at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the commissioners of each ward, or a majority of them, shall count the ballots and make out under their hands and seals a correct return of the two persons for the first election, and of the one person for all subsequent elections, having the greatest number of legal votes, together with the number of votes given to each, as members of the board of aldermen; and of the three persons having the greatest number of legal votes, together with the number of votes given to each, as members of the board of common council; and the two persons at the first election and the one person at all subsequent elections, having the greatest number of legal votes for the board of aldermen; and the three persons having the greatest number of legal votes for the board of common council, shall be duly elected; and in all cases of an equality of votes the commissioners shall decide by lot. The said returns shall be delivered to the mayor of the city on the succeeding day, who shall cause the same to be published in some newspaper printed in the city of Washington. A duplicate return, together with a list of the persons who voted at such election, shall also be made by the said commissioners to the register of the city, on the day succeeding the election, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons so returned, of their election. And each board shall judge the legality of the elections, returns and qualifications of its own members; and shall supply vacancies in its own body, by causing elections to be made to fill the same in the ward and for the board in which such vacancies shall happen, giving at least five days' notice previous thereto; and each board shall have full power to pass all

rules necessary and requisite to enable itself to come to a just decision in cases of a contested election of its members; and the several members of each board shall, before entering upon the duties of their office, take the following oath or affirmation: "I do swear, (or solemnly, sincerely and truly affirm and declare, as the case may be) that I will faithfully execute the office of

to the best of my knowledge and ability," which oath or affirmation shall be administered by the mayor or some justice of the peace for the county of Washington.

SEC. 5. *And be it further enacted*, That in addition to the powers heretofore granted to the corporation of the city of Washington, by an act, entitled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," and an act, entitled "An act supplementary to an act, entitled An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," the said corporation shall have power to lay taxes on particular wards, parts or sections of the city, for their particular local improvements; that after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other, in regulating, filling up and repairing of streets and avenues, building of bridges, sinking of wells, erecting pumps and keeping them in repair; in conveying water in pipes, and in the preservation of springs; in erecting and repairing wharves; in providing fire engines and other apparatus for the extinction of fires; and for other local improvements and purposes, in such manner as the said board of aldermen and board of common council shall provide; but the sums raised for the support of the poor, aged and infirm, shall be a charge on each ward in proportion to its population or taxation, as the two boards shall decide. That whenever the proprietors of two thirds of the inhabited houses, fronting on both sides of a street or part of a street, shall, by petition to the two branches, express their desire of improving the same by laying the curbstone of the foot pavement, and paving the gutters or carriage-way thereof, or otherwise improving said street agreeably to its graduation, the said corporation shall have power to cause to be done at any expense not exceeding two dollars and fifty cents per front foot, of the lots fronting on each improved street or part of a street, and charge the same to the owners of the lots fronting on said street or part of a street in due proportion; and also on a like petition, to provide for erecting lamps for lighting any street or part of a street, and to defray the expense thereof, by a tax on the proprietors or inhabitants of such houses, in proportion to their rental or valuation, as the two boards shall decide.

Apportionment of taxes and expenditures.

Support of the poor to be a general charge.

SEC. 6. *And be it further enacted*, That the said corporation shall have full power and authority to erect and establish hospitals or pest houses, workhouses, houses of correction, penitentiary and other public buildings, for the use of the city, and to lay and collect taxes for defraying the expenses thereof; to regulate party and other fences, and to determine by whom the same shall be made and kept in repair; to lay open streets, avenues, lanes and alleys, and to regulate or prohibit all enclosures thereof; and to occupy and improve for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces or squares in said city not interfering with any private rights; to regulate the measurement of, and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builder's work and materials, and also of wood, coals, grain and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six calendar months, for any one offence; and to punish such free negroes and mulattoes for such offences, by fixed penalties, not exceeding twenty dollars for any

Powers of the corporation.

Powers of the corporation.

one offence; and in case of the inability of any such free negro or mulatto to pay and satisfy any such penalty and cost thereon, to cause such free negro or mulatto to be confined to labour for such reasonable time, not exceeding six calendar months for any one offence, as may be deemed equivalent to such penalty and costs; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable cause of business or employment in the city; and all suspicious persons; and all who have no fixed place of residence, or cannot give a good account of themselves; all evesdroppers and night walkers; all who are guilty of open profanity or grossly indecent language or behaviour publicly in the streets; all public prostitutes and such as lead a notoriously lewd or lascivious course of life; and all such as keep public gaming tables or gaming houses, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labour for a limited time, not exceeding one year at a time, unless such security should be sooner given; but if they shall afterwards be found again offending, such security may be again required, and for want thereof, the like proceedings may be again had, from time to time, as often as may be necessary; to prescribe the terms and conditions upon which free negroes, mulattoes and others, who can show no visible means of support, may reside in the city; to cause the avenues, streets, lanes and alleys to be kept clean, and to appoint officers for that purpose; to authorize the drawing of lotteries for effecting any important improvement in the city, which the ordinary funds or revenue thereof will not accomplish: (a) *Provided*, that the amount to be raised in each year, shall not exceed the sum of ten thousand dollars: *And provided also*, that the object for which the money is intended to be raised, shall be first submitted to the President of the United States, and shall be approved of by him; to take care of, preserve and regulate the several burying grounds within the city; to provide for registering of births, deaths and marriages; to cause abstracts or minutes of all transfers of real property, both freehold and leasehold, to be lodged in the registry of the city at stated periods; to authorize night watches and patrols, and the taking up and confining by them in the night time, of all suspected persons; to punish by law, corporeally, any servant or slave guilty of a breach of any of their by-laws or ordinances, unless the owner or holder of such servant or slave, shall pay the fine annexed to the offence; and to pass all laws which shall be deemed necessary and proper for carrying into execution the foregoing powers, and all other powers vested in the corporation or any of its officers, either by this act or any former act.

Power to authorize the drawing of lotteries.

Proviso.

SEC. 7. *And be it further enacted*, That the marshal of the district of Columbia shall receive and safely keep within the jail for Washington county, at the expense of the city, all persons committed thereto under the sixth section of this act, until other arrangements be made by the corporation, for the confinement of offenders within the provisions of the said section. And in all cases where suit shall be brought before

(a) Where, by the charter granted by Congress, to the city of Washington, the corporation was empowered "to authorize the drawing of lotteries," for effecting certain improvements in the city, and upon certain terms and conditions: Held, that the corporation was liable to the holder of a ticket in such a lottery, for a prize drawn against its number; although the managers appointed by the corporation to superintend such lottery, were empowered to sell, and had sold the entire lottery to a lottery dealer, for a gross sum, who was, by his agreement with them, to execute the details of the scheme, as to the sale of the tickets, the drawings, and the payment of the prizes. *Clarke v. The Corporation of Washington*, 12 Wheat. 40; 6 Cond. Rep. 425.

It seems that the power granted in the charter, "to authorize the drawing of lotteries," cannot be exercised so as to discharge the corporation from its liability. *Ibid.*

a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any by-law or ordinance of the corporation, upon a return of nulla bona to any fieri facias issued against the property of the defendant or defendants, it shall be the duty of the clerk of the circuit court for the county of Washington, when required, to issue a writ of capias ad satisfaciendum against every such defendant, returnable to the next circuit court for the county of Washington, thereafter, and which shall be proceeded on as in other writs of the like kind.

Remedy in case of a return of nulla bona on a writ of fieri facias.

SEC. 8. *And be it further enacted*, That unimproved lots in the city of Washington, on which two years' taxes remain due and unpaid, or so much thereof as may be necessary to pay such taxes, may be sold at public sale for such taxes due thereon: *Provided*, that public notice be given of the time and place of sale, by advertising in some newspaper printed in the city of Washington, at least six months, where the property belongs to persons residing out of the United States; three months, where the property belongs to persons residing in the United States, but without the limits of the district of Columbia; and six weeks, where the property belongs to persons residing within the district of Columbia or city of Washington; in which notice shall be stated, the number of the lot or lots, the number of the square or squares, the name of the person or persons to whom the same may have been assessed; and also the amount of taxes due thereon: *And provided also*, that the purchaser shall not be obliged to pay at the time of such sale, more than the taxes due, and the expenses of sale; and that if within two years from the day of such sale the proprietor or proprietors of such lot or lots, or his or their heirs, representatives or agents, shall repay to such purchaser the monies paid for the taxes and expenses as aforesaid, together with ten per centum per annum as interest thereon, or make a tender of the same, he shall be reinstated in his original right and title; but if no such payment or tender be made within two years next after the said sale, then the purchaser shall pay the balance of the purchase money of such lot or lots, into the city treasury, where it shall remain subject to the order of the original proprietor or proprietors, his or their heirs or legal representatives; and the purchaser shall receive a title in fee simple to the said lot or lots, under the hand of the mayor and seal of the corporation, which shall be deemed good and valid in law and equity.

Unimproved lots may be sold for the payment of taxes, two years due.

Proviso.

SEC. 9. *And be it further enacted*, That the said corporation shall in future be named and styled "The Mayor, Aldermen and Common Council of the City of Washington;" and that if there shall have been a non-election or informality in the election of a city council on the first Monday in June last, it shall not be taken, construed or adjudged, in any manner, to have operated as a dissolution of the said corporation, or to affect any of its rights, privileges or laws, passed previous to the second Monday in June last, but the same are hereby declared to exist in full force.

Style of the corporation.

SEC. 10. *And be it further enacted*, That the corporation shall, from time to time, cause the several wards of the city to be so located as to give, as nearly as may be, an equal number of voters to each ward: and it shall be the duty of the register of the city, or such officer as the corporation may hereafter appoint, to furnish the commissioners of election, for each ward, on the first Monday in June annually, previous to the opening of the polls, a list of the persons having a right to vote, agreeably to the provisions of the second section of this act.

Corporation to cause the wards to be located with a view to the elections.

SEC. 11. *And be it further enacted*, That so much of any former act, as shall be repugnant to the provisions of this act, be, and the same is hereby repealed.

Part of a former act repealed.

APPROVED, May 4, 1812.

## STATUTE I.

May 6, 1812.

CHAP. LXXVI.—*An Act to carry into effect an act of the Legislature of the state of Maryland.*

Act of the Maryland legislature declared to be in force.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act of the legislature of the state of Maryland, entitled "An act to authorize two lotteries in the city of Washington," passed at the session of the said legislature, in November, one thousand seven hundred and ninety-five, for the purpose of raising fifty-two thousand and five hundred dollars, be, and the same is hereby declared to be in full force in the district of Columbia; and it shall and may be lawful to carry the same into effect, subject to the alterations, restrictions and provisions herein after mentioned.

Powers heretofore vested in commissioners under the law of Maryland transferred to the Washington Canal Company.

SEC. 2. *And be it further enacted,* That all the rights, power and authority given, in and by the before recited act, to Daniel Carroll of Duddington, Lewis Deblois, George Walker, William M. Duncanson, Thomas Law and James Barry, shall hereafter be vested in, and exercised by the president and directors of the "*Washington Canal Company*:" *Provided,* the said president and directors shall, before the sale or disposal of any ticket or tickets in said lotteries, give bond to the treasurer of the United States, for the time being, in the penalty of one hundred thousand dollars, conditioned that they will truly and impartially exercise the power and authority vested in them by this act; and well and truly apply the monies arising from the sale of the tickets, within two months after the drawing thereof, to the payment of the prizes drawn by the fortunate adventurers in said lotteries, and the necessary expenses incurred in the management thereof, and the residue, to the completing the canal in the city of Washington, and rendering the same navigable, and draining the marshes and low grounds contiguous thereto: *And provided also,* that it shall be lawful for Congress hereafter to create by law additional shares in the stock of said *Washington Canal Company*, for the sole use and benefit of the corporation of the city of Washington, which shares so to be created shall bear the same proportion to the whole shares held by said company, as the money raised by the aforesaid lotteries and actually applied to the completing of the canal in the city of Washington, and rendering the same navigable, shall bear to the monies and interest thereon, which has been or may hereafter be expended by the Washington Canal Company for the purposes aforesaid.

Proviso.

APPROVED, May 6, 1812.

## STATUTE I.

May 6, 1812.

CHAP. LXXVII.—*An Act to provide for designating, surveying and granting the Military Bounty Lands.(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

(a) The acts relating to the Military Bounty Lands, appropriated for services in the war between the United States and Great Britain, which commenced in 1812, are:—

An act for completing the existing military establishment, December 24, 1811, chap. 10, sec. 2.

An act to raise an additional military force, January 11, 1812, chap. 14, sec. 12.

An act to provide for designating, surveying, and granting the military bounty lands, May 6, 1812, chap. 77.

An act making provision for military services during the late war, and for other purposes, April 16, 1816, chap. 55.

An act providing for cases of lost military land warrants, and discharges for faithful services, April 27, 1816, chap. 127.

An act to authorize the survey of two millions of acres of the public lands in lieu of that quantity heretofore authorized to be surveyed in the territory of Michigan, as military bounty lands, April 29, 1816, chap. 164.

An act to amend an act entitled, "An act making further provision for military services during the late war, and for other purposes," March 3, 1817, chap. 107, sec. 3.

An act for extending the time for obtaining military land warrants in certain cases, March 27, 1818, chap. 22.

United States be, and he is hereby authorized to cause to be surveyed a quantity of the public lands of the United States, fit for cultivation, not otherwise appropriated, and to which the Indian title is extinguished, not exceeding in the whole six millions of acres, two millions to be surveyed in the territory of Michigan, two millions in the Illinois territory, north of the Illinois river, and two millions in the territory of Louisiana, between the river St. Francis and the river Arkansas; the said lands to be divided into townships, and subdivided into sections and quarter sections, (each quarter section to contain, as near as possible, one hundred and sixty acres,) in the manner prescribed by law for surveying and subdividing the other public lands of the United States; the same price to be allowed for surveying as is fixed for surveying the other public lands in the same territory. And the lands thus surveyed, with the exception of the salt springs and lead mines therein, and of the quantities of land adjacent thereto, as may be reserved for the use of the same by the President of the United States, and the section number sixteen in every township to be granted to the inhabitants of such township for the use of public schools, shall be set apart and reserved for the purpose of satisfying the bounties of one hundred and sixty acres, promised to the non-commissioned officers and soldiers of the United States, their heirs and legal representatives, by the act, entitled "An act for completing the existing military establishment," approved the twenty-fourth day of December, one thousand eight hundred and eleven, and by the act, entitled "An act to raise an additional military force," approved the eleventh day of January, one thousand eight hundred and twelve.

Lands set apart for satisfying military bounty claims not exceeding six millions of acres in Michigan, Illinois and Louisiana.

Salt springs to be excepted.

Act of Dec. 24, 1811, ch. 10, sec. 2.  
1812, ch. 14.

SEC. 2. *And be it further enacted*, That the Secretary for the department of War, for the time being, shall, from time to time, issue warrants for the military land bounties to the persons entitled thereto by the two last mentioned acts, or either of them: *Provided always*, that such warrants shall be issued only in the names of the persons thus entitled, and be by them or their representatives applied for within five years after the said persons shall have become entitled thereto; and the said warrants shall not be assignable or transferable in any manner whatever.

Warrants to be issued by the Secretary of War.  
Proviso.

SEC. 3. *And be it further enacted*, That every person in whose favour such warrants shall have been issued, shall, on delivery of the same at the office of the Secretary of the Treasury, or of such other officer as may at the time have, by law, the superintendence of the general land-office of the United States at the seat of government, be entitled to draw by lot in such manner as the officer, at the head of the land-office, under the direction of the President of the United States, may prescribe, one of the quarter sections surveyed by virtue of the first section of this act, in either of the said territories which the person in whose favour such warrant has issued may designate. And a patent shall thereupon be granted to such person, for such quarter section, without requiring any fee therefor.

Claims to be determined by lot.

A patent to be granted.

SEC. 4. *And be it further enacted*, That no claim for the military land bounties aforesaid shall be assignable or transferable in any manner whatever, until after a patent shall have been granted in the manner aforesaid. All sales, mortgages, contracts, or agreements, of any nature whatever, made prior thereto, for the purpose, or with intent of alienating, pledging or mortgaging any such claim, are hereby declared and shall be held null and void; nor shall any tract of land, granted as aforesaid, be liable to be taken in execution or sold on account of any such sale, mortgage, contract or agreement, or on account of any debt contracted

Claims for military land bounties not assignable as such.

An act allowing further time to complete the issuing and locating military land warrants, February 24, 1819, chap. 41.

An act to allow further time to complete the issuing and locating military land warrants, May 22, 1824, chap. 177.

An act to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes, May 27, 1840, chap. 9.

prior to the date of the patent, either by the person originally entitled to the land or by his heirs or legal representatives, or by virtue of any process, or suit at law, or judgment of court against a person entitled to receive his patent as aforesaid.

APPROVED, May 6, 1812.

STATUTE I.

May 6, 1812.

Thirty thousand dollars appropriated, to be reserved out of the fund for making roads in the state of Ohio by the act of April 30, 1802, ch. 40, sec. 7.

1815, ch. 43.

1802, ch. 40.

CHAP. LXXVIII.—*An Act in addition to the act to regulate the laying out and making a road from Cumberland in the state of Maryland to the state of Ohio.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the unexpended balance of the sum heretofore appropriated for laying out and making a road from Cumberland in the state of Maryland to the state of Ohio, the sum of thirty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, and to be expended, under the direction of the President of the United States, in making said road between Cumberland in the state of Maryland and Brownsville in the state of Pennsylvania, commencing at Cumberland; which sum of thirty thousand dollars shall be paid out of the fund reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, 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, and for other purposes."

APPROVED, May 6, 1812.

STATUTE I.

May 8, 1812.

Appropriation of fifty thousand dollars.

CHAP. LXXIX.—*An Act for the relief of the Citizens of Venezuela.*

*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 purchased such provisions as he shall deem advisable, and to tender the same in the name of the government of the United States to that of Venezuela, for the relief of the citizens who have suffered by the late earthquake.

SEC. 2. *And be it further enacted,* That a sum not exceeding fifty thousand dollars be, and the same is hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated, to carry into operation this act.

APPROVED, May 8, 1812.

STATUTE I.

May 11, 1812.

Post routes discontinued.

CHAP. LXXX.—*An Act to alter and establish certain Post Roads.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following post routes be discontinued:

From Jacksonborough in South Carolina, by Barnwell Courthouse, to Augusta in Georgia. From Rahway to New Providence; and from Baskenridge to Somerset in New Jersey. From Fort Stoddert to Natchez in the Mississippi territory. From Gallipolis to Chilicothe in Ohio. From Salisbury to Lincolnton in North Carolina. From Peytonsburg to Danville. From Salisbury, by Andover, New Chester and Bridgewater, to Plymouth, thence by Holderness, New Hampton and Sandbornton to Salisbury in New Hampshire. From Baltimore, by Queenstown, to Centreville in Maryland. From Buchanon to Beverly in Virginia.



SEC. 2. *And be it further enacted*, That the following post roads be established:

Post roads es-  
tablished.

*In New Hampshire*.—From Hopkinton, through Warner, Bradford, Fishersfield, Wendell and Newport, to Cornish in the county of Cheshire. From Concord in the county of Rockingham, through Weare, Dearing, Hancock and Packersfield, to Keene in the county of Cheshire. From Gilmanton to Meredith. From Concord, by Loudon, Gilmanton, Meredith and New Holderness, to Plymouth, thence by New Hampton, Sandbornton, Northfield and Canterbury to Concord.

*Massachusetts*.—From Blue Hill to Sedgwick. From Kennebunk to Arundel. From Readfield, by Fayette, to Livermore.

*Rhode Island*.—From Providence, through Gloucester, to Pomfret in the state of Connecticut.

*Connecticut*.—From Canton in Hartford county, by New Hartford and Torrington, to Goshen in Litchfield county. From Hartford, through Bristol, Plymouth, Watertown, Woodbury, Southbury and Newtown, to Danbury.

*New York*.—From Jamaica, through the Alley and by the head of Cowneck, to Hempstead harbor, and through Oyster bay to Huntington; this is declared to be an alteration of the existing post route. From Trip's hill, by Montgomery Courthouse, to Sheldon's in the county of Oneida. From Madison, by Cazenovia, to Manlius. From Rome, through Constantia and Mexico, to Oswego. From Kinderhook in New York, by Spencer town, to Weststockbridge in Massachusetts.

*New Jersey*.—From Morristown to Easton in Pennsylvania. From Scotch Plains to New Providence. From Salem, by Hancock's bridge and New Canton, to Greenwich in Cumberland county.

*Pennsylvania*.—From Bedford, by Stoystown and Ligoniers, to Greensburg. From Pittsburg, by Baldwin's mills, Steubenville and Cadiz, to Cambridge, in the state of Ohio. From Quakerton, by Saucona, to Northampton. From Belfont, by the counties of Clearfield and Jefferson, to Venango. From Bear Gap, by Danville, to Washington. From New Alexandria to Pittsburg. From Greensburg to New Castle in the county of Mercer.

*Ohio*.—From New Lisbon, by Wayne Courthouse, Richland Courthouse and Knox Courthouse; returning by Coshocton Courthouse and Canton, to New Lisbon. From Chillicothe, by Fayette Courthouse, Green Courthouse and Dayton, to Eaton; returning from Green Courthouse, by Clinton Courthouse and Greenfield, to Chillicothe. From Urbana to Springfield. From Gallipolis to Athens in Ohio. From Huron to Danbury.

*Maryland*.—From Princess Ann to the corner where the roads from the Point and Pocomoke intersect. From Annapolis, by Broad Creek in Kent Island and Queen's town, to Centreville.

*Virginia*.—From Dunkirk to New Kent Courthouse. From Front Royal to Waynesborough. The post road from Stannardsville, in Orange county, to Port Republican, in Rockingham, is declared to be altered so as to pass over the South Mountain at Brown's turnpike on the same. From Paris in Fauquier county to Gibson's store. From Staunton, by Pendleton Courthouse, to Beverly. From Halifax Courthouse to Danville, and from Beverly to Clarksburg.

*Kentucky*.—From Washington, by Flemingsburg, to Mount Sterling. From Grayson to Butler Courthouse. From Russellville to Isbellville in Christian county. From Nicholasville, by the mouth of Hickman and Bellises mill, to Danville, Kentucky.

*Tennessee*.—From Carthage to New Glasgow in Kentucky. From Hopkinsville in Kentucky, to Clarksville in Tennessee; and from thence, by Dickson Courthouse and M'Allister's cross-roads, to Columbia in Tennessee.

Post roads established.

*North Carolina.*—From Charlotte, by Beattysford, Lincolnton and Morgan, to Wilkesboro', and to pass by Mountmorin once in every two routes. From Staatsville to Salisbury. The mail from Fayetteville to Salisbury, shall go by Rockingham, Wardesboro', Allentown and Henderson, to Salisbury, and return by M'Cauley's store, to Fayetteville.

*South Carolina.*—From Charleston, by Giveham's ferry, on Edisto river; and from thence to Barnwell Courthouse, and by the White Ponds, to Edgefield Courthouse. From Wellington to Beckley's store, being an alteration of the present route past Vienna. From Coos-whatchie, by Lower Three Runs, to Augusta in Georgia. From Darlington Courthouse to Sumpter Courthouse, by Carter's crossing.

*Georgia.*—From Savannah to Louisville. From Milledgeville, by Twigs Courthouse, to Pulaski Courthouse. From Augusta to Campbelltown. From Louisville to Saundersville.

*Mississippi Territory.*—From Fort Stoddert, by Amite Courthouse, to Pinckneyville. From Natchez, by Wilkinson Courthouse, to Lake Ponchartrain.

*Indiana Territory.*—From Laurenceburg, by Madison and Charlestown, to Jeffersonville. From Laurenceburg, by Franklin Courthouse, to Wayne Courthouse.

Survey of the main post route from Maine to Georgia to be made.

SEC. 3. *And be it further enacted*, That the Postmaster-General cause a survey to be made of the main post road from Robinstown, in the district of Maine, to St. Mary's, in Georgia, causing the courses, distances, and all remarkable objects, to be noted, the latitude to be taken every noon and evening, and the variation of the compass every evening, when the weather is fair: and that there be not less than one surveyor, two chain carriers, and two men with object staves, employed in making the same survey, who shall be sworn to execute the work: *Provided*, that the same can be done at an expense not exceeding two dollars per mile; and the Postmaster-General is hereby authorized to procure proper instruments for the purpose: *Provided*, that the expense do not exceed three hundred dollars, and the expense both of the surveys and instruments be paid out of the monies, which may be in his hands for postage.

Proviso.

Limitation of expense.

APPROVED, May 11, 1812.

#### STATUTE I.

May 14, 1812.

CHAP. LXXXIII.—*An Act for the better regulation of the Ordnance.*(a)

Of what officers the department to be formed.

Repealed by act of February 8, 1815, ch. 128.

Commissary general may employ workmen.

Act of August 2, 1813, ch. 36.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is established an ordnance department, to consist of a commissary general of ordnance, an assistant commissary general, four deputy commissaries, and as many assistant deputy commissaries as the President of the United States may think necessary, not exceeding eight.

SEC. 2. *And be it further enacted*, That the commissary general be authorized, from time to time, to employ as many wheelwrights, carriage-makers, blacksmiths and labourers, as the public service may in his judgment require.

(a) Acts for the regulation of the Ordnance Department:—

An act for the better regulation of the ordnance, May 14, 1812, chap. 83.

Act of August 2, 1813, chap. 49.

An act for the better organizing, paying, and supplying the army of the United States, March 30, 1814, chap. 37, sec. 16.

An act for the better regulation of the ordnance department, February 8, 1815, chap. 33.

An act for organizing the general staff, and making further provision for the army of the United States, April 24, 1816, chap. 69, sec. 11.

An act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 4.

An act providing for the organization of the ordnance department, April 5, 1832, chap. 67.

An act to increase the present military establishment of the United States, and for other purposes, July 5, 1838, chap. 16, sec. 13, 14.

An act respecting the organization of the army, and for other purposes, August 23, 1842, ch. 186, sec. 5.

SEC. 3. *And be it further enacted*, That the commissary general of ordnance shall be entitled to the rank, pay and emoluments of a colonel of infantry, and be further allowed at the rate of five hundred dollars per year, and four rations per day for clerks in his department: the assistant commissary general of ordnance shall be entitled to the rank, pay and emoluments of major of infantry, with three additional rations per day; the deputy commissaries of ordnance shall be entitled to the rank, pay and emoluments of a captain of infantry, with two additional rations per day and forage for one horse; the assistant deputies shall have the rank, pay and emoluments of a second lieutenant of infantry, with one additional ration per day.

Rank and pay of commissary general, &c.

SEC. 4. *And be it further enacted*, That a master wheelwright and carriage-maker, and a master blacksmith, be allowed thirty dollars each, per month, and one ration and one half of a ration per day; that any other wheelwrights, carriage-makers and blacksmiths, be allowed each sixteen dollars per month, and one ration and one half of a ration per day; that the labourers each be allowed nine dollars per month, and one ration per day.

Pay of the workmen.

SEC. 5. *And be it further enacted*, That it shall be the duty of the commissary general of ordnance to direct the inspection and proving of all pieces of ordnance, cannon balls, shells and shot, procured for the use of the army of the United States; and to direct the construction of all carriages, and every apparatus for ordnance, for garrison and field service, and all ammunition wagons, pontoons and travelling forges; also the direction of the laboratories, the inspection and proving the public powder, and the preparing all kinds of ammunition for garrison and field service; and shall, half yearly, examine all ordnance, carriages, ammunition and apparatus, in the respective fortresses, magazines and arsenals, and cause the same to be preserved and kept in good order.

Duties of commissary general of ordnance.

SEC. 6. *And be it further enacted*, That the commissary general of ordnance shall execute all orders issued by the Secretary for the department of War, in conveying all ordnance, ammunition and apparatus, to the respective armies, garrisons, magazines and arsenals; and in time of war he shall execute all orders of any general officer, commanding in any army or garrison, for the supply of ordnance, ammunition, carriages, pontoons, forges, furnaces or apparatus, for garrison, field or siege service, and forward the same without delay and in good condition.

To execute such orders as may be prescribed by the Secretary of War.

SEC. 7. *And be it further enacted*, That the commissary general of ordnance shall, half yearly, transmit to the department of war a correct return of all ordnance, ammunition, military stores and effects, in the respective garrisons, arsenals, magazines, posts and camps, with a statement of their order, quality and condition; and also what may be necessary to keep up an ample supply of each and every article in the ordnance department, and shall, in all things, faithfully and without delay, execute the orders of the Secretary for the department of War touching the same.

Commissary general of ordnance to make returns to the department of war.

SEC. 8. *And be it further enacted*, That the superintendents of military stores, keepers of magazines and arsenals, shall, half yearly, make correct returns to the commissary general of ordnance, of all military stores that they respectively have in charge; and that the assistant commissary general of ordnance, the deputy commissaries and assistant deputies shall faithfully, and without delay, execute all orders that shall be issued by the Secretary for the department of War, the commanding general, in time of war, of any corps, camp or garrison, or of the commissary general of ordnance, in their respective departments, by virtue of this act.

Superintendents of military stores to make returns to the commissary general, &c. &c.

SEC. 9. *And be it further enacted*, That the commissary general of ordnance shall make a correct report of the artificers and labourers,

Commissary to make a correct

report of artificers, &c. &c.

Appropriation.

from time to time, employed by him, and transmit the same to the adjutant general.

SEC. 10. *And be it further enacted*, That for defraying the expense that may be incurred in the execution of this act, the sum of twenty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, May 14, 1812.

#### STATUTE I.

May 14, 1812.

CHAP. LXXXIV.—*An Act to enlarge the boundaries of the Mississippi territory.*

Act of April 7, 1798, ch. 28. vol. i. 549.

Boundaries of the Mississippi territory enlarged.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all that portion of territory lying east of Pearl river, west of the Perdido, and south of the thirty-first degree of latitude, be, and the same is hereby annexed to the Mississippi territory; to be governed by the laws now in force therein, or which may hereafter be enacted, and the laws and ordinances of the United States, relative thereto, in like manner as if the same had originally formed a part of said territory; and until otherwise provided by law, the inhabitants of the said district hereby annexed to the Mississippi territory, shall be entitled to one representative in the general assembly thereof.

APPROVED, May 14, 1812.

#### STATUTE I.

May 16, 1812.

CHAP. LXXXV.—*An Act making additional appropriations for the support of Government for the year one thousand eight hundred and twelve.*

[Obsolete.]

Specific appropriations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the sums appropriated by the act making appropriations for the support of government for the year one thousand eight hundred and twelve, the following sums be, and same are hereby respectively appropriated, that is to say:

For defraying the expenses of printing the subscription certificates, and issuing the same to the subscribers to the loan of eleven millions of dollars, authorized by the act of Congress passed on the fourth day of March, one thousand eight hundred and twelve, including cost of paper and other expenses incident to the receiving of the subscriptions; also for cost of paper and printing of the certificates of funded six per cent. stock to be issued for the amount of the said loan, and other expenses attending the funding of the same, five thousand dollars.

For the expenses of making a digest of the manufactures of the United States, under the joint resolution of both houses of Congress, passed at the present session, two thousand dollars.

For compensation to the marshals and assistant marshals for taking an account of the manufactures of the United States, in addition to the sum heretofore appropriated for that purpose, forty thousand dollars.

For the expense of firewood, stationery, printing and other contingent expenses of the two houses of Congress, in addition to the sum heretofore appropriated for that purpose, eight thousand eight hundred dollars.

“For paying Aaron Greely, assistant surveyor in the district of Detroit for surveying private claims in the Michigan territory, pursuant to an act of Congress, passed the twenty-fourth day of April, one thousand eight hundred and twelve, five thousand five hundred sixty-five dollars and ninety-three cents.”

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

APPROVED, May 16, 1812.

1812, ch. 65.

CHAP. LXXXVI.—*An act making further provision for the Army of the United States.*

*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 hereby is authorized and empowered to appoint so many district paymasters as, in his judgment, the service may require; and if such paymasters are taken from the line of the army, they shall respectively receive thirty dollars per month, in addition to their pay in the line: *Provided*, the same shall in no case exceed the pay and emoluments of a major; and if not taken from the line, they shall receive the same pay and emoluments as a major of infantry.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized and empowered to appoint a paymaster to each regiment on the peace establishment, who shall receive the same pay and emoluments as a captain of the regiment to which he belongs: *Provided*, that all district and regimental paymasters shall be subject to the rules and articles of war, and give such bonds to the United States as the Secretary for the department of War may direct, for the faithful performance of their duties. And it shall be the duty of the commanding officer, when requested by the paymaster, to furnish a capable non-commissioned officer or soldier to aid him in the discharge of his duty, who, while so employed, shall receive double pay.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to appoint, from the captains and subalterns of the line of the army, so many sub-inspectors as the service may require, not exceeding one to each brigade; and such sub-inspectors shall each receive twenty-four dollars per month in addition to his pay in the line.

SEC. 4. *And be it further enacted,* That each brigade major, provided by law, shall be allowed twenty-four dollars per month, in addition to his pay in the line.

SEC. 5. *And be it further enacted,* That the general, commanding the army of the United States, shall be allowed a secretary, to be taken from the line of the army, who shall receive twenty-four dollars per month in addition to his pay in the line, and shall be allowed forage for two horses.

SEC. 6. *And be it further enacted,* That in addition to the non-commissioned officers and privates allowed to the regiment of light artillery, each company shall be entitled to twelve drivers of artillery, who shall be enlisted for five years, unless sooner discharged, and receive the same pay, rations and clothing, as the privates of the army: *Provided*, such drivers of artillery shall, at all times, be liable to do duty in the ranks when the company shall not be mounted.

SEC. 7. *And be it further enacted,* That so much of the "act for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same hereby is repealed.

APPROVED, May 16, 1812.

STATUTE I.

May 16, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Paymasters to be appointed by the President.

Their compensation.

Proviso.

Paymasters to each regiment on peace establishment may be appointed.

Proviso.

Sub-inspectors from the captains and subalterns of the line.

Compensation of brigade majors.

Commanding general allowed a secretary to be taken from the line of the army.

Drivers to the artillery allowed.

Proviso.

Corporeal punishment by whipping, done away.

Act of April 10, 1806, ch. 20.

STATUTE I.

May 16, 1812.

CHAP. LXXXVII.—*An Act to incorporate a Bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the subscribers to the Mechanics' Bank of Alexandria, their successors and assigns, shall be and they are hereby created and made a body politic, by the name and style of the Mechanics' Bank of Alexandria, and by that name and style shall be and are hereby made able and capable in law, to have, purchase,

Corporation established.

receive, possess, enjoy and retain to them and their successors, lands, rents, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatsoever, subject nevertheless to the rules, regulations, restrictions, limitations and provisions, herein after prescribed and declared.

Capital.

SEC. 2. *And be it further enacted*, That the capital stock of said corporation may consist of five hundred thousand dollars, divided into shares of ten dollars each, and shall be paid in manner following, that is to say: One dollar on each share at the time of subscribing, one dollar on each share at sixty days, and one dollar on each share ninety days after the time of subscribing; the remainder to be called for as the president and directors may deem proper: *Provided*, they do not call for any payment in less than thirty days, nor for more than one dollar on each share at any one time.

Proviso.

Commissioners  
for receiving  
subscriptions.

SEC. 3. *And be it further enacted*, That the subscription for filling up said stock, shall be opened at the courthouse in the town of Alexandria on the first Monday in June next, under the direction of fifteen commissioners, and that John Longden, William Veitch, James C. Deneale, Daniel M'Leod, John Cohagen, James M'Guire, Adam Lynn, Mark Butts, Joseph Dean, James Sanderson, John Young, Isaac Entwistle, Robert Young, Peter Saunders and John Gird, are hereby appointed commissioners for that purpose, which subscriptions shall be kept open for one day at least and such further time as said commissioners may direct; but in case the amount of the subscriptions shall exceed the number of shares herein before allowed to be subscribed, the excess thus created shall be reduced within the number of shares authorized to be subscribed as aforesaid in the manner following, to wit, that is to say: From the subscriptions highest in amount the commissioners shall subtract a share or shares, until the same be made equal to the subscription or subscriptions next highest in amount, and until the number of shares shall be reduced to the amount authorized to be subscribed as aforesaid: *Provided always*, that it be hereby expressly understood that all the subscriptions and shares obtained in consequence thereof, shall be deemed and held to be for the sole and exclusive use and benefit of the persons, copartnerships or bodies politic subscribing or in whose behalf the subscriptions respectively shall be declared to be made at the time of making the same, and all bargains, contracts, promises, agreements and engagements in any wise contravening this provision, shall be void, and the persons, copartnerships or bodies politic respectively, so subscribing, or for whose use the subscriptions are declared to be made as aforesaid, shall have, enjoy and receive the share or shares respectively, in consequence thereof obtained, and all the interests and emoluments thence arising, as freely, fully and absolutely as if they had severally and respectively paid the consideration therefor, any such bargains, contracts, promises, agreements, or engagements to the contrary thereof to the contrary notwithstanding.

Proviso.

Real estate,  
what may be  
held by the  
bank.

SEC. 4. *And be it further enacted*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall have been obtained for such debts; nor shall this corporation directly or indirectly deal in or trade in any thing except bills of exchange, gold or silver bullions, or in the sale of goods which shall be the produce of its land or of goods sold by virtue of an execution on a judgment obtained by them.

SEC. 5. *And be it further enacted*, That for the well ordering the affairs of the said corporation, there shall be fifteen directors, eight of which directors at least shall be practical mechanics, and not less than ten of said directors shall be resident in the town of Alexandria, of whom there shall be an election on the first Monday after the subscription shall be closed, and on the second Monday of March, in each year thereafter, by the stockholders or proprietors of the capital stock of the said corporation, and by a plurality of votes actually given: *Provided however*, that the eight mechanics shall first be declared elected, although they should not have the greatest number of votes; and those who shall be duly chosen at any election, shall be capable of serving as directors by virtue of such choice until the end or expiration of the second Monday in March next ensuing the time of such election, and until others shall be chosen. And the said directors, at their first meeting after each election, shall choose one of their number as president; no person, a director of another bank, or the partner in trade of a director of another bank, shall be a director in this bank: *Provided*, that in case it should at any time happen, that an election of directors should not be made upon any day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day within thirty days thereafter, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of said corporation.

Directors to be appointed.

Proviso.

Proviso.

SEC. 6. *And be it further enacted*, That no director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting; but the directors shall make such compensation to the president for his extraordinary services and attendance at the bank as shall appear to them reasonable.

Directors to have no emolument but what is given by stockholders.

SEC. 7. *And be it further enacted*, That the board of directors by a majority of votes shall make by-laws, determine the manner of doing business, and the rules and forms to be pursued, and dispose of the money and credit of the bank in such manner as shall seem to them best calculated to promote the interest of the stockholders.

Board of directors may make by-laws.

SEC. 8. *And be it further enacted*, That a majority of the whole number of directors shall be necessary in the choice of a president, cashier, and other officers of the bank; but four members, with the president, may constitute a board for transacting the ordinary business of the bank.

Majority of whole number of directors necessary to a choice of president, &c. &c.

SEC. 9. *And be it further enacted*, That neither the president, nor any director shall be entitled to receive, on accommodation paper, discounts or loans, exceeding in the whole, five thousand dollars, renewable, however, from time to time, at the discretion of the president and directors.

Limitation of discounts to the directors.

SEC. 10. *And be it further enacted*, That the president and directors for the time being, shall have power to appoint such officers and servants under them as may be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall seem reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

President and directors may appoint the necessary officers.

SEC. 11. *And be it further enacted*, That any director, officer, or other person, holding any share or capital of the said bank stock, who shall commit any fraud or embezzlement, touching the money or property of said bank, shall be liable to be prosecuted in the name of the United States, by indictment for the same, in any court of law for the district or county wherein the offence shall be committed; and upon conviction thereof, shall, besides the remedy that may be had by action, in the name of the Mechanics' Bank of Alexandria, for the fraud aforesaid, forfeit to the company all his share and stock in the said bank.

Punishment of the directors, &c. &c. for frauds.

Votes regulated.

Regulations relative to suffrage, &c.

Stockholders not to be answerable for losses, &c.

Exceptions with respect to directors.

Absent directors may exonerate themselves.

Stockholders eventually liable.

President or director must be a citizen.

SEC. 12. *And be it further enacted*, That every stockholder, being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders, in pursuance of this act, and shall have as many votes, in proportion to the stock he may hold, as follows: for one share, one vote; three shares, two votes; five shares, three votes; above five shares, and not exceeding fifty, for each five shares above five shares, one vote; and upwards of fifty shares, for each ten shares, one vote. No share or shares shall confer a right of suffrage which shall not have been regularly transferred on the books of the corporation two months previous to the election; and it shall be the duty of the cashier to make out a list of the stockholders, thirty days previous to an election, for their inspection. And, in choice of directors, every stockholder shall vote in person, except those who shall reside out of the town of Alexandria, who may vote either in person or by a written ballot, by him or her subscribed with his or her name, and duly acknowledged before a judge of a court, a justice of peace, or a notary public, a certificate whereof shall be made on said ballot by the said judge, justice of the peace, or notary public, before whom such acknowledgment shall be made; and said ballot shall be by him sealed up, and in his handwriting addressed to the cashier of the bank, and being transmitted to said cashier, before the time of the election of directors, said ballot shall be received and counted in the choice of directors. And every stockholder may sell and transfer his stock in the said bank, or any part thereof, at his pleasure, not being less than one complete share or shares; the transfer being made in the bank books, in the presence, and with the approbation of the proprietor or his lawful attorney.

SEC. 13. *And be it further enacted*, That no stockholder or member of said corporation shall be answerable for any losses, deficiencies, or failure of the capital stock of the said bank, for any more, or larger sum or sums of money whatsoever, than the amount of stock, stocks, or shares, which shall appear by the books of said corporation, to belong to him at the time or times when such loss or losses shall be sustained, except as is hereafter excepted, that is to say: If the total amount of debts which said company shall at any time owe, whether by bond, note, bill or other contract, shall exceed twice the amount of the capital stock of the said bank, over and above the monies actually deposited in the bank for safe keeping; then, in case of such excess, the directors under whose administration it shall happen, shall be liable for such excess in their natural and private capacities; and an action or actions of debt may be brought against them, or any of their heirs, executors or administrators, in any court of record within the United States, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, or covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said body politic, or lands, tenements, goods, and chattels of the same from being also liable for, and chargeable with said excess: *Provided*, that such of the said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting which he or they shall have power to call for that purpose. And in case the directors, by whose act such excess shall be occasioned, shall not have property to pay the amount of such excess, then each and every stockholder shall be liable in their private capacities, for their deficiencies, in proportion to their respective shares in the said bank.

SEC. 14. *And be it further enacted*, That none but a stockholder, being a citizen of the United States, shall be eligible as a president or director.



SEC. 15. *And be it further enacted*, That the president and directors for the time being, shall give four weeks' public notice in the newspapers of Alexandria, and in one or more newspapers in the city of Washington, of the time and place of holding the election of directors, annually.

Notice to be given of election.

SEC. 16. *And be it further enacted*, That the president, and each director, before he enters upon the duties of his office, shall take the following oath or affirmation (as the case may be): I do solemnly swear, (or affirm,) that I will impartially, faithfully, diligently and honestly, execute the duties of \_\_\_\_\_ of the Mechanics' Bank of Alexandria, conformably to the constitution of the same, and the trust reposed in me, to the best of my skill and judgment: and the president shall give bond and security for the faithful discharge of his duties, to the satisfaction of the directors; the cashier, other officers and servants, shall also take an oath, and give bond and security to the satisfaction of the president and directors.

Oath of president and directors.

President to give bond.

Cashier and others to take an oath and give bond.

President and cashier to sign and countersign notes.

SEC. 17. *And be it further enacted*, That all bills, bonds, notes, and every other contract or engagement on behalf of the corporation, shall be signed by the president and countersigned by the cashier; and the funds of the corporation shall in no case be liable for any contract or engagement, unless the same shall be signed and countersigned as aforesaid; and the president and directors shall not issue any note for a smaller sum than five dollars.(a)

Smallest notes to be five dollars.

Officers of the bank not to purchase bills at more than lawful discount.

SEC. 18. *And be it further enacted*, That if the president, or any director, the cashier, or any other officer of the said bank, shall be concerned directly or indirectly, in purchasing any note or notes, bill or bills, at more than lawful discount or interest, and information thereof be given and supported to the satisfaction of a majority of the board of directors, his or their seat or seats of office shall be vacated, and the directors shall fill up such vacancy or vacancies.

Supply of vacancies.

SEC. 19. *And be it further enacted*, That in case of the death, disqualification or resignation of the president or any director, or any officer or servant of the said corporation, the board of directors shall, at their next meeting, fill such vacancy; and in case of sickness or necessary absence of the president, his place may be supplied by a director, to be appointed president pro tempore, by the president, and on his failing to make such appointment, by the directors.

SEC. 20. *And be it further enacted*, That it shall not be lawful for the president and directors to demand or receive a greater discount or interest, than at the rate of one per cent. for sixty days, upon any loans or advances of money which they may make.

Not lawful to receive more than one per cent. for sixty days.

SEC. 21. *And be it further enacted*, That the shares of the capital stock shall be transferable at any time, according to such rules as may be established by the president and directors; but no stock shall be transferred, the holder thereof being indebted to the bank, until such debt be satisfied, except the president and directors shall otherwise order it.

Shares transferable, &c.

SEC. 22. *And be it further enacted*, That a number of stockholders not less than forty, who, together, shall be proprietors of twenty thousand shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the constitution, giving at least six weeks' notice in one or more newspapers in the town of Alexandria and city of Washington, specifying in such notice the object or objects of such meeting.

Forty stockholders may call a general meeting.

Six weeks' notice to be given.

SEC. 23. *And be it further enacted*, That on application being made,

(a) The 17th section of the act incorporating the Mechanics' Bank of Alexandria, passed May 16, 1812, providing that "all bills, bonds, and notes, and every other contract or engagement on behalf of the corporation, shall be signed by the president, and countersigned by the cashier, and the funds of the corporation shall in no case be liable for any contract or engagement, unless the same shall be signed as aforesaid," does not apply to contracts and undertakings implied at law. *Mechanics' Bank of Alexandria v. The Bank of Columbia*, 5 Wheat. 326; 4 Cond. Rep. 666.

May loan to the U. States.

the president and directors may loan to the United States any sum or sums, not exceeding one fourth of their capital, on such terms as may be agreed upon.

Notes negotiable at bank assimilated to bills of exchange.

SEC. 24. *And be it further enacted*, That whenever any note shall be given, containing express consent in writing that it may be negotiable at the said bank, and the same shall be endorsed, if payment be refused or neglected to be made at the time it shall have become due, the like proceedings are to be had out of court, and suit may be prosecuted against the drawer and endorser, jointly or separately, in like manner as if the same was a bill of exchange.

Forging or counterfeiting notes felony.

SEC. 25. *And be it further enacted*, That if any person or persons shall forge or counterfeit any of the notes or checks on or of the said bank, or pay or tender in payment, or in any manner pass or offer to pass such forged or counterfeited note or check, knowing the same to be forged or counterfeited, and shall thereof be convicted in any court of the United States having criminal jurisdiction, he, she or they, shall be adjudged a felon or felons.

Stockholders failing to pay.

SEC. 26. *And be it further enacted*, That if any stockholder shall fail to pay up the several instalments upon his subscription, as the same may become due, his dividends upon such instalments as he may have paid shall cease as to him and remain to the use and benefit of the other members of the corporation.

Dividends to be declared.

SEC. 27. *And be it further enacted*, That the president and directors shall, as soon as they may deem it expedient, declare a dividend of profits, and every half year thereafter shall make and declare such dividends of profit as they may deem proper: *Provided*, such dividend shall not impair the capital stock; but no dividend shall be declared except by a majority of all the directors.

Not to impair capital stock.

SEC. 28. *And be it further enacted*, That the Secretary of the Treasury of the United States shall be furnished, at least once in every year, and oftener if he shall require it, with statements of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation and of the cash in hand; and shall have a right to inspect such general accounts in the books of said bank as shall relate to said statements: *Provided*, that this shall not be construed to imply a right of inspecting the accounts of any private individual or individuals with the bank.

Secretary of the Treasury to have certain powers.

Corporation to continue till 1st January, 1822, but may be sooner dissolved.

SEC. 29. *And be it further enacted*, That this corporation shall continue until the first day of January, in the year of our Lord one thousand eight hundred and twenty-two; but nevertheless the proprietors of two thirds of the capital stock of said company may by their concurrent votes at a general meeting to be called for that purpose, dissolve the same at an earlier period: *Provided*, that notice of such meeting and its object shall be published in two or more newspapers printed within the district of Columbia, for at least three months successively, previous to the time appointed for such meeting.

On dissolution of the corporation the concerns to be closed, &c.

SEC. 30. *And be it further enacted*, That on the dissolution of this corporation, or whenever the same shall be determined on as aforesaid, effectual measures shall immediately be taken by the president and directors then in office, for closing all the concerns of the corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and so much of this act as will enable them to close the concerns of the corporation and so much as imposes a punishment or penalty for crimes, or for malfeasance, in this act described, shall remain and be in full force until all the affairs of the corporation are finally settled; but no discount shall be made by the said corporation after the first day of January, in the year of our Lord one thousand eight hundred and twenty-two.

No discount allowed after the 1st January, 1822.

SEC. 31. *And be it further enacted*, That this act shall take effect

from and after the passing thereof, and shall to all intents and purposes be a public act. A public act.

APPROVED, May 16, 1812.

## STATUTE I.

CHAP. LXXXVIII.—*An Act to authorize the President of the United States to ascertain and designate certain boundaries.* May 20, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the surveyor general, under the direction of the President of the United States, be, and he is hereby authorized and required, (as soon as the consent of the Indians can be obtained,) to cause to be surveyed, marked and designated, so much of the western and northern boundaries of the state of Ohio, which have not already been ascertained, as divides said state from the territories of Indiana and Michigan, agreeably to the boundaries as established by the act, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio 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, and for other purposes," passed April thirtieth, one thousand eight hundred and two; and to cause to be made a plat or plan of so much of the boundary line as runs from the southerly extreme of Lake Michigan to Lake Erie, particularly noting the place where the said line intersects the margin of said lake, and to return the same when made to Congress: *Provided*, that the whole expense of surveying and marking the said boundary lines shall not exceed five dollars for every mile that shall be actually surveyed and marked, which shall be paid out of the monies appropriated for defraying the expense of surveying the public lands.

APPROVED, May 20, 1812.

President to cause the surveyor-general to designate the western and northern boundaries of Ohio, &c.

Act of April 30, 1802, ch. 40.

A plat to be made of the boundary which runs southeasterly of Lake Michigan. Expense limited, &c.

## STATUTE I.

CHAP. XC.—*An Act to extend the right of suffrage in the Illinois territory, and for other purposes.* (a) May 20, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the admission of the Illinois territory into the second grade of territorial government, in conformity with the provisions of the act, entitled "An act for dividing Indiana into two separate governments," each and every free white male person who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in said territory previous to any general election, and be at the time of any such election, a resident thereof, shall be entitled to vote for members of the legislative council and house of representatives for the said territory.

SEC. 2. *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 by this act to vote for representatives to the general Time of electing members of

(a) Illinois Territory:—

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

An act to extend the right of suffrage in the Illinois territory, and for other purposes, May 20, 1812, chap. 90.

An act supplemental to an act entitled, "An act for dividing the Indiana territory into two governments, June 10, 1812, chap. 98.

An act regulating and defining the duties of the United States judges for the territory of Illinois, March 3, 1815, chap. 97.

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

An act to authorize the surveying and making a road in the territory of Illinois, April 27, 1816, chap. 131.

An act to provide for the appointment of a surveyor of the public lands, in the territories of Illinois and Missouri, April 29, 1816, chap. 151.

legislative council, &c.

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 by the ordinance for the government of the Northwestern territory, and shall hold their offices four years and no longer, any thing in the ordinance to the contrary notwithstanding.

Time of electing a delegate to Congress, and his powers.

SEC. 3. *And be it further enacted*, That the citizens of the said territory, entitled to vote for members of the territorial legislature by this act may, at the time of electing their representatives to the general assembly thereof, also elect one delegate to Congress for the said territory, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States.

Duty of sheriffs and of the governor in relation to election of delegates.

SEC. 4. *And be it further enacted*, That the sheriffs of the several counties which now are, or hereafter may 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 said territory a certified copy of the returns from the several districts or townships of their respective counties; 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.

Penalty on the sheriff for neglect.

SEC. 5. *And be it further enacted*, That each and every sheriff, in each and every county, that now is, or hereafter may be established in said territory, who shall neglect or refuse to perform the duties required by this act, shall forfeit one thousand dollars, to be recovered by an action of debt, in any court of record within the said territory, one half to the use of the territory, and the other half to the use of the person suing for the same.

General assembly empowered to apportion representatives, &c.

SEC. 6. *And be it further enacted*, That the general assembly of the said territory shall have power to apportion the representatives of the several counties, which now are, or hereafter may 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 than twelve, nor less than seven of the whole number of representatives, 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 of the territory northwest of the river Ohio.

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APPROVED, May 20, 1812.

#### STATUTE I.

May 22, 1812.

CHAP. XCII.—*An Act to amend an act entitled "An act to establish a Quartermaster's Department, and for other purposes."*

[Obsolete.]

Act of March 28, 1812, ch. 46.  
Act of March 3, 1815, ch. 78.  
Private trade forbidden to the commissary general, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That neither the quartermaster general, the commissary general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to their respective departments, except for, and on account of the United States; nor shall they, or either of them, take or apply to his or their own use, any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Barrack-master and deputies.

SEC. 2. *And be it further enacted*, That the quartermaster general be, and he is hereby empowered to appoint one principal barrack master, and as many deputy barrack masters, as may from time to time be necessary, not exceeding one to each separate barrack or cantonment: which said principal barrack master shall be entitled to receive the same pay, rations and emoluments as the principal forage master; and each of his deputies, the same pay, rations and emoluments as is by law allowed to a deputy forage master.

Their pay.

SEC. 3. *And be it further enacted*, That in addition to the allowance made to the quartermaster general and commissary general respectively, in and by the act hereby amended, it shall and may be lawful for the Secretary for the department of War, for the time being, to allow to them respectively, such sums as in his opinion shall have been actually and necessarily expended in their several departments for office rent, fuel, candles and extra clerk hire.

Contingent ex-  
penses to be al-  
lowed by Sec-  
retary of War.

SEC. 4. *And be it further enacted*, That the quartermaster general, the deputy quartermasters, and the assistant deputy quartermasters, shall, before they or either of them enter upon the duties of their appointment respectively, enter into bond with sufficient security, to be approved of by the Secretary at War, conditioned for the faithful expenditure of all public monies, and accounting for all public property, which may come to their hands, respectively; and the quartermaster general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.

Bond and se-  
curity, &c.

SEC. 5. *And be it further enacted*, That the sixth section of the act hereby amended be, and the same is hereby repealed.

Act of March  
28, 1812, ch. 46.

APPROVED, May 22, 1812.

#### STATUTE I.

CHAP. XCIII.—*An Act supplementary to an act entitled "An act for the admission of the state of Louisiana into the Union, and to extend the laws of the United States to the said state."*

May 22, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all causes, actions, indictments, libels, pleas, processes and proceedings whatsoever, returnable, commenced, depending or in any manner existing in the district court established in the territory of Orleans, in and by the act, entitled "An act erecting Louisiana into two territories and providing for the temporary government thereof," be, and the same are hereby transferred to the district court established by the act to which this is a supplement, and may be proceeded in, shall exist and have like incidents and effects as if they had been originated and been proceeded in in the court established by the act to which this is a supplement.

Act of April  
8, 1812, ch. 50.  
Judicial pro-  
ceedings trans-  
ferred, &c.

Act of March  
26, 1804, ch. 38.

SEC. 2. *And be it further enacted*, That the dockets, books, records, papers and seal, belonging to the said district court of the Orleans territory, shall be transferred to, and become the dockets, books, records, and papers of the district court of the Louisiana district.

Dockets, re-  
cords, &c.  
transferred.

SEC. 3. *And be it further enacted*, That the eighth section of the act aforesaid, entitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," and also, all acts within the purview of this act, and the one to which this is a supplement, be and the same are hereby repealed.

Eighth sec-  
tion, &c. of act  
of March 26,  
1804, ch. 38, re-  
pealed.

APPROVED, May 22, 1812.

#### STATUTE I.

CHAP. XCV.—*An Act providing for the government of the territory of Mis-  
souri.*(a)

June 4, 1812.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory heretofore called Louisiana shall hereafter be called Missouri, and that the temporary government of the territory of Missouri shall be organized and administered in the manner herein after prescribed.

Louisiana to  
be called Mis-  
souri.

(a) An act to alter certain parts of the act providing for the government of the territory of Missouri, April 29, 1816, chap. 155.

An act further to regulate the territories of the United States, and their electing delegates to Congress, March 3, 1817, chap. 42.

Governor,—  
tenure of office,  
general powers,  
&c.

SEC. 2. *And be it further enacted*, That the executive power shall be vested in a governor, who shall reside in the said territory; he shall hold his office during the term of three years, unless sooner removed by the President of the United States; shall be commander in chief of the militia of the said territory; shall have power to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, which shall be established by law; shall take care that the laws be faithfully executed; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; shall have power on extraordinary occasions to convene the general assembly, and he shall ex officio be superintendent of Indian affairs.

Secretary.

SEC. 3. *And be it further enacted*, That there shall be a secretary, whose commission shall continue in force for four years, unless sooner revoked by the President of the United States; he shall reside in the said territory; it shall be his duty, under the direction of the governor, to record and preserve all the proceedings and papers of the executive, and all the acts of the general assembly, and to transmit authentic copies of the same every six months to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be executed by the secretary.

His duty.

Legislative  
power, &c.

SEC. 4. *And be it further enacted*, That the legislative power shall be vested in a general assembly, which shall consist of the governor, a legislative council and a house of representatives. The general assembly shall have power to make laws in all cases, both civil and criminal, for the good government of the people of the said territory, not repugnant to or inconsistent with the constitution and laws of the United States; and shall have power to establish inferior courts, and to prescribe their jurisdiction and duties; to define the powers and duties of justices of the peace and other civil officers in the said territory, and to regulate and fix the fees of office, and to ascertain and provide for payment of the same, and for all other services rendered to the said territory, under the authority thereof. All bills having passed by a majority in the house of representatives, and by a majority in the legislative council, shall be referred to the governor for his assent, but no bill or legislative act whatever shall be of any force without his approbation.

Governor's as-  
sent to bills in-  
dispensable.

Number of the  
legislative coun-  
cil, &c.

Mode of choos-  
ing members of  
the legislative  
council, &c.

SEC. 5. *And be it further enacted*, That the legislative council shall consist of nine members to continue in office five years, unless sooner removed by the President of the United States, any five of them shall be a quorum. The members of the legislative council shall be nominated and appointed in the manner following: as soon as representatives shall be elected, they shall be convened by the governor as hereafter prescribed, and when met, shall nominate eighteen persons, residents in the said territory one year preceding their nomination, holding no office of profit under the territory or the United States, the office of justice of the peace excepted, and each possessing in his own right two hundred acres of land therein, and return the names to the President of the United States, nine of whom the President, by and with the advice and consent of the Senate, shall appoint and commission to serve as aforesaid; and when a vacancy shall happen in the legislative council, by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid for each vacancy, and return their names to the President of the United States, one of whom he, by and with the advice and consent of the Senate, shall appoint and commission for the residue of the term: and every five years, four months at least before the expiration of the time of service of the members of the legislative council, the house of representatives shall nominate eighteen persons, qualified as aforesaid, and return their names to the President

of the United States, nine of whom shall be appointed and commissioned as aforesaid, to serve as members of the legislative council five years, if not sooner removed. No person shall be a member of the legislative council who hath not attained to the age of twenty-five years.

SEC. 6. *And be it further enacted*, That the house of representatives shall be composed of members elected every second year by the people of the said territory, to serve for two years. For every five hundred free white male inhabitants there shall be one representative, and so on progressively with the number of free white male inhabitants shall the right of representation increase until the number of the representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the general assembly. No person shall be eligible or qualified to be a representative, who shall not have attained to the age of twenty-one years, and who shall not have resided in the territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States or an office of profit under the territory shall be a representative. In case of vacancy by death, resignation, removal or otherwise of a representative, the governor shall issue a writ to the county, whenever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States, above the age of twenty-one years, who have resided in said territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the general assembly of said territory.

SEC. 7. *And be it further enacted*, That in order to carry the same into operation, the governor of the said territory shall cause to be elected thirteen representatives, and for that purpose shall proceed, as circumstances may require, to lay off the parts of the said territory to which the Indian title hath been extinguished, into convenient counties, on or before the first Monday in October next, and give notice thereof throughout the same, and shall appoint the most convenient time and place within each of the said counties for holding the elections, and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who shall have been elected. All subsequent elections shall be regulated by the general assembly, and the number of representatives shall be determined and the apportionment made in the manner herein before prescribed.

SEC. 8. *And be it further enacted*, That the representatives elected as aforesaid, shall be convened by the governor in the town of St. Louis on the first Monday in December next; and the first general assembly shall be convened by the governor, as soon as may be convenient, at St. Louis, after the members of the legislative council shall be appointed and commissioned. The general assembly shall meet once in each year, at St. Louis, and such meeting shall be on the first Monday in December annually, unless they shall by law appoint a different day. The legislative council and house of representatives, when assembled, shall each choose a speaker and its other officers, and determine the rules of its proceedings. Each house shall sit on its own adjournments from day to day. Neither house shall during the session, without consent of the other, adjourn for more than two days, nor to any other place than that where the two houses shall be sitting. The members of the general assembly shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 9. *And be it further enacted*, That all and every free white

House of representatives.

Ratio of representation, &c.

Qualification of representatives.

Supply of vacancies.

Qualification of electors.

Governor in the first instance to cause elections and to lay out counties.

Subsequent elections, &c.

Meeting of general assembly, &c.

Mode of proceeding of each branch.

Privilege from arrest, &c.

Persons entitled to vote for delegate to Congress, and for members of the general assembly, &c.

Judicial power.

Superior court.  
Act of Jan. 27, 1814, ch. 8.

Sessions.

Clerks.

Grand and petit jurors.

Governor, &c. to be appointed by the President.

How paid.

To take an oath.

Before whom.

Time of electing a delegate to Congress.

male person who, on the twentieth day of December, in the year one thousand eight hundred and three, was an inhabitant of the territory of Louisiana, and all free white male citizens of the United States, who, since the said twentieth day of December, in the year one thousand eight hundred and three emigrated, or who hereafter may emigrate to the said territory, being otherwise qualified according to the provisions of this act, shall be capable to hold any office of honour, trust or profit, in the said territory, under the United States, or under the said territory, and to vote for members of the general assembly and a delegate to Congress during the temporary government provided for by this act.

SEC. 10. *And be it further enacted,* That the judicial power shall be vested in a superior court, and in inferior courts and justices of the peace. The judges of the superior court and justices of the peace shall hold their offices for the term of four years, unless sooner removed; the superior court shall consist of three judges, who shall reside in the said territory, any two of whom shall constitute a court; the superior courts shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those that are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars; the said judges shall hold their courts at such times and places as shall be prescribed by the general assembly. The sessions of the superior and inferior courts shall continue until all the business depending shall be disposed of, or for such time as shall be prescribed by the general assembly. The superior and inferior courts shall respectively appoint their clerks, who shall be commissioned by the governor, and shall hold their offices during the temporary government of the said territory, unless sooner removed by the court.

SEC. 11. *And be it further enacted,* That all free male white persons of the age of twenty-one years, who shall have resided one year in the said territory, and are not disqualified by any legal proceeding, shall be qualified to serve as grand or petit jurors in the courts of the said territory; and they shall, until the general assembly thereof shall otherwise direct, be selected in such manner as the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and least burthensome to the inhabitants of the said territory.

SEC. 12. *And be it further enacted,* That the governor, secretary and judges for the territory of Missouri, authorized by this act, and all general officers of the militia, during the temporary government thereof, shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate; and the governor, secretary and judges shall respectively receive for their services the compensations established by law, to be paid quarter yearly out of the treasury of the United States; the governor, secretary, judges, members of the legislative council, members of the house of representatives, justices of the peace, and all other officers civil and military, before they enter on the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor before a judge of the supreme or a district court of the United States, or a judge of the said territory; the secretary and judges before the governor; the members of the legislative council and house of representatives before a judge of the said territory; and the justices of the peace and all other officers before such person as the governor shall appoint and direct.

SEC. 13. *And be it further enacted,* That the citizens of the said 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; and the delegate so elected, shall possess the same powers, shall have the same privileges and compensation for his attend-



ance in Congress, and for going to and returning from the same, as heretofore have been granted to and provided for a delegate from any territory of the United States.

His privileges and pay.

SEC. 14. *And be it further enacted*, That the people of the said territory shall always be entitled to a proportionate representation in the general assembly; to judicial proceedings according to the common law and the laws and usages in force in the said territory; to the benefit of the writ of habeas corpus. In all criminal cases the trial shall be by jury of good and lawful men of the vicinage. All persons shall be bailable unless for capital offences where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his life, liberty or property, but by the judgment of his peers and the law of the land. If the public exigencies make it necessary for the common preservation to take the property of any person, or to demand his particular services, full compensation shall be made for the same. No ex post facto law or law impairing the obligation of contracts shall be made. No law shall be made which shall lay any person under restraint, burthen or disability, on account of his religious opinions, professions or mode of worship, in all which he shall be free to maintain his own, and not burthened for those of another. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be encouraged and provided for from the public lands of the United States in the said territory, in such manner as Congress may deem expedient.

Rights secured to the people.

Education.

SEC. 15. *And be it further enacted*, That the general assembly shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary to make for securing the title in the bona fide purchasers: no tax shall ever be imposed on lands the property of the United States. The lands of non-resident proprietors shall never be taxed higher than those of residents. The Mississippi and Missouri rivers, and the navigable waters flowing into them, and the carrying places between the same, shall be common highways and forever free to the people of the said territory and to the citizens of the United States, without any tax, duty or impost therefor.

Limitation of the powers of the general assembly.

Mississippi and Missouri rivers, &c. to be free.

SEC. 16. *And be it further enacted*, That the laws and regulations in force in the territory of Louisiana, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force until altered, modified or repealed by the general assembly. And it is hereby declared that this act shall not be construed to vacate the commission of any officer in the said territory, acting under the authority of the United States, but that every such commission shall be and continue in full force as if this act had not been made. And so much of an act, entitled "An act further providing for the government of the territory of Louisiana," approved on the third day of March, one thousand eight hundred and five, and so much of an act, entitled "An act for erecting Louisiana into two territories and providing for the temporary government thereof," approved the twenty-sixth of March, one thousand eight hundred and four, as is repugnant to this act, shall from and after the first Monday in December next be repealed. On which first Monday in December next this act shall commence and have full force: *Provided*, so much of it as requires the governor of said territory to perform certain duties previous to the said first Monday of December next shall be in force from the passage thereof.

Laws to continue in force, &c.

This act not to vacate commissions.

Repugnant provisions of act of March 3, 1805, ch. 31, and of act of March 26, 1804, ch. 38, repealed.

This act to commence first Monday of December, 1812.

APPROVED, June 4, 1812.

## STATUTE I.

June 10, 1812.

[Obsolete.]

Time of embargo not to be computed as part of the time during which goods may be exported.

Act of April 4, 1812, ch. 49.

CHAP. XCVII.—*An Act to extend the time for exporting, with privilege of drawback, goods, wares and merchandise entitled thereto by law.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time during which the act entitled “An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time,” shall continue in force, shall not be computed as making part of the term of twelve calendar months, during which goods, wares or merchandise imported into the United States, must be re-exported in order to be entitled to a drawback of the duties paid on the importation thereof.

APPROVED, June 10, 1812.

## STATUTE I.

June 10, 1812.

Act of Feb. 3, 1809, ch. 13.

CHAP. XCVIII.—*An Act supplemental to an act entitled “An act for dividing the Indiana territory into two separate governments.”*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful for any person or persons in whose favour there now are or hereafter may be rendered, any final judgment or judgments, decree or decrees, in the general court or court of chancery of the territory aforesaid upon any suit or suits, pleas, process or proceedings which were pending in the said courts on the first day of March one thousand eight hundred and nine, to sue out of the office of the clerk of the general court or court of chancery aforesaid, without delay, any writ or writs of execution, upon the judgments or decrees aforesaid, and to cause the said judgments or decrees to be fully executed by the same officers, and in the same manner as if the Indiana territory had remained undivided.

APPROVED, June 10, 1812.

## STATUTE I.

June 13, 1812.

Execution to issue as usual.

CHAP. XCIX.—*An Act making further provision for settling the claims to land in the territory of Missouri.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the rights, titles and

## (a) Land titles in Missouri:—

The state of Missouri was formerly part of the territory, first of France, next of Spain, then of France, who ceded it to the United States by the treaty of 1803, in full propriety, sovereignty and dominion, as she had acquired and held it; by which this government put itself in place of the former sovereigns, and became invested with all their rights, subject to their concomitant obligations to the inhabitants. Both were regulated by the law of nations, according to which the rights of property are protected, even in the case of a conquered country, and held sacred and inviolable when it is ceded by treaty, with or without any stipulation to such effect; and the laws, whether in writing, or evidenced by the usage and customs of the conquered or ceded country, continue in force, until altered by the new sovereign. *Strother v. Lucas*, 12 Peters, 410.

No principle can be better established by the authority of the supreme court, than “that the acts of an officer, to whom a public duty is assigned by his king, within the sphere of that duty, are *prima facie* taken to be within his power.” The principles on which it rests, are believed to be too deeply founded in law and reason, ever to be successfully assailed. He who would controvert a grant executed by the lawful authority, with all the solemnities required by law, takes on himself the burthen of showing that the officer has transcended the powers conferred upon him; or that the transaction is tainted with fraud. *Ibid.*

Where the act of an officer to pass the title to land according to the Spanish law, is done contrary to the written order of the king, produced at the trial, without any explanation, it shall be presumed that the power has not been exceeded: that the act was done on the motive set out therein; and according to some order known to the king and his officers, though not to his subjects: and courts ought to require very full proof, that he had transcended his powers, before they so determine it. *Ibid.*

In favour of long possession and ancient appropriation, every thing which was done shall be presumed to have been rightfully done; and though it does not appear to have been done, the law will presume that whatever was necessary has been done. *Ibid.*

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second and third articles. They extended to all property until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, “and admitted to all the

claims, to town or village lots, out lots, common field lots and commons, in, adjoining and belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villago a Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, Little Prairie and Arkansas, in the territory of Missouri, which lots have been inha-

Rights to certain lots adjoining to certain towns, confirmed.

rights, advantages and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. *Delassus v. The United States*, 9 Peters, 117.

The right of property is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana, excludes any idea of interfering with private property. *Ibid*.

On the 18th of April, 1802, the lieutenant-governor of Upper Louisiana granted sixteen hundred arpents of land near certain rivers named in the grant, with directions to survey the same in a vacant place of the royal domain; but no survey was made before the cession of Louisiana to the United States. By the Court—As the grant contained no description of the land granted, and was not located within the time prescribed by the act of Congress of the 10th of March, 1804, it comes directly within the point decided by the supreme court in the case of John Smith, T., and cannot be confirmed. *Wherry v. The United States*, 10 Peters, 338.

In repeated decisions, the supreme court have affirmed the authority of local governors, under the crown of Spain, to grant land in Louisiana, before the same was ceded by Spain to France: and the court have also affirmed the validity of descriptive grants, though not surveyed before the 11th of March, 1804, in Missouri, and the 24th of January, 1818, in Florida. *Mackey v. The United States*, 10 Peters, 340.

A grant or concession made by an officer who is by law authorized to make it, carries with it *prima facie* evidence that it is within his powers. No excess of them, or departure from them, is to be presumed. He violates his duty by such excess, and is responsible for it. He who alleges that an officer entrusted with an important duty has violated his instructions, must show it. *Delassus v. The United States*, 9 Peters, 117.

The instructions of governor O'Reilly, relative to granting lands in Louisiana, were considered by the court, in 8 Peters, 455. These regulations were intended for the general government of subordinate officers, and not to control and limit the power of the person from whose will they emanated. The Baron De Carondelet must be supposed to have had all the powers which had been vested in Don O'Reilly; and a concession ordered by him is as valid as a similar concession directed by governor O'Reilly would have been. *Ibid*.

A concession of land was made by the lieutenant-governor of Upper Louisiana, at the time when the power of granting lands was vested in the governors of provinces. This power was, in 1799, after the concession, transferred to the intendant-general; and after this transfer, in January, 1800, the order of survey of the land was made by the lieutenant-governor. The validity of the order of survey depends on the authority of the lieutenant-governor to make it. The lieutenant-governor was also a sub-delegate, and as such was empowered to make inchoate grants. The grant was confirmed. *Chouteau's heirs v. The United States*, 9 Peters, 137.

The transfer of the power to make concessions of lands belonging to the royal domain of Spain, from the governor-general to the intendant-general, did not affect the power of the sub-delegate, who made this concession. The order in this case is the foundation of title, and is, according to the act of Congress on the subject of confirming titles to lands in Missouri, &c., and the general understanding and usage of Louisiana and Missouri, capable of being perfected into a complete title. It is property, capable of being alienated, of being subjected to debts: and is, as such, to be held as sacred and inviolate as other property. *Ibid*.

A concession of one league square of land, in Upper Louisiana, was made by Don Zenon Trudeau, the lieutenant-governor of that province, to Auguste Chouteau, and a decree made by him directing the surveyor-general of the province to put him in possession of the land, and to survey the same, in order to enable Chouteau to solicit a complete title thereto from the governor-general, who by the said decree was informed that the circumstances of Chouteau were such as entitled him to a grant of the land. The land was surveyed, and the grantee put in full possession of it on the 20th of December, 1803. He retained possession of it until his death. The objection to the validity of the concession was, that the petitioner had not as many tame cattle as the eighth regulation of governor O'Reilly, governor-general of Louisiana, required. That regulation required that the applicant for a grant of a league square of land should make it appear that he is possessed of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them, a proportion which shall always be observed for the grants, &c. By the Court—"In the spirit of the decisions which have been heretofore made by the supreme court, and of the acts of confirmation passed by Congress, the fact that the applicant possessed the requisite amount of property to entitle him to the land he solicited, was submitted to the officer who decided on the application; and he is not bound to prove it to the court, which passes on the validity of the grant. These incomplete titles were transferable, and the assignee might not possess the means of proving the exact number of cattle in possession of the petitioner when the concession was made." The grant was confirmed. *Ibid*, 147.

If the court can trust the information received on this subject, neither the governor nor the intendant-general has ever refused to perfect an incomplete title granted by a deputy governor or a sub-delegate. *Ibid*.

The regulation made by Don O'Reilly, as to the quantity of land to be granted to an individual, is not that no individual shall receive grants for more than one league square, but that no grant shall exceed a league square. The words of the regulation do not forbid different grants to the same person; and, so far as the court are informed, it has never been so construed. *Ibid*.

The act of Congress passed 13th June, 1812, confirming the titles and claims of certain towns and villages to village lots and commons, gave a title which is paramount to a title held under an old Spanish concession confirmed by Congress in 1836. *Chouteau v. Eckhart*, 2 Howard, 844.

But not to affect rights of others, confirmed.

Deputy surveyor to mark boundary lines, &c.

And make out plats.

Expense not to exceed three dollars per mile.

Lots to be reserved for support of schools.

Proviso.

Claims to donation lands, under certain circumstances, confirmed.

Subject to certain limitations.

Other claims to be confirmed.

Recorder to make extract of claims from books.

To transmit a copy to general land-office, and furnish deputy surveyor with descriptions, &c.

bited, cultivated, or possessed, prior to the twentieth day of December, one thousand eight hundred and three, shall be and the same are hereby confirmed to the inhabitants of the respective towns or villages aforesaid, according to their several right or rights in common thereto: *Provided*, that nothing herein contained shall be construed to affect the rights of any persons claiming the same lands, or any part thereof, whose claims have been confirmed by the board of commissioners for adjusting and settling claims to land in the said territory. And it shall be the duty of the principal deputy surveyor for the said territory as soon as may be, to survey, or cause to be surveyed and marked, (where the same has not already been done, according to law) the out boundary lines of the said several towns or villages so as to include the out lots, common field lots and commons, thereto respectively belonging. And he shall make out plats of the surveys, which he shall transmit to the surveyor general, who shall forward copies of the said plats to the commissioner of the general land-office, and to the recorder of land titles; the expense of surveying the said out boundary lines shall be paid by the United States out of any moneys appropriated for surveying the public lands: *Provided*, that the whole expense shall not exceed three dollars for every mile that shall be actually surveyed and marked.

SEC. 2. *And be it further enacted*, That all town or village lots, out lots, or common field lots, included in such surveys, which are not rightfully owned or claimed by any private individuals, or held as commons belonging to such towns or villages, or that the President of the United States may not think proper to reserve for military purposes, shall be, and the same are hereby reserved for the support of schools in the respective towns or villages aforesaid: *Provided*, that the whole quantity of land contained in the lots reserved for the support of schools in any one town or village, shall not exceed one twentieth part of the whole lands included in the general survey of such town or village.

SEC. 3. *And be it further enacted*, That every claim to a donation of lands in the said territory, in virtue of settlement and cultivation, which is embraced by the report of the commissioners, transmitted to the Secretary of the Treasury, and which by the said report, shall appear not to have been confirmed, merely because permission, by the proper Spanish officer, to settle, has not been duly proven; or because the tract claimed, although inhabited, was not cultivated on the twentieth of December, one thousand eight hundred and three, or not to have been confirmed on account of both said causes; the same shall be confirmed, in case it shall appear that the tract so claimed was inhabited by the claimant or some one for his use prior to the twentieth day of December, one thousand eight hundred and three as aforesaid, and cultivated in eight months thereafter, subject, however, to every other limitation and restriction prescribed by former laws in respect to such claims; and in all cases where it shall appear by the said report or other records of the board that claims to land have not been confirmed merely on the ground that the claim was for a greater quantity than eight hundred arpens, French measure, every such claim to the extent of eight hundred arpens, shall be confirmed.

SEC. 4. *And be it further enacted*, That the recorder of land titles for the said territory shall, without delay, make an extract from the books of the said board of commissioners of all the claims to land which are, by the preceding section, directed to be confirmed, a copy of which he shall transmit to the commissioner of the general land-office; and he shall furnish the principal deputy surveyor with a proper description of the tracts so to be confirmed, wherein the quantity, locality, boundaries and connexion, when practicable with each other, and those tracts that have been confirmed by the board of commissioners shall be stated. And whenever plats of the surveys as herein after directed, shall have

been returned to the said recorder's office, it shall be his duty to issue for each tract to be confirmed, as aforesaid, to the person entitled thereto, a certificate in favour of the party, which shall be transmitted to the commissioner of the general land-office; and if it shall appear to the satisfaction of the said commissioner that such certificate has been fairly obtained, according to the true intent and meaning of this act, then, in that case, patents shall be granted in like manner as is provided by law for the other lands of the United States.

Recorder to  
issue certi-  
ficates.

Patents to be  
granted.

Deputy sur-  
veyor to sur-  
vey.

Townships to  
be laid off.

Plat to be  
made.

Expense not  
to exceed three  
dollars per mile.

SEC. 5. *And be it further enacted*, That the principal deputy surveyor shall survey, or cause to be surveyed, under the direction of the surveyor general, so much of the lands in the said territory, to which the Indian title has been extinguished, as the President of the United States may direct, into townships of six miles square, by lines running due north and south, and others crossing these at right angles; and also the lands, the claims to which are directed to be confirmed, by the third section of this act; and the lands, the claims to which have been confirmed by the board of commissioners, where the same has not already been surveyed under the authority of the United States. And the said principal deputy surveyor shall make out a general and connected plat of all the surveys directed by this act to be made, or which have already been made under the authority of the United States, which he shall transmit to the surveyor general, who shall transmit copies of the said plat or plats to the recorder of land titles and the commissioner of the general land-office. The expense of surveying shall be paid by the United States: *Provided*, the same shall not in the whole exceed three dollars a mile for every mile that shall be actually surveyed and marked.

Recorder to  
furnish descrip-  
tions.

Access to be  
allowed to  
books and pa-  
pers in recor-  
der's office.

Recorder's  
fee.

SEC. 6. *And be it further enacted*, That in all cases where by reason of the indefinite description of the local situation and boundaries of any tract, the claim to which has been confirmed by the commissioners, the same cannot be ascertained by the principal deputy surveyor, it shall be the duty of the recorder of land titles, on the application of the said principal deputy, to furnish such precise description thereof, as can be obtained from the records in his office, and the books of the said board of commissioners; and for the purpose of the more correctly ascertaining the locality and boundaries of any such tracts, the said principal deputy, shall have free access at all seasonable hours to the books and papers in the recorder's office, relating to land claims, and be permitted to take copies or such extracts therefrom, or any of them, as he may think proper and necessary for the discharge of his duty in executing such surveys. And the said recorder shall be allowed twenty-five cents for the description of each tract which he shall furnish to the principal deputy surveyor as aforesaid.

Actual settlers  
allowed till first  
December,  
1812, to furnish  
evidence of  
claims, &c.

Act of March  
3, 1813, ch. 44.  
Barred forever  
after.

Power and  
duty of recor-  
der.

SEC. 7. *And be it further enacted*, That every person or persons claiming lands in the territory of Missouri, who are actual settlers on the lands which they claim, and whose claims have not been heretofore filed with the recorder of land titles for the said territory, shall be allowed until the first day of December next, to deliver notices in writing, and the written evidences of their claims to the said recorder; and the notices and evidences so delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from, or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States, against any grant derived from the United States.

SEC. 8. *And be it further enacted*, That the said recorder of land titles, shall have the same powers, and perform the same duties in rela-

tion to the claims thus filed before the first day of December next, and the claims which have been heretofore filed, but not decided on by the commissioners, as the board of commissioners had by former laws respecting claims filed prior to the first day of July, one thousand eight hundred and eight, except that all of his decisions shall be subject to the revision of Congress. And it shall be the duty of the said recorder to make to the commissioner of the general land-office a report of all the claims which shall be thus filed before the first day of December next, and of the claims which have been already filed but not decided on by the said commissioners; together with the substance of the evidence in support thereof, with his opinion and such remarks as he may think proper, which report together with a list of the claims which, in the opinion of the said recorder, ought to be confirmed, shall be laid by the commissioner of the general land-office before Congress, at their next session, for their determination thereon. The said recorder in addition to his salary as fixed by law, shall be allowed fifty cents for each claim which has been filed, but not decided on by the commissioners; or which shall be filed according to this act, and on which he shall make a decision, whether such decision be in favour of, or against the claim, and a further allowance of five hundred dollars, which shall be paid after he shall have made his report to the commissioner of the general land-office; which allowance of fifty cents for each claim decided on, and five hundred dollars on the completion of the business, shall be in full compensation for his services, including clerk hire, respecting the claims to be decided on according to this act.

APPROVED, June 13, 1812.

#### STATUTE I.

June 17, 1812.

CHAP. C.—*An Act authorizing the remission of forfeited recognizances within the District of Columbia.*

President authorized to remit forfeitures, &c. in the District of Columbia.

*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 have the power to grant remissions of the forfeitures of all recognizances acknowledged and taken or to be acknowledged and taken, before any court, judge, justice of the peace, or other magistrate within the District of Columbia, either in the course of any criminal prosecution, or for surety of the peace.

APPROVED, June 17, 1812.

#### STATUTE I.

June 17, 1812.

CHAP. CI.—*An Act authorizing the cutting and making a Canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes.*

Common council of Alexandria empowered to appoint agents to lay out and superintend cutting of canal, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the common council of Alexandria shall have power to appoint one or more agents to lay out and superintend the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island to the western shore of the said river, into that arm of said river which passes around the western side of said island, in the manner and under the restrictions herein after directed; and from the river Potomac along the west side of Alexander's peninsula into said river, below the lower end of said peninsula, and through any other points of land between Mason's island and Alexandria, which may improve the boat navigation of said river; and also that the said common council of Alexandria have power to levy a tax upon the real property of the said town, and upon the personal property and the occupations of the citizens thereof, for the purpose of defraying the expense of cutting and making said canals, and after-

May levy a tax.

wards for continuing the same in good repair; and for constructing and keeping in repair, and attending at all times during high water the guard gates or lock, herein after directed to be constructed in the canal authorized to be cut as aforesaid around the west end of the causeway from Mason's island, and of erecting the bridges herein after mentioned, and for keeping the same in repair.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the said agent or agents or a majority of them to agree with the owners of any land through which either of the said canals is intended to pass, for the purchase 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 circuit court of the District of Columbia, the said judge shall issue his warrant directed to the marshal of the district, to summon and empanel twelve able and discreet freeholders of the vicinage, noways related to either party, to meet on some certain place on the ground through which the said canal is proposed to be conducted, and on a certain day to be expressed in the warrant, of which reasonable notice shall be given by the marshal to the proprietors or tenants of said ground; and the marshal upon receiving the said warrant shall forthwith summon the said jury, and when met shall administer an oath or affirmation to every jurymen, that he will faithfully, justly, and impartially value the land not exceeding the width of thirty feet, and all damages the owner thereof will sustain by cutting the canal through such land, according to the best of his skill and judgment; and the inquisition thereupon taken, shall be signed by the marshal and the jurymen present, and returned by the marshal to the clerk of the court of the county of Alexandria 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 on all persons, and shall be paid by the agent or agents to the owner of the land, or his or her legal representatives; and on payment thereof, said canal may be cut and made through said lands, and said described land and canal shall become an open highway for ever: *Provided*, they nor the waters of the said canals or either of them shall not be used for any other purpose than navigation, but by the consent of the owner of the lands through which said canal may pass.

SEC. 3. *And be it further enacted*, That the canal authorized to be cut as aforesaid around the west end of the causeway, and not nearer than one hundred feet to the land end of the lower side of the wharf, formerly used as a ferry wharf, from Mason's island, shall commence at some point on the western shore of the Potomac river, above a high rock situated about thirty yards above the said causeway, thence to proceed, leaving the said high rock between said canal and the river, and passing at a distance of at least twenty feet from the original walls of said causeway, shall enter said river at the distance of at least twenty and not exceeding one hundred yards below said causeway; that said canal shall not be narrower than twelve feet, nor wider than twenty feet at the bottom, and shall not contain less than two feet, nor more than four feet water in depth at common low tide, and shall be substantially walled with stone on both sides throughout; and if on excavating the site for the said canal at the proper depth, it does not prove to be a bottom of solid rock, then the same shall be securely paved at bottom with heavy flat stone, well laid, for the whole or such part as may not be a bottom of natural rock. And the said canal shall be further secured by wing walls and puddle on the river side to prevent the water from undermining the causeway walls. There shall also be erected in said canal for the protection of said causeway, during the times of high freshes, two substantial guard gates, as high as the parapet wall of said causeway, one at least twenty feet above said causeway, and the other at a

Agents may agree with owners of land.

In case of disagreement a judge may issue his warrant to the marshal to summon a jury.

Notice to be given to proprietors or tenants.

Juror's oath.

Inquisition to be signed and returned by the marshal.

Valuation to be conclusive and paid to the owner, &c.

Land and canal to become an open highway.

Only used for navigation.

Commencement of the canal.

Width.

Depth.

To be walled.

To be paved at bottom.

Wing walls and puddle.

Guard gates

- suitable distance below said causeway, which gates shall be connected by walls with said parapet wall, and of equal height, so as to form a complete lock, to be firmly secured at bottom, and with the usual apparatus for opening and shutting the same, to facilitate the passage of boats; and it shall be the duty of the said common council of Alexandria to provide, that always during the times of high freshes aforesaid, a careful person shall attend said gates to keep them shut, at which times they shall never be opened except for the passage of boats, and for ever to keep the said lock and the said canal, in all its walls, wings, pavements, gates, and other parts in complete repair; and if the said causeway should at any time be injured in consequence of the said common council having failed to take the precautionary measures aforesaid, and to keep every part of the work done by them in good repair, the said common council shall be liable to the corporation of Georgetown for all damages said corporation may sustain by such injury, to be assessed by a jury in an action on the case, to be brought by said corporation against said common council, and it shall also be the duty of the said common council of Alexandria to erect over said canal, where it shall cross the turnpike road which leads from said causeway to Alexandria, a substantial stone bridge, at least twenty feet wide, and to keep the same always in repair.
- Lock.**
- Freshes.**
- Always to be kept in repair.
- Common council of Alexandria liable, &c.  
Damages to be assessed.
- Stone bridge.
- Good bridges to be erected over highways cut by the canal.
- Limitation of time.
- Common council to supply vacancies of agents.
- Boats not to pass the western end of the causeway before the canal is completed.
- President to appoint commissioners to inspect the work.
- Commissioners to be paid by the common council.
- SEC. 4. And be it further enacted,** That if any other of the said canals shall be cut across any public highway, that a good and sufficient bridge shall in such place be made over the canal at least twenty feet wide, and kept in constant repair by the said common council of Alexandria.
- SEC. 5. And be it further enacted,** That the aforesaid canal around the west end of the causeway aforesaid, shall be commenced within two years, and shall be completed in the manner herein before provided, within five years from this time, otherwise the authority herein given to cut said canal shall cease and determine.
- SEC. 6. And be it further enacted,** That in case of the death, removal, or refusal to act, of any agent, the common council of Alexandria shall appoint another, and shall, from time to time, supply vacancies that may occur, and that in all cases a majority of the agents shall be sufficient to act.
- SEC. 7. And be it further enacted,** That it shall not be lawful for any boat or boats to pass the said canal around the western end of the said causeway, until the commissioners, or a majority of them herein after named, shall have certified under their hands, that according to the best of their skill and judgments, the said canal is located and cut, and the walls, wings, lock, and gates are erected and the pavement laid, and the whole work executed and completed, in every respect conformably to the directions, true intent and meaning of this act; and until the certificate signed as aforesaid shall be returned and filed in the office of the court of the county of Alexandria.
- SEC. 8. And be it further enacted,** That so soon as the common council of Alexandria shall notify the President of the United States, that the said canal round the western end of the causeway aforesaid is completed, and ready for the view and inspection of the commissioners, then it shall and may be lawful for the President of the United States, and he is hereby required to appoint without delay three disinterested and skilful persons as commissioners, to go upon, view and inspect the canal and premises last aforesaid, and thereupon, if in their judgments, and not otherwise, the said canal be in all respects executed and completed as herein directed, to certify the same and cause their certificate to be returned and filed in manner aforesaid. And that the said commissioners for so doing shall be entitled to a reasonable compensation, to be paid by the common council of Alexandria.
- SEC. 9. And be it further enacted,** That the earth or other materials



taken from the bed of the said canal, shall not be deposited to the injury of the owners of the lands through which the said canal may pass.

APPROVED, June 17, 1812.

Owners of land not to be injured, &c.

STATUTE I.

CHAP. CII.—*An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.*

June 18, 1812.

[Obsolete.]

War declared.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

President authorized to employ the land and naval forces to carry on the war.

APPROVED, June 18, 1812.

STATUTE I.

CHAP. CVI.—*An Act to amend the laws within the District of Columbia.*(a)

June 24, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all promissory notes for the payment of money hereafter drawn and endorsed or transferred within the county of Alexandria, in the district of Columbia, shall be governed by, and subject to, the same laws as are now in force and applicable to such notes, drawn, endorsed or transferred within the county of Washington, in the said district; and the rights, remedies and responsibility of the person or persons hereafter holding, drawing, endorsing or transferring any such promissory note, as aforesaid, shall be the same within the county of Alexandria as they now are within the said county of Washington; and all laws now in force within the said county of Alexandria, contrary to this provision, are hereby repealed.

Promissory notes subject to same laws in Alexandria and Washington, &c.

SEC. 2. *And be it further enacted,* That it shall be lawful for any creditor of any insolvent debtor, who shall hereafter apply for relief under the act of Congress, passed on the third day of March, one thousand eight hundred and three, entitled "An act for the relief of insolvent debtors within the District of Columbia," to make the same allegations in writing, at any time before the oath of insolvency shall be administered, as are now permitted by the seventh section of said act, which allegation shall be made before the judge by whom the oath of insolvency is proposed to be administered, and a copy of the same, together with a notification from such judge of the time and place at which the truth of such allegation is to be tried, shall be forthwith served on such insolvent, and any one judge of the said district shall have the same power and authority to examine the debtor or any other person, on oath, touching the substance of the said allegation, or to direct an issue or issues to be tried before him, in a summary way, to determine the truth of the same, as are now vested in the court of the said district by the seventh section of the said act; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming within twelve months next preceding his application for

Creditors of insolvent debtors may make allegations before oath of insolvency.

Act of March 3, 1803, ch. 31.

One judge may examine the debtor.

(a) See notes to an act concerning the District of Columbia, February 27, 1801, chap. 15, vol. ii. 103.

Debtors under certain circumstances precluded from the benefit of the insolvent act.

False swearing declared to be wilful and corrupt perjury, &c.

Benefit of prison walls not allowed to any debtor for more than one year.

Marshal to recommit to close confinement.

Real estate in the county of Alexandria subject to the payment of debts.

Writs to run from one county to another.

But returnable to the court whence they issued.

Interest to be allowed on judgments.

Damages payable on dissolution of injunction, &c.

relief, more than three hundred dollars, or of having within that time assigned or conveyed any part of his property, rights or credits, with an intent to give a preference to any creditor or creditors or any surety, he shall not be permitted to take the said oath, and shall be precluded from any benefit under the said act; and in case any such debtor, or any other person, shall at any time thereafter be convicted of swearing or affirming wilfully and corruptly to any matter or thing touching the inquiry aforesaid, the person so offending shall suffer as in the case of wilful and corrupt perjury; and upon such conviction of the debtor or any other person testifying for him, such debtor shall be forever precluded from any benefit under the said act; but nothing herein contained shall be considered as in any manner impairing or repealing the provisions of the seventh section of the said act.

SEC. 3. *And be it further enacted*, That the benefit of the prison rules shall not be allowed to any debtor, hereafter taken or charged in execution within the said district, for more than one year from the date of the bond given by him or her for keeping within the said rules; after the expiration of which time, if the person so taken or charged in execution shall not be discharged by due course of law, it shall be the duty of the marshal or other officer to whose custody such person was committed, to recommit him or her to close jail and confinement, there to remain until the debt for which he or she was taken or charged in execution shall be paid, or until he or she shall be discharged under the act of Congress for the relief of insolvent debtors within the district of Columbia.

SEC. 4. *And be it further enacted*, That real estate in the county of Alexandria shall be subject to the payment of debts hereafter contracted, in the same manner, to the same extent and by the same process, as real estate in the county of Washington is subject to the payment of debts by the laws now in force in the said county of Washington, the operation of which laws is hereby extended to real estate in the said county of Alexandria for the satisfaction of debts hereafter contracted.

SEC. 5. *And be it further enacted*, That on any judgment or decree rendered or hereafter to be rendered by the said court in either of the said counties, any writ of execution which shall thereupon issue, may be served and carried into effect in either county in which the person or property, liable to the said judgment or decree may be found; but the writ of execution shall be returnable only to the court wherein such judgment or decree was rendered and from whence it issued: and such execution shall have the same force and effect as if it had issued from the county where such person or his property may be found.

SEC. 6. *And be it further enacted*, That upon all judgments rendered on the common law side of the circuit court of said district in actions founded on contracts, interest at the rate of six per centum per annum shall be awarded on the principal sum due until the said judgment shall be satisfied, and the amount which is to bear interest and the time from which it is to be paid shall be ascertained by the verdict of the jury sworn in the cause.

SEC. 7. *And be it further enacted*, That when any injunction shall hereafter be obtained to stay proceedings on any judgment rendered for money in the circuit court of the said district, and such injunction shall be dissolved wholly or in part, damages, at the rate of ten per centum per annum from the time the injunction shall be awarded until dissolution, shall be paid by the party on whose behalf such injunction was obtained on such sum as appears to be due, including costs, and execution on the judgment enjoined shall be issued for the same; and in cases where a forthcoming bond shall have been executed by the complainant, and no judgment shall have been rendered thereupon, the court in which execution shall be awarded shall direct the said damages to be

included in the judgment, which damages shall in all cases be in full satisfaction of interest for the time for which they shall be allowed: *Provided*, that when the injunction shall be granted to obtain a discovery, or any part of the judgment shall remain enjoined, the court may, if it appear just, direct that such damages shall not be paid, or only such proportion thereof as they may deem expedient.

Proviso.

SEC. 8. *And be it further enacted*, That in any civil suit or action at law, or any criminal or penal prosecution by information or indictment now depending or hereafter to be commenced, the court, upon a suggestion in writing by any of the parties thereto supported by oath or affirmation, that a fair and impartial trial cannot be had in the county where such suit or action is depending, may order the same suit or action to be removed into the court holden in the other county in the said district; and the same shall be prosecuted and tried according to law, and the judgment carried into full effect; and it shall be the duty of the clerk of the one county to transmit to the clerk of the other county, a copy of the record of the proceedings, and all the original papers filed in his office in the suit or action; and in like manner in any criminal or penal prosecution aforesaid, by information or indictment, if the attorney for the United States for the district of Columbia shall suggest in writing, under his signature, to the court of the county, before whom any such information or indictment is or may be depending, that the United States cannot have a fair and impartial trial in such county, the court may order the trial to be prosecuted and had in the other county, for which purpose the proceedings and all original papers filed in said cause shall be transmitted to the court of such other county, where the same shall be tried and prosecuted to final judgment and execution.

Suit or action may be removed from one county to another.

Prosecution by information or indictment may also be removed, on suggestion of the district attorney.

SEC. 9. *And be it further enacted*, That hereafter it shall be lawful for any inhabitant or inhabitants in either of the said counties owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise freely and fully all the rights of property in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made, any thing in any legislative act in force at this time in either of the said counties, to the contrary notwithstanding. (a)

Slaves may be removed from one county to another.

(a) Slavery in the District of Columbia:—

The plaintiffs in error filed a petition for freedom in the circuit court of the United States for the county of Washington, and they proved that they were born in the state of Virginia, as slaves of Richard B. Lee, now deceased, who moved with his family into the county of Washington, in the District of Columbia, about the year 1816, leaving the petitioners residing in Virginia as his slaves, until the year 1820, when the petitioner Barbara was removed to the county of Alexandria, in the District of Columbia, where she was hired to Mrs. Muir, and continued with her thus hired for the period of one year. That the petitioner, Sam, was in like manner removed to the county of Alexandria, and was hired to General Walter Jones, for a period of about five or six months. That after the expiration of the said periods of hiring, the petitioners were removed to the said county of Washington, where they continued to reside as the slaves of the said Richard B. Lee until his death, and since, as the slaves of his widow, the defendant. On the part of the defendant in error, a preliminary objection was made to the jurisdiction of the supreme court, growing out of the act of Congress of the 2d of April, 1816, which declares that no cause shall be removed from the circuit court for the District of Columbia, to the supreme court, by appeal or writ of error, unless the matter in dispute shall be of the value of one thousand dollars, or upwards. By the Court—The matter in dispute in this case, is the freedom of the petitioners. The judgment of the court below is against their claims to freedom; the matter in dispute, is, therefore, to the plaintiffs in error, the value of their freedom, and this is not susceptible of a pecuniary valuation. Had the judgment been in favour of the petitioners, and the writ of error brought by the party claiming to be the owner, the value of the slaves as property, would have been the matter in dispute, and affidavits might be admitted to ascertain such value. But affidavits, estimating the value of freedom, are entirely inadmissible, and no doubt is entertained of the jurisdiction of the court. *Lee v. Lee*, 8 Peters, 44.

The circuit court refused to instruct the jury that if they should believe, from the evidence, that bringing the petitioners from Virginia to Alexandria, by their owner, and hiring them there, was merely colourable, with intent to evade the law, that then the petitioners are entitled to their freedom. By the Maryland law, of 1796, it was declared, that it shall not be lawful to import or bring into this state, by land or water, any negro, mulatto, or other slave, for sale, or to reside within this state; and any person brought into this state as a slave, contrary to this act, if a slave before, shall thereupon cease to be the property of the person so importing, and shall be free. And by the act of Congress of the 27th of February, 1801, it is provided, that the laws of the state of Maryland, as they then existed, should be, and continue in force in that part of the district which was ceded by that state to the United States. The

Rules for paying the debts of deceased persons.

SEC. 10. *And be it further enacted*, That in paying the debts of any deceased person, the executor or administrator, who shall hereafter qualify and obtain letters testamentary or of administration in the orphans' court in the county of Alexandria, shall observe the following rules; funeral expenses shall be first paid, next judgments and decrees against the deceased obtained in his lifetime in the said district shall be wholly discharged before any other claims; after such funeral expenses, judgments and decrees within the said district shall be satisfied, all other just claims shall be admitted to payment on an equal footing, without priority or preference, and in equal proportion; if there be not sufficient to discharge all such judgments and decrees, a proportionable dividend shall be made among the judgment and decree creditors aforesaid. In no case shall an executor or administrator aforesaid, be allowed to retain for his own claim against the deceased, unless the same be passed by the orphans' court, and when passed it shall stand on an equal footing with other claims of like nature; and it shall be the duty of every executor or administrator aforesaid to give in a claim against himself, and no executor or administrator shall discharge any claim against the deceased, otherwise than at his own risk, unless the same shall be first passed by the orphans' court granting the administration.

Persons obtaining letters testamentary, or of administration out of the district of Columbia, may prosecute claims within it.

Certified copies of letters testamentary, &c. to be evidence.

Sessions of the courts of Alexandria, to be held in April and November.

SEC. 11. *And be it further enacted*, That it shall be lawful for any person or persons to whom letters testamentary or of administration hath been or may hereafter be granted by the proper authority in any of the United States or the territories thereof, to maintain any suit or action and to prosecute and recover any claim in the district of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said district; and the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration.

SEC. 12. *And be it further enacted*, That instead of the sessions as heretofore by law directed, the courts for the county of Alexandria shall, after this act goes into operation, commence on the third Monday in April, and on the fourth Monday in November in every year; and all cases, motions, process, causes, matters and things pending in or returnable to the sessions as heretofore fixed by law, shall be continued and returned respectively to the sessions of the said court hereby appointed to be holden.

SEC. 13. *And be it further enacted*, That it shall be the duty of the constables of the county of Washington in the district of Columbia, upon a capias ad satisfaciendum issuing out of the clerk's office of the said

Maryland law of 1796 is, therefore, in force in the county of Washington; and the petitioners, if brought directly from the state of Virginia into the county of Washington, would, under the provisions of that law, be entitled to their freedom. By the act of Congress of the 24th of June, 1812, it was declared, "that hereafter it shall be lawful for any inhabitant or inhabitants, in either of the said counties, (Washington and Alexandria,) owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise, freely and fully, all the rights of property, in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made." *Ibid*.

The court erred in refusing to give the fourth instruction prayed on the part of the petitioner, which asked that it should be submitted to the jury whether, from the evidence, the bringing of the petitioners from Virginia to Alexandria, and the hiring them there, was not merely colourable, with intent to evade the law. *Ibid*.

A wife having separated herself from her husband, for ill-treatment by him, applied to the county court of Prince George, Maryland, for alimony, which was allowed to her, pendente lite. The husband gave the wife a female negro slave, and some other property, in discharge of the alimony. She removed to Washington, hired out the slave, and afterwards, in consideration of a sum of money, and for other considerations, she manumitted, by deed, the slave, and her two infant children, the eldest not three years old. Some time after the arrangement between the husband and wife, a final separation took place between them, by a verbal agreement; each to retain "the property each had, and to be quits for ever," and the wife relinquished all further claim for alimony. After the death of the wife, the husband claimed the female and her children as his slaves. Held, that they were free by virtue of the deed of manumission executed by the wife. *Wallingsford v. Allen*, 10 Peters, 583.

county, in conformity with the provisions of the act entitled "An act concerning the district of Columbia," to take the defendant into custody, on his failure to pay the debt and costs in such *capias ad satisfaciendum* mentioned, forthwith, upon the application of the plaintiff, to deliver into the prison of the said county such defendant, to be held in the said prison by the marshal of the district of Columbia until he shall be released by due course of law.

SEC. 14. *And be it further enacted*, That the said marshal shall be entitled to the same fee for commitment and releasement of said debtor committed as aforesaid, and the same allowance for his maintenance, and to be paid in the same manner, as are already provided by law.

SEC. 15. *And be it further enacted*, That upon a *feri facias* issuing out of the office of the clerk of the county of Washington, upon the judgment of a magistrate, the plaintiff upon such *feri facias* shall be entitled to have his execution against the goods and chattels, lands and tenements, rights and credits of the defendant.

SEC. 16. *And be it further enacted*, That this act shall commence and be in force from and after the first day of September next.

APPROVED, June 24, 1812.

Act of May 27, 1801, ch. 79. Debtors may be imprisoned for small debts.

Marshal entitled to fee.

Execution upon *feri facias*.

Act to commence September 1st, 1812.

#### STATUTE I.

CHAP. CVII.—*An Act concerning Letters of Marque, Prizes, and Prize Goods.*

June 26, 1812.

*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 and empowered to revoke and annul at pleasure all letters of marque and reprisal which he shall or may at any time grant pursuant to an act entitled "An act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories."

[Obsolete.]

Act of Jan. 27, 1813, ch. 13.

President authorized to revoke letters of marque, &c.

1812, ch. 102.

SEC. 2. *And be it further enacted*, That all persons applying for letters of marque and reprisal, pursuant to the act aforesaid, shall state in writing the name and a suitable description of the tonnage and force of the vessel; and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Formalities required from persons applying for letters of marque, &c.

SEC. 3. *And be it further enacted*, That before any commission of letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of five thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars; with condition that the owners, officers, and crew, who shall be employed on board such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them according to law for the regulation of their conduct; and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

Bonds to be given with surety.

Condition.

SEC. 4. *And be it further enacted*, That all captures and prizes of vessels and property, shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall

Captured property to be forfeited.

Distribution of prize money, &c.

1800, ch. 33.  
Recaptures of property of citizens, &c. to be restored on payment of salvage.

Distribution of salvage.

be made; and on due condemnation had, shall be distributed according to any written agreement which shall be made between them; and if there be no such agreement, then one moiety to the owners, and the other moiety to the officers and crew, to be distributed between the officers and crew as nearly as may be, according to the rules prescribed for the distribution of prize money, by the act entitled "An act for the better government of the navy of the United States," passed the twenty-third day of April, one thousand eight hundred.(a)

SEC. 5. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or of persons resident within and under the protection of the United States, or of persons permanently resident within and under the protection of any foreign prince, government or state, in amity with the United States, which shall have been captured by the enemy and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having competent jurisdiction, according to the nature of each case, agreeably to the provisions heretofore established by law. And such salvage shall be distributed among the owners, officers and crews of the vessels commissioned as aforesaid, and making such recaptures according to any written agreement which shall be between them; and in case of no such agreement, then in the same manner and upon the principles herein before provided in case of capture.(b)

(a) The prize act of June 26th, 1812, chap. 107, operates as a grant from the United States to the captors, of all property rightfully captured by commissioned privateers, as prize of war. *The Sally*, 8 Cranch, 382; 3 Cond. Rep. 177.

Prize money must be distributed according to some written agreement of the parties, otherwise it is distributable according to the 4th sec. of the prize act of the 26th of June, 1812, chap. 107. A parole agreement as to distribution is void. *The Dash*, 1 Mason's C. C. R. 4.

If the shipping articles omit to state the shares, to which some of the officers and crew are entitled, they are still entitled to claim their shares under the prize act. *Ibid.*

A parole assignment of a share in prizes is void. *Ibid.*

All captures, made by non-commissioned captors, are made for the government: and since the provisions in the prize acts as to the distribution of prize proceeds, are confined to public and private armed vessels, cruising under regular commissions; the only claim which can be sustained by such non-commissioned captors must be in the nature of salvage, for bringing in and preserving the property. *The Dos Hermanos*, 10 Wheat. 306; 6 Cond. Rep. 109.

The commander of a squadron, to whose command a ship of war is attached, and under whose orders she sails, is entitled to the flag-twentieth of all prizes made by such ship, although the other part of the squadron may never have sailed on the cruise, in consequence of a blockade by a superior force. *Decatur v. Chew*, 1 Gallis. C. C. R. 506.

To deprive such commander of his flag-twentieth, on account of his having left his station, under the sixth section of the act of April 23d, 1800, chap. 33, it is indispensable that some local station should have been assigned him. *Ibid.*

Where no grant is made, all captures made under the authority of the executive, inure to the use of the government. *The Emulous*, 1 Gallis. C. C. R. 563.

As between public ships, the rule for the distribution of prizes is settled by the seventh article of the sixth section in the act of April 23d, 1800, chap. 33, which provides that, in cases of joint capture, the capturing ships shall share "according to the number of men and guns on board each ship in sight." *The Despatch*, 2 Gallis. C. C. R. 1.

As to privateers, no statute regulation exists, and therefore their claims are settled by the general law of relative strength, which is to be measured by the number of men on board each ship. *Ibid.*

(b) *Salvage in Prize Causes*.—On a recapture of a vessel by a neutral vessel, no claim for salvage can arise, for the recapture was a hostile act, not justified by the situation of the nation to which the recapturing vessel belongs, in relation to that from the possession of which the vessel recaptured was taken. The degree of service rendered in such a case, is precisely the same as if it had been rendered by a belligerent; yet, the rights accruing from the recapture are different, because no right can accrue from an act which was unlawful. *Talbot v. Seeman*, 1 Cranch, 1; 1 Cond. Rep. 229.

When a belligerent permits her cruisers to capture neutral vessels, and carry them in for adjudication, and thus subjects such vessels to perils, almost equal to those of absolute capture, salvage for a recapture of such a neutral vessel will be allowed. *Ibid.*

American property recaptured, was restored on payment of salvage; the libel having prayed a condemnation as prize, and no salvage having been claimed. The question of salvage is incident to the question of prize. *The Adeline*, 9 Cranch, 244; 3 Cond. Rep. 397.

A merchant ship, the property of subjects of the king of Great Britain, was captured on the high seas by a French squadron, a prize master and crew put on board of her, and she remained in company with the captors upwards of twenty-four hours, when she was left by the prize master and the crew; frequent

SEC. 6. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods or effects, shall be brought into some port of the United States, or into some port of a nation in amity with the United States, and shall be proceeded against, before a competent tribunal; and after condemnation and forfeiture thereof, shall belong to the owners and captors thereof, and be distributed as aforesaid: and in the case of all captured vessels, goods and effects which shall be brought within the jurisdiction of the United States, the district courts of the United States shall have exclusive original cognizance thereof, as in civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the United States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution, in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

Prizes to be brought in for adjudication.

Into ports of the U. States or a friendly nation.

District courts of the United States to have original exclusive jurisdiction of prizes brought into the United States.

SEC. 7. *And be it further enacted*, That all prisoners found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the United States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district or some civil or military officer of the United States, or of any state in or near such port, who shall take charge of their safe keeping and support, at the expense of the United States.

Regulations concerning prisoners found on board prize vessels.

SEC. 8. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels, so commissioned, their officers and crews, copies of which shall be delivered, by the collector of the customs, to the commanders when they shall give bond as aforesaid.

President to prescribe instructions for privateers.

SEC. 9. *And be it further enacted*, That a bounty shall be paid by the United States of twenty dollars for each person on board any armed ship or vessel, belonging to the enemy, at the commencement of an engagement, which shall be burnt, sunk or destroyed, by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money.

Bounty for destroying enemy vessels.

Act of August 2, 1813, ch. 55.  
Act of March 19, 1814, ch. 27.

SEC. 10. *And be it further enacted*, That the commanding officer of every vessel having a commission, or letters of marque and reprisal,

Commanding officers of pri-

ineffectual attempts having been made to set her on fire. She was found deserted and abandoned, by an American vessel, bound on a European voyage, and by the mate and part of the crew brought into Boston. A claim was made to her by the British consul for the original owners, and by the French consul for the captors. Salvage, amounting to one third of the gross proceeds of the sales of the ship and cargo, were decreed to the owners, masters and crew of the American ship; and the residue of the proceeds were ordered to be paid to the French republic, or those concerned in the capture. *M'Donough v. Danery*, and the Ship *Mary Ford*, 3 Dall. 188; 1 Cond. Rep. 94.

One half of the whole value of an American vessel and cargo, recaptured by a vessel of war of the United States, after she had been captured by a French privateer, on the 31st of March, 1799, was allowed as salvage. *Bas, Plaintiff in Error v. Tingy*, 4 Dall. 37; 1 Cond. Rep. 221.

An American vessel was captured by the enemy, and after condemnation and sale to a subject of the enemy, was recaptured by an American privateer. Held, that the original owner was not entitled to restitution on payment of salvage, under the salvage act of the 3d of March, 1800, chap. 14, and the prize act of 26th June, 1812, chap. 107. *The Star*, 3 Wheat. 78; 4 Cond. Rep. 198.

In order to title to salvage, as upon a recapture or rescue, the property must have been in the possession, either actual or constructive, of the enemy. *The Ann Green*, 1 Gallis. C. C. R. 274, 289.

Salvage allowed upon a recapture of a ransomed ship, the ransom bill declaring that the sum agreed upon therein, should be payable only upon the arrival of the vessel at her port of destination, which she never reached. *The Harriet*, Bee's D. C. R. 128.

In case of a recapture by a public vessel of war, the salvage can be ascertained only by a sale of the property, unless both parties consent to an appraisement. *The Dolphin*, Bee's D. C. R. 152.

Salvage is not due for rescuing the vessel of a neutral out of the hands of a belligerent, who has taken possession for a supposed violation of a treaty or of the law of nations. *The Antelope*, Bee's D. C. R. 233.

vateers to keep journals.

Journals to be reported to the collectors, &c.

Commanding officers of privateers to exhibit their journals, &c. &c. to public vessels of the U. States.

Penalties for neglecting to keep journals, or keeping untrue ones.

during the present hostilities between the United States and Great Britain, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take; the nature and probable value of such prizes; the times and places, when and where taken, and how and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places, when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him or any of his officers or mariners, or be discovered and found out by examination or conference with any mariners or passengers of, or in any other ships and vessels, or by any other ways or means whatsoever, touching or concerning the fleets, vessels and forces of the enemy, their posts and places of station and destination, strength, numbers, intents and designs: and such commanding officer shall, immediately on his arrival in any port of the United States or the territories thereof, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and handwriting, to the collector or other chief officer of the customs, at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being, and such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known; and no such vessel shall be permitted to sail out of port again, after such arrival, until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs, that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature, which shall have been obtained by the commander of such vessel, shall be delivered up.

SEC. 11. *And be it further enacted*, That captains and commanders of vessels having letters of marque and reprisal, in case of falling in with any of the vessels of war or revenue of the United States, shall produce to the commanding officer of such vessels their journals, commissions and certificates as aforesaid; and the commanding officers of such ships of war or revenue, shall make, respectively, a memorandum in such journal of the day on which it was so produced to him, and shall subscribe his name to it: and in case such vessel, having letters of marque as aforesaid, shall put into any foreign port where there is an American consul or other public agent of the United States, the commander shall produce his journal, commission and certificate aforesaid, to such consul or agent, who may go on board and number the officers and crew and examine the guns, and if the same shall not correspond with the commission and certificate respectively, such consul or agent shall forthwith communicate the same to the Secretary of the Navy.

SEC. 12. *And be it further enacted*, That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating any material transactions therein, where the interest of the United States is in any manner concerned, or refusing to produce such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases, the commissions or letters of marque and reprisal of such vessels, shall be liable to be revoked; and such commanders, respectively shall forfeit for every such offence the sum of one thousand dollars, one moiety thereof to the use of the United States, and the other to the informer.



SEC. 13. *And be it further enacted*, That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the United States and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them, shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

Owners of privateers, how punishable for violating revenue laws of the United States.

SEC. 14. *And be it further enacted*, That so much of any act or acts as prohibits the importation of goods, wares and merchandise, of the growth, produce and manufacture of the dominions, colonies and dependencies of the United Kingdom of Great Britain and Ireland, or of goods, wares and merchandise imported from the dominions, colonies, and dependencies of the United Kingdom of Great Britain and Ireland, be, and the same is hereby repealed, so far as the same may prohibit the importation or introduction into the United States and their territories of such goods, wares and merchandise as may be captured from the enemy and made good and lawful prize of war, either by vessels having letters of marque and reprisal or by the vessels of war and revenue of the United States. And all such goods, wares and merchandise, when imported or brought into the United States or their territories, shall pay the same duties, to be secured and collected in the same manner and under the same regulations, as the like goods, wares and merchandise, if imported in vessels of the United States from any foreign port or place, in the ordinary course of trade, are now or may at the time be liable to pay.

Non-importation law, so far as it concerns prize goods, dispensed with.

Act of August 2, 1813, ch. 49.

SEC. 15. *And be it further enacted*, That all offences committed by any officer or seaman on board any such vessel, having letters of marque and reprisal, during the present hostilities against Great Britain, shall be tried and punished in such manner as the like offences are or may be tried and punished when committed by any person belonging to the public ships of war of the United States: *Provided always*, that all offenders who shall be accused of such crimes as are cognizable by a court martial, shall be confined on board the vessel in which such offence is alleged to have been committed, until her arrival at some port in the United States or their territories; or until she shall meet with one or more of the public armed vessels of the United States abroad, the officers whereof shall be sufficient to make a court martial for the trial of the accused; and upon application made, by the commander of such vessel, on board of which the offence is alleged to have been committed, to the Secretary of the Navy, or to the commander or senior officer of the ship or ships of war of the United States abroad as aforesaid, the Secretary of the Navy, or such commander or officer, is hereby authorized to order a court martial of the officers of the navy of the United States, for the trial of the accused, who shall be tried by the said court.

Offences on board private armed vessels, how punishable.

Proviso.

SEC. 16. *And be it further enacted*, That an act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," passed the fourth day of April, one thousand eight hundred and twelve; and an act, entitled "An act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time," passed April fourteenth, one thousand eight hundred and twelve, so far as they relate to ships and vessels having commissions or letters of marque and reprisal, or sailing under the same, be, and they hereby are respectively repealed.

Parts of embargo and non-exportation laws repealed, so far as they relate to private armed vessels.

Act of April 4, 1812, ch. 49.

Act of April 14, 1812, ch. 56.

SEC. 17. *And be it further enacted*, That two per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United

Commissions to the collectors and consuls upon prize goods: to what uses to be applied.

States, at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the monies arising therefrom, shall be held and hereby is pledged by the government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain; and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter by law be provided.

APPROVED, June 26, 1812.

# STATUTE I.

June 26, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.  
Organization of the army.  
Infantry to consist of twenty-five regiments.

What each company is to consist of.

Act of Jan. 11, 1812, ch. 14.  
Riding master.

Act of April 12, 1808, ch. 43.  
Surgeon's mate.

What each troop of cavalry, &c. shall consist of, &c.

Several military establishments incorporated.

Act of April 12, 1808, ch. 43.

CHAP. CVIII.—*An Act for the more perfect organization of the Army of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the infantry of the army of the United States shall consist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant major, one quartermaster's sergeant, two principal musicians, and ten companies.

SEC. 2. *And be it further enacted,* That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates.

SEC. 3. *And be it further enacted,* That to the regiment of cavalry, authorized by the act passed January eleventh, one thousand eight hundred and twelve, entitled "An act to raise an additional military force," there shall be added one riding master; and to the regiment of light dragoons, authorized by the act passed April twelfth, one thousand eight hundred and eight, entitled "An act to raise, for a limited time, an additional military force," one surgeon's mate.

SEC. 4. *And be it further enacted,* That each troop of cavalry or light dragoons shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates, and the pay and emolument of a master of the sword shall be the same as those of a riding master, and the pay and emolument of a blacksmith shall be the same as those of a farrier.

SEC. 5. *And be it further enacted,* That the military establishment authorized by law previous to the twelfth day of April, one thousand eight hundred and eight, and the additional military force raised by virtue of the act of the twelfth of April, one thousand eight hundred and eight, be and the same are hereby incorporated, and that from and after the passing of this act the promotions shall be made through the lines of artillerists, light artillery, dragoons, riflemen and infantry respectively, according to established rule.

APPROVED, June 26, 1812.

# STATUTE I.

June 26, 1812.

President of the U. States and the state of Virginia to appoint commissioners, &c.

CHAP. CIX.—*An Act to ascertain the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia Line on Continental 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 shall be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint three commissioners on the

part of the United States, to act with such commissioners as may be appointed by the state of Virginia, and the commissioners thus appointed shall have full power and authority to ascertain, survey and mark, according to the true intent and meaning of the condition, touching the military reservation, in the deed of cession from the state of Virginia to the United States, of the land northwest of the river Ohio, the westwardly boundary line of said reservation between the Little Miami and Scioto rivers.

SEC. 2. *And be it further enacted*, That the commissioners appointed by the United States shall meet at Xenia in the state of Ohio, on the fifth day of October next, for the purpose of ascertaining the said line, unless otherwise directed by the President of the United States; and in case they shall not be met by commissioners appointed on the part of the state of Virginia, within six days after the said fifth day of October next, the commissioners appointed on the part of the United States shall proceed to ascertain, survey and distinctly mark the said boundary line, according to the true intent and meaning of the said act of cession; in measuring the said line, whether accompanied by the commissioners on the part of Virginia or not, or in case of disagreement, they shall note the intersections, if any, of said line with any surveys heretofore authorized by the United States, all water courses, the quality of the land over which the line passes and any other matter which in their opinion requires notice. The said commissioners shall make a plat of said line, its intersections, with notes and references, which shall be signed and returned by the said commissioners to the commissioner of the general land-office, accompanied by a written report, on or before the fifth day of January next, unless the time of meeting shall have been prolonged by the President of the United States, who shall lay copies of the same before both houses of Congress at their next session.

Commissioners  
to meet at Xe-  
nia.

Duty of com-  
missioners.

A plat to be  
made and re-  
turned to the  
commissioners  
of the general  
land-office.

Surveyor, &c.  
to be engaged.

Pay of the  
commissioners.

Temporary  
boundary line.

March 23, 1804,  
ch. 33.

A copy of this  
act to be trans-  
mitted to the  
governor of Vir-  
ginia.

STATUTE I.

June 30, 1812.

Act of March  
3, 1803, ch. 27.

Certain claims  
confirmed.

SEC. 3. *And be it further enacted*, That the commissioners aforesaid shall have power to engage a skilful surveyor, who shall employ chain carriers and a marker, and shall be allowed four dollars for every mile actually surveyed and marked under direction of the said commissioners, in performance of the duties assigned them; and the commissioners appointed on the part of the United States shall each receive five dollars for each day he shall be necessarily employed in performance of the duties required of them by this act, which compensation to the surveyor and commissioners shall be paid out of any monies in the treasury not otherwise appropriated by law.

SEC. 4. *And be it further enacted*, That until the westwardly boundary line of the said reservation shall be finally established by the agreement and consent of the United States and the state of Virginia, the boundary line designated by an act of Congress passed on the 23d day of March, one thousand eight hundred and four, shall be considered and held as the proper boundary line of the aforesaid reservation.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of State to transmit an authenticated copy of this act to the governor of Virginia within twenty days after its passage.

APPROVED, June 26, 1812.

CHAP. CX.—*An Act confirming claims to lands in the Mississippi territory, founded on warrants of survey granted by the British or Spanish government.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person, and the legal representative of every person claiming lands in the Mississippi

(a) See notes to the act of March 3, 1803, chap. 27.

Act of March 31, 1808, ch. 40.

Register and receiver to make out certificates of confirmation.

Patents to be granted on such certificates.  
Proviso.

Proviso.

This act not to affect judicial decisions of a certain kind.

territory by virtue of a British or Spanish warrant or order of survey, granted prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, who were on that day actually resident in the said territory, and whose claims have been regularly filed with the proper register of the land-office east and west of Pearl river, according to law, and reported to Congress, agreeably to the fourth section of the act entitled "An act concerning the sale of the lands of the United States, and for other purposes," passed on the thirty-first day of March, one thousand eight hundred and eight, be and they are hereby confirmed in their rights to land so claimed. And the register and receiver of public monies for the district within which the lands may lie, are authorized and required to make out to such claimant or claimants, entitled thereto by the provisions of this act, a certificate of confirmation, for each of which certificates the register and receiver shall each receive one dollar, directed to the commissioner of the general land-office; and if it shall appear to the satisfaction of the said commissioner that such certificates have been fairly obtained, according to the true intent and meaning of this act, then and in that case patents shall be granted in like manner as is provided by law for the other lands of the United States: *Provided*, that no person shall be entitled to the benefit of this act who shall not appear by the report made to Congress as aforesaid or by the records of the boards of commissioners for the said territory to have been a resident of said territory on the twenty-seventh day of October one thousand seven hundred and ninety-five; nor shall any person be entitled to the benefit thereof who has received a donation grant from the United States: *Provided also*, that not more than six hundred and forty acres shall by virtue of this act be granted to any one claim.

SEC. 2. *And be it further enacted*, That nothing in this act contained shall be construed to affect the decisions of the courts of justice in the said territory, heretofore made respecting the claims, or any part thereof, embraced by the preceding section, or to prevent a judicial decision between the holder of a British patent, legally and fully executed and recorded with the register of the land-office east or west of Pearl river, and the persons whose claims are confirmed by the preceding section where such claims interfere.

APPROVED, June 30, 1812.

STATUTE I.

June 30, 1812.

[Obsolete.]

CHAP. CXI.—*An Act to authorize the issuing of Treasury Notes.*(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 be, and he is hereby authorized to cause treasury notes

(a) Treasury notes. Acts which have been passed relating to the issue and reimbursement of Treasury notes:—

An act to authorize the issuing of treasury notes, June 30, 1812, chap. 111.

An act authorizing the issuing of treasury notes for the service of the year 1813, February 25, 1813, chap. 27.

An act to authorize the issuing of treasury notes for the service of the year 1814, March 4, 1814, chap. 18.

An act supplemental to the act authorizing a loan for the several sums of twenty-five millions of dollars, and three millions of dollars, December 26, 1814, chap. 17.

An act to authorize a loan for a sum not exceeding eighteen million five hundred and fifty-two dollars, March 3, 1815, chap. 86, sec. 7.

An act to authorize the payment in certain cases on account of treasury notes which have been lost or destroyed, February 4, 1819, chap. 13.

An act to authorize the issuing of treasury notes, October 12, 1837, chap. 2.

An act additional to the act on the subject of treasury notes, March 31, 1840, chap. 5.

An act to authorize the issuing of treasury notes, February 15, 1841, chap. 4.

An act to authorize an issue of treasury notes, January 31, 1842, chap. 2.

An act for the extension of the loan of one thousand eight hundred and forty-one, and for an addition of five million of dollars on treasury notes due, April 15, 1842, chap. 14.

An act to limit the sale of public stock at par, and to authorize the issue of treasury notes in lieu thereof, August 31, 1842, chap. 287.

An act authorizing the re-issuing of treasury notes, and for other purposes, March 3, 1843, chap. 81.

Civil and diplomatic appropriation act of June 17, 1844.

for such sum or sums as he may think expedient, but not exceeding in the whole the sum of five millions of dollars, to be prepared, signed and issued in the manner herein after provided.

SEC. 2. *And be it further enacted,* That the said treasury notes shall be reimbursed by the United States, at such places, respectively, as may be expressed on the face of the said notes, one year, respectively, after the day on which the same shall have been issued: from which day of issue they shall bear interest, at the rate of five and two-fifths per centum a year, payable to the owner and owners of such notes, at the treasury, or by the proper commissioner of loans, at the places and times respectively designated on the face of said notes for the payment of principal.

SEC. 3. *And be it further enacted,* That the said treasury notes shall be respectively signed, in behalf of the United States, by persons to be appointed for that purpose by the President of the United States: two of which persons shall sign each note, and shall each receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by them respectively; and the said notes shall likewise be countersigned by the commissioner of loans for that state where the notes may respectively be made payable.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said treasury notes as the President may think expedient in payment of supplies, or debts due by the United States, to such public creditors, or other persons, as may choose to receive such notes in payment, as aforesaid, at par: and the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes. And it shall be a good execution of this provision to pay such notes to such bank or banks as will receive the same at par and give credit to the treasurer of the United States for the amount thereof, on the day on which the said notes shall thus be issued and paid to such bank or banks respectively.

SEC. 5. *And be it further enacted,* That the said treasury notes shall be transferable by delivery and assignment endorsed thereon by the person to whose order the same shall, on the face thereof, have been made payable.

SEC. 6. *And be it further enacted,* That the said treasury notes, wherever made payable, shall be every where received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority. On every such payment, credit shall be given for the amount of both the principal and the interest which, on the day of such payment, may appear due on the note or notes thus given in payment. And the said interest shall, on such payments, be computed at the rate of one cent and one half of a cent per day on every hundred dollars of principal, and each month shall be computed as containing thirty days.

SEC. 7. *And be it further enacted,* That any person making payment to the United States in the said treasury notes into the hands of any collector, receiver of public monies, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every treasury note thus paid by such person; and every collector, receiver of public monies, or other public officer, or agent, who shall thus receive any of the said treasury notes in payment, shall, on payment of the same into the treasury, or into one of the banks where the public monies are, or may be deposited, receive credit both for the principal and for the interest, computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in. And he

President to  
cause treasury  
notes to issue.

Said notes to  
be reimbursed.

Notes to be  
signed.

To be coun-  
tersigned.

Secretary of  
the Treasury,  
under the direc-  
tion of the Pres-  
ident, to cause a  
portion of said  
notes to be is-  
sued, &c.

The notes  
transferable by  
delivery and as-  
signment.

To be receiv-  
ed in payment  
of duties and  
taxes.

Payment of  
treasury notes  
to collectors,  
&c. or into  
banks to the  
credit of the  
United States.

shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment, as aforesaid, to the day on which the same shall be paid by him as aforesaid: *Provided always*, that no such charge or deduction shall be made with respect to any bank into which payments as aforesaid may be made to the United States, either by individuals or by collectors, receivers or other public officers or agents, and which shall receive the same as specie, and give credit to the treasurer of the United States for the amount thereof, including the interest accrued and due on such notes on the day on which the same shall have been thus paid into such bank on account of the United States.

Commissioners of sinking fund to reimburse principal and interest of said notes.

Appropriation for said reimbursement.

Appropriation for expenses.

Punishment for counterfeiting, &c.

SEC. 8. *And be it further enacted*, That the commissioners of the sinking fund be, and they are hereby authorized and directed to cause to be reimbursed and paid the principal and interest of the treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. And the said commissioners are further authorized to make purchases of the said notes, in the same manner as of other evidences of the public debt, and at a price not exceeding par, for the amount of the principal and interest due at the time of purchase on such notes. So much of the funds constituting the annual appropriation of eight millions of dollars, for the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt as the United States are now pledged annually to pay and reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement or purchase of the principal of the said notes. And so much of any monies in the treasury not otherwise appropriated as may be necessary for that purpose, is hereby appropriated for making up any deficiency in the funds thus pledged and appropriated for paying the principal and interest as aforesaid.

SEC. 9. *And be it further enacted*, That a sum of twenty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the treasury notes authorized by this act.

SEC. 10. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note in imitation of or purporting to be a treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any treasury note issued as aforesaid; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered; every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

APPROVED, June 30, 1812.

#### STATUTE I.

July 1, 1812.

[Expired.]

Act of March 3, 1815, ch. 99.

CHAP. CXII.—*An Act for imposing additional duties upon all goods, wares, and merchandise imported from any foreign port or place, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an additional duty of one

hundred per centum upon the permanent duties now imposed by law, upon goods, wares and merchandise imported into the United States, shall be levied and collected upon all goods, wares and merchandise, which shall, from and after the passing of this act, be imported into the United States from any foreign port or place.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several duties imposed by this act, in respect to all such goods, wares and merchandise, as shall, from and after the passing of this act, be imported in ships or vessels not of the United States.

SEC. 3. *And be it further enacted*, That on all ships or vessels belonging wholly or in part to the subjects of foreign powers, which shall be entered in the United States, or the territories thereof, there shall be paid an additional duty at the rate of one dollar and fifty cents per ton.

SEC. 4. *And be it further enacted*, That the additional duties laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances, as to drawbacks, mode of security, and time of payment respectively, as are prescribed by law in relation to the duties now in force, on the articles on which the said additional duties are laid by this act.

SEC. 5. *And be it further enacted*, That this act shall continue in force so long as the United States shall be engaged in war with Great Britain, and until the expiration of one year after the conclusion of peace, and no longer: *Provided however*, that the additional duties laid by this act shall be collected on all such goods, wares and merchandise, as shall have been previously imported.

APPROVED, July 1, 1812.

Act of April 27, 1816, ch. 107.  
Additional duty of 100 per cent. on foreign goods.

Additional duty of ten per cent. on goods imported in foreign vessels.  
Additional duty on tonnage.

Collection of duties.

Act of March 2, 1799, ch. 22.

Continuance of this act.

Proviso.

STATUTE I.

CHAP. CXIII.—*An Act supplementary to an act entitled "An act more effectually to provide for the organization of the Militia of the District of Columbia."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act, the muster of each legion, required to be held by the act to which this is a supplement, in each year, may be held in either the month of October or November, as the commanding officer of the brigade may appoint.

SEC. 2. *And be it further enacted*, That so much of the eleventh section of the act to which this is a supplement, as requires that there shall be a muster of each troop of cavalry and company of militia comprehending the companies made up by voluntary enrolment, in the months of July, August and November, and all the twenty-second section of the said act, be, and the same are hereby repealed.

SEC. 3. *And be it further enacted*, That the battalion courts of inquiry, mentioned in the eighth section of said act, shall be held in the months only of July and November in each year; and the legionary courts of inquiry, mentioned in the said section, shall be respectively held in not less than ten nor more than twenty days after each battalion court of inquiry: *Provided however*, that the commanding officer of each legion shall be and is hereby empowered to appoint and convene legionary courts extraordinary, which may exercise all or any of the powers, and perform all or any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

SEC. 4. *And be it further enacted*, That all fines to be assessed under the authority of the act last aforesaid, shall be certified by the clerks of the legionary and battalion courts of inquiry respectively, by which the same shall be assessed, to the marshal of the district of Columbia, and

July 1, 1812.

Act of March 3, 1803, ch. 20.  
Legionary musters.

Part of former act repealed.

Ante, page 218.

Battalion courts of inquiry.  
Ante, page 218.

Collection of fines.

Collection of  
fines.

so certified, shall be delivered to the marshal within fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor. The said marshal shall forthwith proceed to collect the said fines, and (should any person fail to make payment when called on) to levy the amount with costs by distress and sale of the goods and chattels of the delinquent; which costs and manner of proceeding shall be the same as in other cases of distresses. And where there are no goods or chattels to be found whereof to levy the said fines, the marshal shall commit such delinquent to jail, and hold him in close confinement during the term of twenty-four hours, for each and every fine by him payable (unless the same shall be sooner paid) in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed; and the marshal shall account for all the fines, and pay such as have been by him levied, to the paymaster of the legion, from which he shall have received the certified lists, within six months after said lists may have been delivered to him respectively, deducting from the amount so to be paid, twelve and an half per centum as a compensation for his trouble; and, in case of failure, the same shall be recovered by motion in the circuit court of the district of Columbia, in either county of said district, in the name of the paymaster of said legion, with twelve and an half per centum damages, and legal interest on the amount from the time it ought to have been paid, and costs of suit: *Provided*, the marshal shall have had ten days' notice of such motion. And should it happen in any case, during the pendency of proceedings and before payment is made by the marshal, that the paymaster in whose name the proceedings are going on, should be removed from his office or station, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

SEC. 5. *And be it further enacted*, That where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is hereby empowered to make such order in the case as may seem to them or a majority of them, to be right and just.

SEC. 6. *And be it further enacted*, That squadron courts of inquiry, for the squadron of cavalry within the district of Columbia, shall be separately held within the said district; but whenever a legionary court of inquiry, as heretofore by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held shall be within and subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry, shall be members of such legionary court for the legion within which they shall respectively reside: *Provided however*, that when the cavalry shall have been established or formed into a separate legion, there shall be separate legionary courts held by and for them, at some place within the district; both the squadron and legionary courts of cavalry to be respectively for similar purposes, to be appointed and constituted in a similar manner, and to be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by the act to which this is a supplement.

SEC. 7. *And be it further enacted*, That all orders in relation to the procuring or wearing of such uniform and equipments, or either of them, as shall have been previously determined on, which shall be issued and communicated by the brigadier general to the officers of the brigade, or any of them, shall be forthwith obeyed; and for every disobedience of any such order, the delinquent shall be subject to the penalty or fine prescribed in the twenty-seventh section of the said act to which this is a supplement, besides being subject to arrest.

Squadron  
courts of in-  
quiry.

Cavalry to be  
subject to le-  
gionary courts,  
&c.

Proviso.

Orders in re-  
lation to uni-  
form issued  
through the bri-  
gadier general  
to be obeyed.

Ante, page 224.



SEC. 8. *And be it further enacted*, That the arms and other equipments belonging to an officer, non-commissioned officer or private, be exempt from taxation or execution.

Arms exempt from taxation or execution.

APPROVED, July 1, 1812.

#### STATUTE I.

CHAP. CXV.—*An Act to facilitate the transfer of the stock created under an act passed on the tenth of November, one thousand eight hundred and three.*

July 1, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the stock created under the act, entitled "An act authorizing the creation of a stock to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic, and making provision for the payment of the same," from and after the passing of this act shall be transferable in the same manner as the other stocks of the United States are or shall be transferable from the books of the treasury to the books of any commissioner, and from the books of one commissioner to those of another commissioner or to those of the treasury.

Act of Nov. 10, 1803, ch. 2.

Stock transferable as other stock, from the books of the treasury to those of any commissioner, and from the books of one commissioner to those of another &c.

APPROVED, July 1, 1812.

#### STATUTE I.

CHAP. CXVII.—*An Act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia.*

July 1, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the board of commissioners or levy court for the county of Washington, in the district of Columbia, be, and hereby are empowered to erect and maintain a penitentiary, to be erected in such place as the mayor, aldermen and common council of the city of Washington shall designate.

Empowered to erect a penitentiary.

SEC. 2. *And be it further enacted*, That the board of commissioners or levy court for the said county be vested with full power to lay out, straighten and repair public roads within the said county, except within the corporate limits of the city of Washington and Georgetown, under the conditions herein after prescribed.

Vested with power to lay out, straighten, and repair public roads.

SEC. 3. *And be it further enacted*, That the said board or levy court be empowered to lay out and mark roads through any such part of the said county: *Provided*, they shall not exceed one hundred feet in width, and shall not pass through any building, garden or yard, without the consent of the owner; and a reasonable compensation, if required by the owner, shall be made for the land thus marked and laid out, which shall be fixed in the following manner: On laying out and marking any road, six weeks' notice thereof shall be given in some public print, published in the county. In case any owner of land, through which the said road passes, shall require compensation therefor, he shall within two weeks thereafter apply to the levy court, who may agree with him for the purchase thereof; and in case of disagreement, or in case the owner shall be a feme covert, under age, or non compos, or out of the county, on application to any justice of the county, to be made within two weeks after the expiration of the aforesaid two weeks, the said justice shall issue his warrant, under his hand, to the marshal of the district of Columbia, commissioning him to summon twelve freeholders, inhabitants of the county, not related to the said owner, nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, of which ten days' notice shall be given by the marshal to the levy court, and to the owner of the said land, or left at his, or her

Proviso.

Formalities to be observed in exercising the power of laying out roads.

Jury to assess damages.

Oath.

Marshal and seven or more of the jury to sign the inquisition, &c.

Valuation to be paid by the levy court, &c.

Courses, bounds and plat of the road to be returned to the county clerks, &c.

Stone, gravel, or other materials for making or repairing a road, may be condemned on valuation.

Ante, sec. 3.

Growing crops not to be injured.

Persons altering, obstructing, or injuring a public road, liable to indictment, fine, or imprisonment.

Levy court may lay taxes, except within the limits of the city of Washington, &c.

place of abode, or given to his or her guardian, if an infant, or if out of the county, by publishing notice thereof, for six weeks in some public print of the county; and the marshal, on receiving the said warrant, shall summon the said jury, and when met, shall administer an oath or affirmation to every jurymen, who shall swear or affirm, as the case may be, that he will justly, faithfully, and impartially, value the land, and all damages the owner thereto will sustain by the road passing through the same, having regard to all circumstances of convenience, benefit or disadvantage, according to the best of his skill and judgment; and the inquisition thereupon taken shall be signed by the marshal and seven or more of the said jury, and shall be conclusive; and the same shall be returned to the clerk of the county, to be by him recorded at the expense of the levy court; and the valuation expressed in such inquisition shall be paid by the said levy court to the owner of the land, or his legal representative, before the levy court proceed to open the said road: in case no such application shall be made within the aforesaid periods, the land thus appropriated shall be adjudged to be conclusively condemned, and no compensation be hereafter required therefor.

SEC. 4. *And be it further enacted*, That the board of commissioners or levy court, as soon as they shall have laid out, marked and opened a road, and complied with the foregoing provisions, shall return the courses, bounds and plat thereof to the clerk of the county, to be by him recorded at the expense of the said court; and the said road, so laid out and returned, as aforesaid, shall be thereafter taken, held and adjudged, a public road and common highway.

SEC. 5. *And be it further enacted*, That in all cases, where stone, gravel or other material, shall be necessary for making or repairing a road, the levy court may agree with the owner for the purchase thereof, or with the owner of the land on which the same may be, for the purchase of the said land; and in case of disagreement, or in case the owner should be a feme covert, under age, or non compos, or out of the county, on application to a justice of the county, may proceed, in all respects, in the same manner for condemning the said materials for the use of said road, as in like cases where lands are directed to be taken and condemned as aforesaid, for making the said road: and the said parties respectively, shall have the same benefit and advantage of the said proceedings as they have under, and in virtue of the said provision for condemning land herein before mentioned.

SEC. 6. *And be it further enacted*, That if a road shall be carried through any fields of ground in actual cultivation, such fields shall not be laid open, or used as a public road, until after the usual time of taking off crops then growing thereon.

SEC. 7. *And be it further enacted*, That if any person shall alter or change, or in any manner obstruct or encroach on a public road, or cut, destroy, deface or remove any mile stones set up on said road, or put or place any rubbish, dirt, logs, or make any pit or hole therein, such person may be indicted in the circuit court for the district of Columbia, and being convicted thereof shall be fined or imprisoned in the discretion of the court, according to the nature of the offence.

SEC. 8. *And be it further enacted*, That the board of commissioners or levy court may, for the aforesaid and all other general county purposes, annually lay a tax on all the real and personal property in the said county, except within the limits of the city of Washington, any existing law to the contrary notwithstanding, not exceeding twenty-five cents in the hundred dollars value of said property, for the collection, safe keeping and disbursement of which they are hereby empowered to appoint the necessary officers, and to use all the means now in force and necessary for the assessment and collection of taxes in the said county, and to insure a due and regular accountability for the same, and all existing

laws, so far as they vest in the said levy court a power to lay taxes, shall be, and the same are hereby repealed.

SEC. 9. *And be it further enacted*, That the board of commissioners or levy court shall be, and hereby are released from any obligation to provide for the support of the poor of any other part of the county of Washington, other than that part without the limits of the city of Washington, to provide for whom they are hereby authorized to lay and collect a special tax, to be imposed on said part of the county.

Levy court released from any obligation to provide for a certain part of the poor.

SEC. 10. *And be it further enacted*, That the board of commissioners or levy court of the county of Washington shall be hereafter composed of seven members, to be designated immediately after the passing of this act, by the President of the United States, from among the existing magistrates of the county, and annually afterwards on the first Monday in May, that is to say, there shall be two members designated from among the magistrates residing in that part of the county lying eastward of Rock creek, and without the limits of the city of Washington; two from among the magistrates residing in that part of the county lying westward of Rock creek, and without the limits of Georgetown; and three from among the magistrates residing within the limits of Georgetown. A majority of the members so designated shall constitute a quorum to do business.

Board of commissioners or levy court, how composed and designated.

SEC. 11. *And be it further enacted*, That the general county expenses and charges, other than for the expenses of roads and bridges out of the limits of Washington and Georgetown, respectively, shall be borne and defrayed by the said city of Washington, and the other parts of the county equally, that is to say; one moiety of said expenses and charges shall be borne by the city, and paid over to whomsoever the board of commissioners or levy court may appoint as treasurer of the court; and the other moiety, by the other parts of the county: which said general expenses shall be ascertained annually by the said board of commissioners or levy court and the corporation of the said city. And in case of any difference of opinion as to what are or may be properly called general expenses, and applicable to the whole county, agreeably to the provisions of this and other acts relating to the subject, it shall be the duty of the circuit court for the said county, upon joint application, or upon the application of either party, and due notice to the other party; to inquire, determine and settle in a summary way the matter in difference.

How the general and particular expenses of the county are to be defrayed.

SEC. 12. *And be it further enacted*, That the two bridges over Rock creek, immediately between the city of Washington and Georgetown, shall be kept in repair and rebuilt, in like manner as at present, at the joint expense and cost of the said city and Georgetown; and the sums required for such repairs or rebuildings shall from time to time be ascertained by the said board of commissioners or levy court for the county, and the amount required from each corporation shall be paid over, after sixty days' notice, to the treasurer of the county.

Bridges over Rock creek to be rebuilt and kept in repair at the joint expense of the city of Washington and Georgetown.

SEC. 13. *And be it further enacted*, That it shall and may be lawful at any time hereafter for the corporation of the city of Washington, and the corporation of Georgetown, jointly or separately, and at their joint or separate expense, as the case may be, to erect a permanent bridge across Rock creek, and between the two places, at such sites as the corporation first choosing to build shall determine and fix upon; and if it should be necessary to obtain private property on which to fix either or both the abutments of the said permanent bridge or bridges, or for other purposes connected with the work, the said corporation so choosing to build shall have power to agree with the owner or owners for the purchase of such property; and in case of disagreement, or in case the owner shall be a feme covert, under age or non compos, or out of the county, the mayor of the said corporation shall thereupon summon a jury to be composed of twelve freeholders, inhabitants of the said county,

The two corporations authorized to erect a permanent bridge.

The two corporations authorized to erect a permanent bridge.

Proceedings to pay for property taken for the bridge.

not related to the said owner, nor in any manner interested, who shall meet on the ground to be valued, at a day to be expressed by the mayor in the said summons, of which ten days' notice shall be given by the mayor to the owner or owners of the said ground, or left at his, her or their place of abode, or given to his, her or their guardian, if an infant, or if out of the county, by publishing notice thereof for six weeks in some newspaper printed in the county, and when the jury shall have met pursuant to the aforesaid summons, each jurymen shall swear or affirm, that he will justly, faithfully and impartially value all the ground held as private property and intended and required to be used or occupied by reason of the contemplated erection of the permanent bridge, and the amount of damages the proprietor or proprietors of said ground will sustain (taking into view at the same time the benefits which the said proprietor or proprietors will derive from the erection of the said bridge) according to the best of his skill and judgment. And the inquisition and valuation thereupon taken, shall be signed by the mayor and seven or more of the said jury, and shall be binding and conclusive upon all parties concerned; and the same shall be transmitted to the clerk of the county, to be by him recorded: and the valuation expressed in the aforesaid inquisition shall be paid or tendered to the owner or owners of the ground so condemned, or his or their legal representatives, by the corporation intending to build such bridge, within thirty days after such valuation shall have been made, and before any work is commenced on the grounds so valued.

APPROVED, July 1, 1812.

#### STATUTE I.

July 1, 1812.

CHAP. CXVIII.—*An Act giving validity to the sale of certain tracts of Public Lands sold in the western District of the territory of Orleans, now state of Louisiana.*

Sales of lands in the month of January, 1812, made valid.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sale of the several tracts of public lands sold in the month of January, one thousand eight hundred and twelve, at the public sales held under the superintendence of the register of the land-office, and the principal deputy surveyor of the western district of the territory of Orleans (now state of Louisiana,) be, and the same is hereby made good and valid, to all intents and purposes, any law to the contrary notwithstanding: and the purchasers of the said tracts shall severally, on completing the payment of the purchase money, according to law, be entitled to receive a patent or patents for the lands so purchased and paid for, as in case of other lands sold by the United States; the first instalment of the purchase money shall be considered as due and payable at ten days after the receiver of public monies, for the district within which the lands lie, shall have entered on the discharge of the duties of his office.

APPROVED, July 1, 1812.

#### STATUTE I.

July 1, 1812.

[Obsolete.]

Act of Jan. 2, 1812, ch. 11.

President authorized to raise an additional company of rangers.

CHAP. CXIX.—*An Act supplementary to "An Act authorizing the President of the United States to raise certain companies of Rangers for the protection of the frontier of the United States."*

*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 raise one additional company of rangers, when he may deem it necessary for the public service under the same provisions, conditions and restrictions of the act to which this is a supplement.

Appropriation.

SEC. 2. *And be it further enacted,* That for defraying the expenses

thereof, the sum of eleven thousand two hundred and fifty dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 1, 1812.

STATUTE I.

CHAP. CXX.—*An Act authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington.*

July 5, 1812.

[Obsolete.]

*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 take possession of the whole of the reservations of public grounds in the city of Washington, and lease them out for a term not exceeding ten years, on such terms and conditions as in his judgment may best effect the improvement of the said grounds, for public walks, botanic gardens, or other public purposes.*

President to take possession of the public grounds and lease the same.

APPROVED, July 5, 1812.

STATUTE I.

CHAP. CXXI.—*An Act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's House; for the compensation of the late Surveyor of the Public Buildings, and for furniture for the different apartments of the Capitol, and for other purposes.*

July 5, 1812.

[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 satisfying all outstanding claims for services performed and materials furnished for the construction and repair of the capitol and President's house, including therein the sum of two thousand five hundred dollars for the compensation of the late surveyor of the public buildings, to the first day of July, one thousand eight hundred and eleven, when his duties in that capacity ceased; for furniture for the different apartments of the capitol, and for contingent expenses relating thereto, the sum of fourteen thousand five hundred and seventy-three dollars be, and the same is hereby appropriated to be applied to the discharge of the claims before mentioned, and to no other purpose whatsoever.*

Specific appropriations.

SEC. 2. *And be it further enacted, That a sum not exceeding one thousand dollars be, and the same is hereby appropriated for the purpose of enabling the President of the United States to return to their native country, the two Italian sculptors lately employed on the public buildings, and to close the original contract made with them on behalf of the United States.*

Appropriation to pay the expenses of certain Italian sculptors.

SEC. 3. *And be it further enacted, That the superintendent of the city of Washington be authorized to contract for the completion of the sculpture in the south wing of the capitol, under the direction of the President of the United States, and that the sum of four thousand dollars be appropriated towards defraying the expense of the same.*

Contract for the completion of the sculpture.

SEC. 4. *And be it further enacted, That a sum not exceeding four thousand dollars be, and the same is hereby appropriated for the completing the sculpture and the work on the galleries of the Senate chamber, the railing of the stairs and minor works, deficient in the east part of the north wing of the capitol, and for temporary repairs to the roof.*

Galleries of the Senate.

SEC. 5. *And be it further enacted, That the aforesaid sums shall be paid out of any monies in the treasury not otherwise appropriated.*

APPROVED, July 5, 1812.

## STATUTE I.

July 5, 1812.

[Obsolete.]

Certain claims to land in Mississippi territory confirmed which have been derived from the British government.

Proviso.

CHAP. CXXIII.—*An Act confirming grants to lands in the Mississippi territory derived from the British government of West Florida, not subsequently re-granted by the government of Spain or of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That citizens of the United States, claiming lands in the Mississippi territory, by virtue of grants legally and fully executed, derived from the British government of West Florida, whose lands have not been subsequently regranted by the Spanish government or claimed in right of donation or pre-emption certificates granted by the boards of commissioners east and west of Pearl river, and whose claims have been regularly filed according to law, with the proper register of the land-office in the said territory, and are embraced in the report of the commissioners laid before Congress, according to law, be and they are hereby confirmed in their respective claims, according to the said grants: *Provided*, that nothing in any law of the United States shall be construed to prevent a judicial decision of controversies under the respective claims aforesaid.

APPROVED, July 5, 1812.

## STATUTE I.

July 5, 1812.

[Obsolete.]

Vessels from India in certain cases to be admitted to entry.

Proviso.

See act of April 14, 1814, ch. 56.

CHAP. CXXIV.—*An Act to admit the entry of vessels of the United States on certain conditions.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful to admit to entry any vessel or vessels of the United States which may have been laden in any of the ports of India, and whose master, supercargo or owner may have been compelled to give bond under penalty, that their respective cargoes shall be landed in some port of the United States: *Provided*, that the duties on such cargoes be secured or paid agreeably to law, and their cargoes be deposited in public stores under the care of the collector of the port where such vessel or vessels may arrive, there to remain at the risk and charge of the owner or owners thereof, subject to the future disposition of government in relation to the said vessels and cargoes.

APPROVED, July 5, 1812.

## STATUTE I.

July 5, 1812.

Specific appropriations.  
[Obsolete.]

Navy.

Frigates.

Vessels damaged in action.

Purchasing and equipping vessels captured.

CHAP. CXXV.—*An Act making a further appropriation for the defence of the Maritime frontier and for the support of the Navy of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of five hundred thousand dollars be, and the same is hereby appropriated, in addition to the sums already appropriated, for the purposes of fortifying and defending the ports, harbors and maritime frontier of the United States.

SEC. 2. *And be it further enacted,* That for the support of the navy of the United States, that the following sums, in addition to the sums heretofore appropriated for that object, be, and the same is hereby appropriated, that is to say:

For the purpose of putting and keeping in service, when repaired, the frigates Constellation, Chesapeake and Adams, seventy-one thousand two hundred and fifty dollars.

For the repairs of vessels which may be damaged in action with the enemy, or by the other operations of war, four hundred thousand dollars.

For the purpose of purchasing, equipping and putting into service and keeping and employing therein, such vessels of war, as may be captured from the enemy by the vessels of war of the United States, as in the opinion of the President of the United States shall be calculated for the

public service, four hundred and twenty-eight thousand seven hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That no part of the several sums hereby appropriated shall be applied to any other purpose than those above specified, any thing contained in any act of Congress to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, July 5, 1812.

Specific appropriations.

STATUTE I.

July 6, 1812.

CHAP. CXXVI.—*An Act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late minister of the United States at the Court of France, upon the Treasury of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and required to cause to be suspended the payment at the treasury of the United States, of certain bills drawn by John Armstrong, late minister of the United States at the court of France, in favour of the cashier of the French treasury, amounting to one hundred and fifteen thousand five hundred and thirty-four francs and forty-one hundredths of a franc, for certain claims arising under the Louisiana convention in favour of citizens of the United States, which the French government, by virtue of an agreement entered into with said minister, had assumed to pay, until satisfactory proof shall have been exhibited to the accounting officers of the treasury, that the said bills or a sum equal thereto, have been applied for the purpose of discharging the claims of citizens of the United States against the government of France, which have been liquidated and awarded to them under the provisions of the convention of the thirtieth day of April, in the year of our Lord one thousand eight hundred and three, between the United States and the French republic.

APPROVED, July 6, 1812.

Secretary of the Treasury may suspend the payment of certain bills under Louisiana convention drawn by John Armstrong.

STATUTE I.

July 6, 1812.

CHAP. CXXVII.—*An Act to compensate for his services the President pro tempore of the Senate, acting as such when the office of Vice President of the United States shall be vacant.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the president pro tempore of the Senate who has acted, or may hereafter act as such when the office of Vice President shall be vacant, shall receive, during the period of his services, the same compensation as is allowed by law to the speaker of the House of Representatives.

APPROVED, July 6, 1812.

President pro tempore of the Senate to have the same compensation as the speaker of the House of Representatives during the period of his services.

STATUTE I.

July 6, 1812.

CHAP. CXXVIII.—*An Act for the safe keeping and accommodation of prisoners of war.*

*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 make such regulations and arrangements for the safe keeping, support and exchange of prisoners of war as he may deem expedient, until the same shall be otherwise provided for by law; and to carry this act into effect, one hundred thousand dollars be, and the same are hereby appropriated, to be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, July 6, 1812.

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Repealed by act of March 3, 1817, ch. 34.

Specific appropriations.

## STATUTE I.

July 6, 1812.

CHAP. CXXIX.—*An Act to prohibit American vessels from proceeding to or trading with the enemies of the United States, 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 no ship or vessel, owned*

(a) The decisions of the Courts of the United States, on "Trading with the Enemy," have been:—

Action of assumpsit to recover the balance of an account current for merchandise purchased in England by order of the defendants. The defence was, that the contract was made during the war, and therefore void. By the Court—The doctrine is not to be questioned at this day, that, during a state of hostility, the citizens of the hostile states are incapable of contracting with each other. *Scholefield v. Eichelberger*, 7 Peters, 586.

To say that this rule is without exception, would be assuming too great latitude. The question has never yet been examined whether a contract for necessities, or even for money to enable the individual to get home, could not be enforced; and analogies familiar to the law, as well as the influence of the general rule, in international law, that the severities of war are to be diminished by all safe and practical means, might be appealed to in support of such an exception. But at present, it may be safely affirmed that there is no recognized exception, but permission of a state to its own citizens; which is also implied in any treaty stipulation to that effect, entered into with a belligerent. *Ibid.*

Property engaged in illicit trade with the enemy, must be condemned to the captors, not to the United States. *The Sally*, Porter, Master, 8 Cranch, 382; 3 Cond. Rep. 177.

A vessel owned by citizens of the United States, sailed from Naples in the year 1812, for the United States, with a cargo, and a British license to carry the same to England. On her passage, hearing of the war, she altered her course for England, was captured by the British, carried into Ireland, libelled and acquitted, sold her cargo, and after a detention of seven months in Ireland, purchased a return cargo in England, sailed for the United States, and was captured by an American privateer. The vessel and cargo were condemned as prize to the captors. *The Alexander*, 8 Cranch, 169; 3 Cond. Rep. 72.

If a citizen of the United States establishes his domicile in a foreign country, between which and the United States hostilities afterwards break out, any property shipped by him before knowledge of the war, and captured by an American cruiser after the declaration of war, will be condemned as prize. *The Venus*, 8 Cranch, 253; 3 Cond. Rep. 109.

Illegal traffic stamps a hostile character on the property, and attaches to it all the penal consequences of enemy ownership. *The Sally*, 8 Cranch, 382; 3 Cond. Rep. 177.

The property of a citizen does not become divested, ipso facto, by the mere act of illicit intercourse with the enemy; the property is only liable to be condemned as enemy's property, or as adhering to the enemy, if rightfully captured during the voyage. *The Thomas Gibbons*, 8 Cranch, 421; 3 Cond. Rep. 193.

A vessel sailing to an enemy port, after knowledge of the war, and captured, bringing thence a cargo consisting chiefly of enemy goods, is liable to confiscation as prize of war. *The St. Lawrence*, 8 Cranch, 434; 3 Cond. Rep. 202.

Trading with the enemy is not excused by the necessity of obtaining funds to pay the expenses of the ship; nor by the opinion of an American minister expressed to the master, that by undertaking the voyage he would violate no law of the United States. *The Joseph*, 8 Cranch, 451; 3 Cond. Rep. 212.

If, upon the breaking out of a war, a citizen has a right to withdraw his property from the enemy's country, it is necessary it should be exercised with due diligence, and within a reasonable time after the knowledge of hostilities. *The St. Lawrence*, 9 Cranch, 120; 3 Cond. Rep. 301.

If a cargo be innocently put on board in an enemy's country, if at that time the importation be lawful, it cannot be rendered unlawful by a detention, occasioned in the course of the voyage, either by the perils of the sea or the act of the enemy; unless this effect be produced by some positive act of the legislature. *The Mary*, 9 Cranch, 126; 3 Cond. Rep. 306.

An American citizen is equally guilty of trading with the enemy, whether that trade is carried on between a hostile port and the United States, or between such port and any foreign nation. *The Rugen*, 1 Wheat. 62; 3 Cond. Rep. 485.

The offence of trading with the enemy is complete, the moment a vessel sails with intention to carry her cargo to a hostile port. *Ibid.*

A subject of a state at war cannot, under cover of neutral muniments, however regularly procured, or formal, violate with impunity his duty and allegiance to his own country. *Ibid.*

All trade with the enemy, unless with the permission of the sovereign, is interdicted; and subjects the property engaged in it to the penalty of confiscation. *The Rapid*, 1 Gallis. C. C. R. 295.

All communication and intercourse with the enemy is prohibited, and it is in nowise important, whether the property engaged in the inimical communication be bought and sold, or merely transported and shipped. *Ibid.*

A citizen of the United States cannot lawfully withdraw his property, acquired before the war, from the enemy's country, after he has knowledge of the war, without permission of government. *The St. Lawrence*, 1 Gallis. C. C. R. 467.

If a vessel be sent from the United States, after knowledge of the war, to the enemy's country to withdraw such property, the vessel and cargo are subject to capture and condemnation, jure belli. 1 Gallis. C. C. R. 295.

The property of citizens taken trading with the enemy, is considered as quasi enemy's property. *Ibid.*

A trade to a neutral port, during war, is not rendered illegal from the mere circumstance that the interests of the enemy are thereby aided, or his policy enforced: it must, before it can be liable to condemnation on that ground, be carried on, on account of the enemy, under contract with him, destined for his use, or voluntarily incorporated into his service by licenses. *The Liverpool Packet*, 1 Gallis. C. C. R. 513.

The circumstance that a neutral is engaged in enemy navigation does not subject all his trade from the neutral country, on neutral voyages, to the enemy character. *Ibid.*



in whole or in part by a citizen or citizens of the United States, shall be permitted to clear out or depart from any port or place within the limits of the United States or territories thereof, to any foreign port or place, till the owner or owners, agent, factor, freighter, master or commander, shall have given bond, with sufficient security, in the amount of such ship or vessel and cargo, not to proceed to or trade with the enemies of the United States. And if any ship or vessel owned as aforesaid, shall depart from any port or place within the limits of the United States or territories thereof, for any foreign port or place without giving bond with security aforesaid, such ship or vessel, and cargo, shall be forfeited to the use of the United States; and the owner or owners, freighter, factor or agent, master or commander, shall severally forfeit and pay a sum equal to the value of such ship or vessel and cargo; and the said master or commander, if privy thereto, and being thereof convicted, shall be liable to a fine not exceeding one thousand dollars, and imprisoned for a term not exceeding twelve months, in the discretion of the court.

Owners of vessels to give bonds, upon clearing out, not to trade with the enemy.

Penalty for so doing.

SEC. 2. *And be it further enacted*, That if any citizen or citizens of the United States, or person inhabiting the same, shall transport or attempt to transport, over land or otherwise, in any wagon, cart, sleigh, boat, or otherwise, naval or military stores, arms or the munitions of war, or any article of provision, from any place of the United States, to any place in Upper or Lower Canada, Nova Scotia or New Brunswick, the wagon, cart, sleigh, boat, or the thing by which the said naval or military stores, arms, or munitions of war or articles of provision are transported or attempted to be transported, together with such naval or

Trade with the enemy by land interdicted.

Every voyage from an enemy port, especially with a cargo on board, and without the license of the government, carries with it a presumption of illegal traffic and hostile interests. from which nothing but the most explicit proofs by the claimants can relieve the cause. The presumption of illegal traffic arises, notwithstanding any papers or any explanation of the persons found on board: the captors have a right to bring the property in, and subject the whole to the adjudication of a competent tribunal. In such case, damages and costs are never to be adjudged as against the captors. *Ibid*.

If, after a knowledge of the war, an American vessel go to an enemy port, and take in a cargo there, the vessel and cargo are liable to confiscation for trading with the enemy. *The Alexander*, 1 Gallis. C. C. R. 532.

If an American vessel, after knowledge of the war, proceed from a neutral to a hostile port on freight, it is a trading with the enemy, which subjects the vessel to forfeiture; and she is liable therefore on her return voyage to the United States. *The Joseph*, 1 Gallis. C. C. R. 545.

In cases of trading with the enemy, the property is deemed quasi enemy's property, and it is condemned to the captors and not to the United States. *Ibid*.

No principle of national or municipal law is better settled than that all contracts with an enemy, made during war, are utterly void. *The Emulous*, 1 Gallis. C. C. R. 563.

A shipment made from the enemy's country, after a knowledge of the war, by an American citizen, subjects the property to condemnation as prize of war. *The Mary*, 1 Gallis. C. C. R. 620.

A shipment made, after a known war, by an American citizen, subjects the property to condemnation as prize of war. *The Diana*, 2 Gallis. C. C. R. 93.

If an American vessel take on board a cargo from an enemy's ship, under the pretence that it is ransomed, it is an illegal traffic, for which, by the law of war, she is liable to condemnation as prize of war; and may be seized on the return voyage. *The Lord Wellington*, 2 Gallis. C. C. R. 103.

A citizen of the United States may lawfully draw a bill on a subject of a foreign power, with whom we are at war; such an act not leading to any injurious intercourse, nor amounting to a trading with the enemy. *United States v. Barker, Paine's C. C. R. 156*.

An American vessel, after the commencement of hostilities with Great Britain, sailed, having on board a messenger from the British minister in the United States, with despatches for his government, and a letter of protection from British capture; this is a sufficient cause of condemnation. *The Tulip*, 3 Wash. C. C. R. 181.

All contracts with an enemy are not necessarily void. Cases of extreme necessity, form exceptions to the rule. Contracts made under license of the government, whether they arise directly or collaterally, out of the licensed trade; or if the enemy, with whom the contract is made, be in the hostile country, by license of that government, (cases of ransom bonds,) so contracts made by prisoners of war, for their subsistence, are also exceptions. *The William Penn*, 3 Wash. C. C. R. 484.

A voyage from an enemy port with a cargo on board, without the license of the government, is of itself a probable cause for capture. *The Liverpool Packet*, 1 Gallis. C. C. R. 513.

A trade to a neutral port is not illegal, although the public enemy derive benefit thereby, unless such trade be considered in connexion with, or subservient to, hostile interests and policy. *Ibid*.

The United States may proceed against property found engaged in trade with the enemy, as prize of war. *The Eliza*, 2 Gallis. C. C. R. 4.

At common law, any individual might seize for the king; and upon this ground it has been held, that public or private armed ships may seize for violation of a statute. But, in such case, it is at the peril of the party making the seizure. *The Rover*, 2 Gallis. C. C. R. 240.

Forfeitures  
and penalties.

military stores, arms, or munitions of war or provisions, shall be forfeited to the use of the United States, and the person or persons aiding or privy to the same shall severally forfeit and pay to the use of the United States a sum equal in value to the wagon, cart, sleigh, boat, or thing by which the said naval or military stores, arms, or munitions of war or articles of provision, are transported, or are attempted to be transported; and shall moreover be considered as guilty of a misdemeanor, and be liable to be fined in a sum not exceeding five hundred dollars, and imprisoned for a term not exceeding six months, in the discretion of the court; *Provided*, that nothing herein contained shall extend to any transportation for the use or on account of the United States or the supply of its troops or armed force.(a)

Proviso.

Collectors au-  
thorized to seize  
naval and mili-  
tary stores, &c.

SEC. 3. *And be it further enacted*, That the collectors of the several ports of the United States be, and the same are hereby authorized to seize and stop naval or military stores, arms, or the munitions of war, or any articles of provision, and ship or vessel, wagon, cart, sleigh, boat, or thing by which any article prohibited as aforesaid is shipped or transported, or attempted to be shipped or transported, contrary to the provisions of this act.

None but ves-  
sels belonging  
to citizens of the  
United States or  
inhabitants of  
countries in am-  
ity with them,  
to be admitted  
to entry.

SEC. 4. *And be it further enacted*, That no ship or vessel belonging to any citizen or citizens, subject or subjects of any state or kingdom in amity with the United States, except such as at the passage of this act shall belong to the citizen or citizens, subject or subjects of such state or kingdom, or which shall hereafter be built in the limits of a state or kingdom in amity with the United States, or purchased by a citizen or citizens, subject or subjects of a state or kingdom in amity with the United States aforesaid, from a citizen or citizens of the United States, shall be admitted into any port or place of the United States, unless forced by stress of weather, or for necessary repairs; and any ship or vessel, belonging to a citizen or citizens, subject or subjects of any state or kingdom in amity with the United States, as aforesaid, except such ships and vessels as are above excepted, which shall, from and after the first day of November next, enter, or attempt to enter any port or place aforesaid, the same, with her cargo, shall be forfeited to the use of the United States.

Exceptions.

British pack-  
ets, &c. &c. may  
enter till Sep-  
tember.

SEC. 5. *And be it further enacted*, That any British packet or vessel with despatches destined for the United States, and which shall have departed from any port or place in the United Kingdom of Great Britain and Ireland or its dependencies, on or before the first day of September next, shall not be liable to be captured or condemned, but the same shall be permitted to enter and depart from any port or place in the United States: *Provided*, that nothing herein contained shall be construed to affect any cartel, or vessel with flag of truce.

Cartels and  
flags of truce.

Passports may  
be given for six  
months for Bri-  
tish property.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to give, at any time within six months after the passage of this act, passports for the safe transportation of any ship or other property belonging to British subjects, and which is now within the limits of the United States.

Penalties for  
taking licenses  
to trade with  
British ports.

SEC. 7. *And be it further enacted*, That every person being a citizen of the United States, or residing therein, who shall receive, accept, or obtain a license from the government of Great Britain, or any officer thereof, for leave to carry any merchandise, or send any vessel into any port or place within the dominions of Great Britain, or to trade with

(a) Fat cattle are provisions, or munitions of war within the meaning of the act of Congress of July 6, 1812, to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes. *United States v. Job L. Barber*, 9 Cranch, 243; 3 Cond. Rep. 405. *United States v. Sheldon*, 2 Wheat. 119; 4 Cond. Rep. 62.

The sending of armed vessels, or munitions of war from a neutral country to a belligerent port, for sale as articles of commerce, is unlawful only as it subjects the property to capture by other belligerents. *The Santissima Trinidad*, 7 Wheat. 283; 5 Cond. Rep. 284.

any such port or place, shall, on conviction for every such offence, forfeit a sum equal to twice the value of any such ship, merchandise or articles of trade, and shall moreover be deemed guilty of a misdemeanor, and be liable to be imprisoned not exceeding twelve months, and to be fined not exceeding one thousand dollars.

APPROVED, July 6, 1812.

STATUTE I.

CHAP. CXXX.—*An Act supplementary to the act entitled "An act respecting alien enemies."*

July 6, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing in the proviso contained in the act, entitled "An act respecting alien enemies," approved on the sixth day of July, one thousand seven hundred and ninety-eight, shall be extended or construed to extend to any treaty, or to any article of any treaty, which shall have expired, or which shall not be in force, at the time when the proclamation of the President shall issue.

APPROVED, July 6, 1812.

Proviso in the act of July 6, 1798, ch. 66, sec. 1, not to extend to any treaty which has expired, or is not in force.

STATUTE I.

CHAP. CXXXI.—*An Act making additional appropriations for the Military Establishment and for the Indian Department for the year one thousand eight hundred and twelve.*

July 6, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses incurred and to be incurred under the several acts, entitled "An act to establish a quartermaster's department and for other purposes," and an act to amend the same, "An act making further provision for the corps of engineers," and "An act making further provision for the army of the United States," for the Indian department and for satisfying certain outstanding claims, there be, and hereby is appropriated, to be paid out of any monies in the treasury not otherwise appropriated, in addition to the sums already appropriated for the said objects respectively, the following sums, that is to say:

Specific appropriations.

Act of March 28, 1812, ch. 46.  
Act of May 22, 1812, ch. 92.  
Act of April 29, 1812, ch. 72.  
May 16, 1812, ch. 86.

For the pay of the army, seventy-two thousand five hundred and ninety-six dollars.

For forage, four thousand seven hundred and twenty-two dollars.

For subsistence, six thousand two hundred and fifty dollars.

For clothing, three thousand seven hundred and forty-five dollars.

For clerk hire and stationery, in the offices of the quartermaster general and commissary general of purchases, three thousand one hundred and fifty dollars.

For the salary of the commissary general of purchases and compensations of the deputy commissaries, six thousand five hundred dollars.

For contingent expenses of the Indian department, comprising the employment of temporary agents, presents to the Indians, and transportation, twenty thousand dollars.

For the payment of such balances as have been or may be ascertained from actual settlements made by the accountant of the department of war, and which cannot be discharged out of any existing appropriations, five thousand dollars.

APPROVED, July 6, 1812.

STATUTE I.

CHAP. CXXXII.—*An Act fixing the time for the next meeting of Congress.*

July 6, 1812.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the adjournment of

Congress to meet first Mon-

day in November, 1812.

the present session, the next meeting of Congress shall be on the first Monday of November next.

APPROVED, July 6, 1812.

STATUTE I.

July 6, 1812.

CHAP. CXXXIII.—*An Act respecting the pay of the Army of the United States.*

[Obsolete.]  
Act of March 3, 1815, ch. 78.  
Pay of the army fixed.

Act of April 12, 1808, ch. 43.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the officers, non-commissioned officers, musicians, and privates of the army of the United States shall receive the same pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, are entitled to by the act, entitled "An act to raise for a limited time an additional military force," passed April twelfth, one thousand eight hundred and eight; and to the aid-de-camp of a brigadier, to a brigade quartermaster, brigade inspector and adjutant, there shall be allowed forage for one horse only, or in lieu thereof ten dollars per month; and to the brigade majors, under the act passed January the eleventh, one thousand eight hundred and twelve, there shall be allowed forage for one horse, or in lieu thereof ten dollars per month; and the pay of a quartermaster sergeant shall be nine dollars per month.

APPROVED, July 6, 1812.

STATUTE I.

July 6, 1812.

CHAP. CXXXIV.—*An Act supplementary to the act entitled "An [act] giving further time to purchasers of public lands northwest of the river Ohio, to complete their payments."*

[Obsolete.]  
Act of April 23, 1812, ch. 64.  
Provisions of the act to which this is a supplement extended to purchasers of certain fractional townships, without reservation.

Act of March 26, 1804, ch. 35.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the act to which this act is a supplement shall be, and they are hereby extended to the several purchasers of the fractional sections, which were by the direction of the Secretary of the Treasury, classed together for sale, according to the ninth section of an act, entitled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," passed on the twentieth of March, one thousand eight hundred and four, notwithstanding the quantity of land contained in any one tract, composed of such fractional sections, so classed together, and purchased by a single contract, shall exceed six hundred and forty acres.

Assignee or assignees of original purchasers of land from the United States entitled to the benefits of this act.

SEC. 2. *And be it further enacted,* That the assignee or assignees of any original purchaser of land from the United States, the lands being purchased prior to the first day of April, one thousand eight hundred and eight, shall be entitled to the benefit of the provisions of the act, to which this act is a supplement, and the last preceding section, in every case where it shall appear to the satisfaction of the register and receiver of public monies of the district within which the land may lie, that the assignment by which he or they so claim was bona fide made prior to the passing of the aforesaid act, that the whole lands claimed by virtue of such assignment does not exceed six hundred and forty acres, unless it comes within the provision of the preceding section, and that the lands or some one tract thereof is inhabited and cultivated by or for the use of the assignee or assignees.

Original purchasers or their assignees may in certain cases where their lands have reverted to the

SEC. 3. *And be it further enacted,* That in every case where any tract or tracts of land purchased prior to the first day of April, one thousand eight hundred and eight, not exceeding six hundred and forty acres, unless such tract shall come within the provision of the first section of this act, has since the first day of April last, reverted, or that may before the first day of August next, revert to the United States, for default of

payment: the person or persons claiming such tract or tracts, whether as an assignee or an original purchaser, may again re-enter the same: and all monies which such assignee or original purchaser may have paid shall be replaced to his credit, by the register and receiver of public monies of the district in which the lands may lie, and such repurchaser or repurchasers shall be allowed the same benefit of the extension of the time of payment, provided by the act to which this is a supplement, as though no such reversion had occurred; provided such assignee or assignees, original purchaser or purchasers shall make to the proper land-officer application for such re-entry on or before the first day of September next, and that the lands so re-entered shall not have been re-sold previous to such application.

APPROVED, July 6, 1812.

United States  
re-enter upon  
the same.

STATUTE I.

July 6, 1812.

CHAP. CXXXV.—*An Act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a subscription to the full amount of the old six per cent. and deferred stocks be, and the same is hereby proposed to the proprietors thereof; for which purpose books shall be opened at the treasury of the United States and by the several commissioners of loans, on the first day of October next, to continue open till the seventeenth day of March ensuing inclusively, the fourteen last days of each quarter excepted, for such part of the above mentioned stocks as shall, on the day of subscription, stand on the books of the treasury and of the several commissioners of loans respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

Books to be  
opened at the  
treasury for a  
subscription to  
the old six per  
cent. stock of  
the U. States.

SEC. 2. *And be it further enacted,* That for such part of the amount of old six per cent. or deferred stock, thus subscribed, as shall remain unredeemed on the day of such subscription, credits shall be entered to the respective subscribers, on the books of the treasury or of the commissioners of loans where such subscription shall have been made, and the subscriber or subscribers shall be entitled to receive a certificate or certificates purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the unredeemed amount of the principal of the old six per cent. or deferred stocks, subscribed as aforesaid, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the stock subscribed, and subject to redemption at the pleasure of the United States at any time after the thirty-first day of December, one thousand eight hundred and twenty-four: *Provided,* that no reimbursement shall be made except for the whole amount of the stock standing at the time, to the credit of any proprietor, on the books of the treasury or of the commissioners of loans respectively, nor till after at least six months' previous public notice of such intended reimbursement.

Terms upon  
which subscrip-  
tions may be  
made.

Proviso.

SEC. 3. *And be it further enacted,* That the same funds which heretofore have been, and now are pledged by law for the payment of the interest and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of

Funds to be  
pledged.

the sinking fund, to cause to be applied and paid out of the said fund, yearly and every year, such sum and sums as may be annually wanted to discharge the annual interest accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums out of the said fund as they may think proper, towards redeeming by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And such part of the annual sum of eight millions of dollars, vested by law in the said commissioners, as may be necessary and wanting for the above purposes, shall be and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act shall have been redeemed or reimbursed.

SEC. 4. *And be it further enacted*, That nothing in this act contained shall be construed in anywise to alter, abridge or impair the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

APPROVED, July 6, 1812.

#### STATUTE I.

July 6, 1812.

[Obsolete.]

Agents may be appointed by the Secretary of the Treasury for the sale of stock of the United States.

Act of March 14, 1812, ch. 41.

CHAP. CXXXVI.—*An Act supplementary to the act entitled "An act authorizing a Loan for a sum not exceeding eleven millions of dollars."*

*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, with the approbation of the President of the United States, an agent or agents for the purpose of selling, in conformity with the provisions of the act, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars," any part of the stock created by virtue of the said act. A commission not exceeding one eighth of one per cent. on the amount thus sold, may by the Secretary of the Treasury be allowed to such agent or agents; and a sum not exceeding five thousand five hundred dollars, to be paid out of any monies in the treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions as may be thus allowed.

APPROVED, July 6, 1812.

#### STATUTE I.

July 6, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.

Two additional brigadier generals may be appointed by the President.

1812, ch. 14.

Additional deputy adjutant generals, &c. may be appointed from the line of the army.

CHAP. CXXXVII.—*An Act making further provision for the Army of the United States, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint two brigadier generals, in addition to those already authorized by law, who shall each be entitled to the same number of aids and brigade majors as are allowed to a brigadier general under the act of Congress passed the eleventh of January, one thousand eight hundred and twelve. And the said brigadier generals, aids and brigade majors, shall be entitled to receive the same pay and emoluments as are by law allowed to officers of the same grade.

SEC. 2. *And be it further enacted*, That to any army of the United States, other than that in which the adjutant general, inspector general, quartermaster general and paymaster of the army, shall serve, it shall be lawful for the President to appoint one deputy adjutant general, one deputy inspector general, one deputy quartermaster general, and one deputy paymaster general, who shall be taken from the line of the army, and who shall each, in addition to his pay and other emoluments, be entitled to fifty dollars per month, which shall be in full compensation for his

extra services. And that there shall be to each of the foregoing deputies such number of assistant deputies (not exceeding three to each department) as the public service may require, who shall in like manner be taken from the line, and who shall each be entitled to thirty dollars per month, in addition to his pay and other emoluments, which shall be in full compensation for his extra services: *And provided also*, that the President of the United States be, and he is hereby authorized to appoint any of the officers named in this act during the recess of the Senate, to be submitted to the Senate at their next meeting, for their advice and consent.

SEC. 3. *And be it further enacted*, That all letters and packages to and from the adjutant general and inspector general shall be free from postage.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to confer brevet rank on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any one grade: *Provided*, that nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate posts, districts or detachments, when they shall be entitled to, and receive the same pay and emoluments to which officers of the same grades are now or hereafter may be allowed by law.

SEC. 5. *And be it further enacted*, That the officers who shall not take waiters from the line of the army, shall receive the pay, clothing and subsistence allowed to a private soldier, for as many waiters as they may actually keep, not exceeding the number allowed by existing regulations.

APPROVED, July 6, 1812.

CHAP. CXXXVIII.—*An Act supplementary to the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where volunteers have offered or hereafter shall offer their services to the United States, under the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," it shall be lawful for the President of the United States to appoint and commission officers thereto, by and with the advice and consent of the Senate, any thing in the said act to the contrary notwithstanding: *Provided*, that prior to the issuing of such commissions, the volunteers aforesaid shall have signed an enrolment binding themselves to service, conformably to the provisions of the act to which this is a supplement.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby authorized to form the corps of volunteers into battalions, squadrons, regiments, brigades and divisions, and to appoint thereto, by and with the advice and consent of the Senate, general, field and staff officers conformably with the military establishment of the United States, and who shall be entitled to the pay and emoluments of officers of a similar grade and corps in the army of the United States.

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all the officers authorized by this act; which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

SEC. 4. *And be it further enacted*, That in case the volunteers when their term of service shall have expired, shall deliver their stand of arms and accoutrements, in good order, to the proper officer, they shall be

President may appoint during the recess of the Senate.

Brevet rank may be conferred by the President in certain cases.

No additional pay, &c., to be allowed, unless commanding separate posts, &c.

Officers may have private waiters.

#### STATUTE I.

July 6, 1812.

[Repealed.]

Act of Feb. 6, 1812, ch. 21.

Act of January 29, 1813, ch. 15, sec. 13.

Act of March 3, 1815, ch. 78.

President may appoint officers to volunteer corps.

Proviso.

Corps of volunteers to be formed into battalions, &c.

President may appoint the officers in the recess of the Senate.

Volunteers to be paid for delivering up their arms at the ex-

piration of their term of service.

entitled to receive in lieu thereof ten dollars for every stand of arms so delivered.

APPROVED, July 6, 1812.

## RESOLUTIONS.

March 2, 1812.

I. RESOLUTION *granting permission to the Judges of the Supreme Court of the United States to use the books in the Library of Congress.*

Judges of the Supreme Court of the United States to be allowed to use books in the library of Congress.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the president of the Senate and the speaker of the House of Representatives for the time being be, and they are hereby authorized to grant the use of the books in the library of Congress to the judges of the supreme court of the United States, at the times, and on the same terms, conditions and restrictions, as members of Congress are allowed to use said books.

APPROVED, March 2, 1812.

March 19, 1812.

Information obtained under the act of May 1, 1810, ch. 38, to be digested.

II. RESOLUTION *on the subject of Arts and Manufactures.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be directed to employ a person to digest and reduce to such form, as shall be deemed most conducive to the interests of the United States, a statement of the number, nature, extent, situation and value of the arts and manufactures of the United States, together with such other details, connected with these subjects, as can be made from the abstracts and other documents and returns, reported to him by the marshals and other persons employed to collect information in conformity to the second section of the act of the first of May, one thousand eight hundred and ten, and such other information as has been or may be obtained, which the subject will admit of; and that he report the same to Congress.

APPROVED, March 19, 1812.

June 17, 1812.

III. RESOLUTION *requesting the state of Georgia to assent to the formation of two States of the Mississippi territory.*

Legislature of Georgia requested to consent to the formation of two states in the territory of Mississippi.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the legislature of the state of Georgia be, and they are hereby requested to give their assent by law to the formation of two states of the Mississippi territory: *Provided,* in the opinion of Congress a division of said territory for that purpose should hereafter be expedient.

APPROVED, June 17, 1812.

IV. RESOLUTION *requesting the President of the United States to recommend a day of public humiliation and prayer.*

It being a duty peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection:

Therefore,

Resolution requesting the President to recommend a day of public humiliation and prayer.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of public humiliation and prayer to be observed by the people of the United States, with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, his blessing on their arms, and the speedy restoration of peace.