

# ACTS OF THE SEVENTH 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 seventh day of December, 1801, and ended on the third day of May, 1802.*

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States, and President of the Senate; ABRAHAM BALDWIN, President of the Senate pro tempore, on the 14th of January, 1802, and from the 21st of April, 1802; NATHANIEL MACON, Speaker of the House of Representatives.

### STATUTE I.

Jan. 14, 1802.

[Obsolete.]  
Apportionment  
of representa-  
tives.

One member  
to every thirty-  
three thousand  
persons in each  
state.

N. Hampshire 5.  
Mas'chus'ts 17.  
Vermont 4.  
Rhode Island 2.  
Connecticut 7.  
New York 17.  
New Jersey 6.  
Pennsyl'a 18.  
Delaware 1.  
Maryland 9.  
Virginia 22.  
N. Carolina 12.  
S. Carolina 8.  
Georgia 4.  
Kentucky 6.  
Tennessee 3.

STATUTE I.

Jan. 26, 1802.

CHAPTER I.—*An Act for the apportionment of Representatives among the several States, according to the second enumeration.*(a)

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

APPROVED, January 14, 1802.

CHAP. II.—*An Act concerning the Library for the use of both Houses of Congress.*(b)

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

(a) By the act of April 14, 1792, chap. 23, the ratio of representatives was one member to every thirty-three thousand persons in each state, after the first census.

By the act of January 14, 1802, chap. 1, the ratio of representatives was one member to every thirty-three thousand persons in each state, after the second census.

By the act of December 21, 1811, chap. 9, the ratio of representatives was one member to every thirty-five thousand persons in each state, after the third census.

By the act of March 7, 1822, chap. 10, the ratio of representatives was one member to every forty thousand persons in each state, after the fourth census.

By the act of May 22, 1832, chap. 91, the ratio of representatives was one member to every forty-seven thousand seven hundred persons in each state, after the fifth census.

By the act of June 25, 1842, chap. 21, the ratio of representatives was one member to every seventy thousand six hundred and eighty persons in each state, and one additional member to each state having a fraction greater than one moiety of that number of persons, according to the sixth census.

(b) The acts for the establishment and regulation of the Library of Congress, are: An act concerning

maps purchased by direction of the act of Congress, passed the twenty-fourth of April, one thousand eight hundred, together with the books or libraries which have heretofore been kept separately by each house, shall be placed in the Capitol, in the room which was occupied by the House of Representatives, during the last session of the sixth Congress.

SEC. 2. *And be it further enacted*, That the President of the Senate and Speaker of the House of Representatives, for the time being, be, and they hereby are empowered to establish such regulations and restrictions in relation to the said library, as to them shall seem proper, and from time to time, to alter or amend the same: *Provided*, that no regulation shall be made repugnant to any provision contained in this act.

SEC. 3. *And be it further enacted*, That a librarian to be appointed by the President of the United States solely, shall take charge of the said library, who, previous to his entering upon the duties of his office, shall give bond, payable to the United States, in such a sum, and with such security as the President of the Senate and Speaker of the House of Representatives, for the time being, may deem sufficient, for the safe keeping of such books, maps and furniture as may be confided to his care, and the faithful discharge of his trust, according to such regulations as may be, from time to time, established for the government of the said library; which said bond shall be deposited in the office of the secretary of the Senate.

SEC. 4. *And be it further enacted*, That no map shall be permitted to be taken out of the said library by any person; nor any book, except by the President and Vice President of the United States, and members of the Senate and House of Representatives, for the time being.

SEC. 5. *And be it further enacted*, That the keeper of the said library shall receive for his services, a sum not exceeding two dollars per diem, for every day of necessary attendance; the amount whereof, together with the necessary expenses incident to the said library, after being ascertained by the President of the Senate and Speaker of the House of Representatives, for the time being, shall be paid out of the fund annually appropriated for the contingent expenses of both Houses of Congress.

SEC. 6. *And be it further enacted*, That the unexpended balance of the sum of five thousand dollars appropriated by the act of Congress aforesaid, for the purchase of books and maps for the use of the two houses of Congress, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives.

APPROVED, January 26, 1802.

Certain books and maps to be deposited together in a room in the Capitol.

Certain regulations in relation to the library to be formed by the President of the Senate and Speaker of the House of Representatives.

A librarian to be appointed, who shall give bond, &c.

Bond to be deposited in the office of Secretary of the Senate.

No maps to be taken out of the library.

Who may take out books.

Pay of the librarian, &c.

To be paid out of the contingent fund of Congress.

Manner of purchasing books for the library under a joint committee of the Senate and House of Representatives.

#### STATUTE I.

#### CHAP. IV.—*An Act for the protection of the Commerce and Seamen of the United States, against the Tripolitan Cruisers.*

Feb. 6, 1802.

[Obsolete.]

WHEREAS the regency of Tripoli, on the coast of Barbary, has commenced a predatory warfare against the United States:

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

President may employ such of the armed vessels of the United States as he

the library for the use of both houses of Congress, January 26, 1802, chap. 2; an act in addition to an act entitled, "An act concerning the library of both houses of Congress," May 1, 1810, chap. 50; an act to authorize the purchase of the library of Thomas Jefferson, late President of the United States, January 30, 1815, chap. 127; an act providing for the settlement of certain accounts against the library of Congress, for extending the privilege of using books therein, and for establishing the salary of the librarian, April 16, 1816, chap. 46; an act fixing the compensation of the secretary of the Senate, and clerk of the House of Representatives, of the clerks employed in their offices, and of the librarian, April 18, 1818, chap. 64. Resolution granting permission to the judges of the Supreme Court of the United States to use the books in the library of Congress, March 2, 1812. An act to increase and improve the law department of the library of Congress, July 14, 1832, chap. 221.

may judge requisite for the protection of the commerce and seamen on the Atlantic and Mediterranean.

Acts of hostility and precaution authorized.

Captured vessels to be brought into port, and proceeds of prizes distributed.

Commissions against Tripoli to be issued to private armed vessels.

Bonds of the owner and commander to be previously given.

Captured property may be condemned and distributed according to agreements.

Period for which seamen may be engaged to serve.

#### STATUTE I.

Feb. 18, 1802.

Privilege of sending and receiving letters free of postage to be enjoyed by delegates from territories to Congress.

Travelling ex-

fully to equip, officer, man, and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States, for protecting effectually the commerce and seamen thereof on the Atlantic ocean, the Mediterranean and adjoining seas.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid, to subdue, seize and make prize of all vessels, goods and effects, belonging to the Bey of Tripoli, or to his subjects, and to bring or send the same into port, to be proceeded against, and distributed according to law; and also to cause to be done all such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require.

SEC. 3. *And be it further enacted*, That on the application of the owners of private armed vessels of the United States, the President of the United States may grant to them special commissions, in the form which he shall direct, under the seal of the United States; and such private armed vessels, when so commissioned, shall have the like authority for subduing, seizing, taking, and bringing into port, any Tripolitan vessel, goods or effects, as the before-mentioned public armed vessels may by law have; and shall therein be subject to the instructions which may be given by the President of the United States for the regulation of their conduct; and their commissions shall be revocable at his pleasure. *Provided*, that before any commission shall be granted, as aforesaid, the owner or owners of the vessel for which the same may 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 seven thousand dollars; or, if such vessel be provided with more than one hundred and fifty men, in the penal sum of fourteen thousand dollars, with condition for observing the treaties and laws of the United States, and the instructions which may be given, as aforesaid; and also, for satisfying all damages and injuries which shall be done, contrary to the tenor thereof, by such commissioned vessel; and for delivering up the commission, when revoked by the President of the United States.

SEC. 4. *And be it further enacted*, That any Tripolitan vessel, goods or effects, which shall be so captured and brought into port by any private armed vessel of the United States, duly commissioned, as aforesaid, may be adjudged good prize, and thereupon shall accrue to the owners and officers, and men of the capturing vessel, and shall be distributed according to the agreement which shall have been made between them, or, in failure of such agreement, according to the discretion of the court having cognizance of the capture.

SEC. 5. *And be it further enacted*, That the seamen may be engaged to serve in the navy of the United States for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment, their services may be dispensed with.

APPROVED, February 6, 1802.

CHAP. V.—*An Act extending the privilege of franking and receiving letters, free of postage, to any person admitted, or to be admitted to take a seat in Congress, as a delegate; and providing compensation for such delegate.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person admitted, or who may hereafter be admitted to take a seat in Congress, as a delegate, shall enjoy the privilege of sending and receiving letters, free of postage, on the same terms, and under the same restrictions, as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to estab-

lish the post-office of the United States;" and that every such delegate so admitted to a seat, be, and he is hereby authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government prior to the passage of this act: and that every such delegate shall receive for his travelling expenses and attendance in Congress, the same compensation as is or may be allowed, by law, to the members of the Senate and House of Representatives of the United States, to be certified and paid in the same manner.

APPROVED, February 18, 1802.

CHAP. VI.—*An Act making certain partial Appropriations for the year one thousand eight hundred and two.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of sixty thousand dollars be, and the same hereby is appropriated towards defraying the expense of the pay of the army, during the year one thousand eight hundred and two.

SEC. 2. *And be it further enacted,* That the following sums be, and the same hereby are appropriated to the purposes herein recited, respectively, that is to say: for the contingent expenses of the department of the treasury, to make good the deficiency of former appropriations for the same, the sum of sixteen hundred and thirteen dollars, and fifty-seven cents.

For the printing of the public accounts, to make good the deficiency of former appropriations for the same, the sum of fourteen hundred dollars.

Towards the contingent expenses of the department of the treasury, during the year one thousand eight hundred and two, the sum of one thousand dollars.

Towards the contingent expenses of the House of Representatives, during the year one thousand eight hundred and two, the sum of three thousand dollars.

SEC. 3. *And be it further enacted,* That the accounting officers of the treasury department be, and they hereby are authorized, in the settlement of the accounts of the several officers herein after mentioned, to make the following allowances for clerk hire, during the year one thousand eight hundred and one, in addition to the allowances now established by law, that is to say:

To the accountant of the navy department, one thousand nine hundred dollars, and thirty-one cents.

To the purveyor of public supplies, seven hundred dollars.

To the superintendent of stamps, three hundred and seventy-seven dollars, and seventy-eight cents.

To the commissioner of loans of Pennsylvania, one thousand five hundred dollars.

*Provided however,* That the expense, thus allowed, shall have been actually incurred: *And provided also,* that the whole amount paid to each above-mentioned officer, respectively, for his compensation, and that of his clerks and persons employed in his office, for the year aforesaid, shall not exceed the sums heretofore appropriated, by law, to those objects, respectively, during the said year.

SEC. 4. *And be it further enacted,* That the aforesaid sums shall be paid and discharged out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 23, 1802.

penses and attendance on Congress to be the same as members of the Senate and House of Representatives. 1799, ch. 43, sec. 17.

STATUTE I.

Feb. 23, 1802.

[Obsolete.]  
Specific appropriations.

Expenses allowed not to exceed the sums appropriated by law.

STATUTE I.  
March 8, 1802.

[Obsolete.]

Repeal of the acts of last session, relative to the judiciary.

Act of Feb. 13, 1801, ch. 4, repealed.

Act of March 3, 1801, ch. 32, repealed.

Revival of former acts.

Act of March 23, 1804, ch. 31.(b)

Continuance of suits to the circuit and district courts re-established by this act.

Writs and process issued under the acts repealed, to be returned to the next circuit or district court re-established by this act.

CHAP. VIII.—*An Act to repeal certain acts respecting the organization of the Courts 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 the act of Congress passed on the thirteenth day of February one thousand eight hundred and one, intituled "An act to provide for the more convenient organization of the courts of the United States," from and after the first day of July next, shall be, and is hereby repealed.

SEC. 2. *And be it further enacted,* That the act passed on the third day of March, one thousand eight hundred and one, intituled "An act for altering the times and places of holding certain courts therein mentioned and for other purposes," from and after the said first day of July next, shall be, and is hereby repealed.

SEC. 3. *And be it further enacted,* That all the acts, and parts of acts, which were in force before the passage of the aforesaid two acts, and which by the same were either amended, explained, altered, or repealed, shall be, and hereby are, after the said first day of July next, revived, and in as full and complete force and operation, as if the said two acts had never been made.

SEC. 4. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, depending or existing in any of the circuit courts of the United States, or in any of the district courts of the United States, acting as circuit courts, or in any of the additional district courts, which were established by the aforesaid act of Congress, passed on the thirteenth day of February, one thousand eight hundred and one, shall be, and hereby are, from and after the said first day of July next, continued over to the circuit courts, and to the district courts, and to the district courts acting as circuit courts respectively, which shall be first thereafter holden in and for the respective circuits and districts, which are revived and established by this act, and to be proceeded in, in the same manner as they would have been, had they originated prior to the passage of the said act, passed on the thirteenth day of February, one thousand eight hundred and one.

SEC. 5. *And be it further enacted,* That all writs and process, which have issued, or may issue before the said first day of July next, returnable to the circuit courts, or to any district court acting as a circuit court, or any additional district court established by the aforesaid act passed the thirteenth day of February, one thousand eight hundred and one, shall be returned to the next circuit court, or district court, or district court acting as a circuit court, re-established by this act: and shall be proceeded on therein, in the same manner as they could, had they been originally returnable to the circuit courts, and district courts acting as circuit courts, hereby revived and established.

APPROVED, March 8, 1802.

STATUTE I.

March 16, 1802.

Military peace establishment.

Act of March 3, 1815, ch. 78.

Act of March 3, 1817, ch. 106.

Act of April 14, 1818, ch. 56.

Act of March 2, 1821, ch. 12.

CHAP. IX.—*An Act fixing the military peace establishment 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 military peace establishment of the United States from and after the first of June next, shall be composed of one regiment of artillerists and two regiments of infantry, with such officers, military agents, and engineers, as are herein after mentioned.

SEC. 2. *And be it further enacted,* That the regiment of artillerists shall consist of one colonel, one lieutenant-colonel, four majors, one ad-

(a) Sec act of April 29, 1802, chap. 31, "An act to amend the judicial system of the United States."  
(b) An act altering the sessions of the district courts of the United States for the district of Virginia, Rhode Island, and for the district of West Tennessee, March 23, 1804, chap. 31.

jutant, and twenty companies, each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, four musicians, eight artificers, and fifty-six privates; to be formed into five battalions: *Provided always*, that it shall be lawful for the President of the United States to retain, with their present grade, as many of the first lieutenants, now in service, as shall amount to the whole number of lieutenants required; but that in proportion as vacancies happen therein, new appointments be made to the grade of second lieutenants until their number amount to twenty: and each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one sergeant-major, two teachers of music, and ten companies; each company to consist of one captain, one first and one second lieutenant, one ensign, four sergeants, four corporals, four musicians, and sixty-four privates.

SEC. 3. *And be it further enacted*, That there shall be one brigadier-general, with one aid-de-camp, who shall be taken from the captains or subalterns of the line; one adjutant and inspector of the army, to be taken from the line of field officers; one paymaster of the army, seven paymasters and two assistants, to be attached to such districts as the President of the United States shall direct, to be taken from the line of commissioned officers, who, in addition to their other duties, shall have charge of the clothing of the troops; three military agents, and such number of assistant military agents as the President of the United States shall deem expedient, not exceeding one to each military post; which assistants shall be taken from the line; two surgeons; twenty-five surgeons' mates, to be attached to garrisons or posts, and not to corps.

SEC. 4. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier-general, two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other requisite or emolument whatsoever, except such stationery as may be requisite for the use of his department; to the adjutant and inspector of the army, thirty-eight dollars in addition to his pay in the line, and such stationery as shall be requisite for his department; to the paymaster of the army, one hundred and twenty dollars, without any other emolument, except such stationery as may be requisite in his department and the use of the public office now occupied by him; to the aid-de-camp, in addition to his pay in the line, thirty dollars; to each paymaster attached to districts, thirty dollars, and each assistant to such paymaster, ten dollars, in addition to his pay in the line; to each military agent, seventy-six dollars and no other emolument; to each assistant military agent, eight dollars, in addition to his pay in the line, except the assistant military agents at Pittsburg and Niagara, who shall receive sixteen dollars, each, in addition to their pay in the line; to each colonel, seventy-five dollars; to each lieutenant-colonel, sixty dollars; to each major, fifty dollars; to each surgeon, forty-five dollars; to each surgeon's mate, thirty dollars; to each adjutant, ten dollars, in addition to his pay in the line; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each ensign, twenty dollars; to each cadet, ten dollars; to each sergeant-major, nine dollars; to each sergeant, eight dollars; to each corporal, seven dollars; to each teacher of music, eight dollars; to each musician, six dollars; to each artificer, ten dollars; and to each private, five dollars.

SEC. 5. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a colonel, six rations; a lieutenant-colonel, five rations; a major, four rations; a captain, three rations; a lieutenant, two rations; an ensign, two rations; a surgeon

How composed.

One regiment of artillery—its complement of officers, privates, &c.

To be formed into battalions:

Certain lieutenants may be retained in service, with their present grade—new appointments in case of vacancies.

Two regiments of infantry, their complements of officers and privates, &c.

One brigadier-general, &c. to be appointed.

Paymasters.

Military agents.

Monthly pay to the officers, non-commissioned officers, privates, &c.

Rations to be furnished in proportion to rank.

three rations; a surgeon's mate, two rations; a cadet, two rations or money in lieu thereof at the option of the said officers and cadets at the posts respectively, where the rations shall become due; and if at such post supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question: and each non-commissioned officer, musician and private, one ration; to the commanding officers of each separate post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post; to the women who may be allowed to any particular corps not exceeding the proportion of four to a company, one ration each; to such matrons and nurses as may be necessarily employed in the hospital, one ration each; and to every commissioned officer who shall keep one servant, not a soldier of the line, one additional ration.

Component parts of a ration.

SEC. 6. *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.

Certain officers to receive money in lieu of forage, when not furnished by the public, and how much.

SEC. 7. *And be it further enacted*, That the following officers shall, whenever forage is not furnished by the public, receive at the rate of the following sums per month, in lieu thereof: each colonel, twelve dollars; each lieutenant-colonel, eleven dollars; each major, ten dollars; each adjutant, six dollars; each surgeon, ten dollars; and each surgeon's mate, six dollars.

The troops to be furnished with uniform clothing.

SEC. 8. *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.

The Secretary of War may supply surplus clothing, to be furnished the men at contract prices.

The new corps to be arranged out of the corps now in service.

SEC. 9. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, musicians and privates of the several corps of troops now in the service of the United States, in such a manner as to form and complete, out of the same, the corps aforesaid; and cause the supernumerary officers, non-commissioned officers, musicians and privates to be discharged from the service of the United States from and after the first day of April next, or as soon thereafter as circumstances may permit.

Supernumeraries to be discharged, and when.

The corps to be governed by the articles and rules of war now in force—and such others as may be made;—sentences of general courts martial, with their proceedings, to be laid before the President, in certain cases.

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: *Provided nevertheless*, that the sentence of general courts martial, extending to the loss of life, the dismissal of a commissioned officer, or which shall respect the general officer, shall, with the whole of the proceedings of such cases, respectively, be laid before the President of the United States, who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

Compensation to recruiting officers for each recruit, of a par-

SEC. 11. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, to keep up by voluntary enlistment, the corps as aforesaid, shall be entitled to receive for every

effective able-bodied citizen of the United States, who shall be duly enlisted by him for the term of five years, and mustered, of at least five feet six inches high, and between the ages of eighteen and thirty-five years, the sum of two dollars: *Provided nevertheless*, that this regulation, so far as respects the height and 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 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.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able-bodied citizen, recruited as aforesaid, to serve for the term of five years, a bounty of twelve dollars; but the payment of six dollars of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve.

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.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician or private, in the corps composing the peace establishment 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 pay, and under such regulations, as may be directed by the President of the United States for the time being: *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 person so disabled to receive an allowance proportionate to the highest disability.

SEC. 15. *And be it further enacted*, That if any commissioned officer in the military peace 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.

SEC. 16. *And be it further enacted*, That the paymaster shall perform the duties of his office, agreeably to the direction of the President of the United States, for the time being; and before he enters on the duties of the same, shall give bonds, with good and sufficient sureties, in such sums as the President shall direct, for the faithful discharge of his said office; and shall take an oath to execute the duties thereof with fidelity: and it shall, moreover, be his duty to appoint from the line, with the approbation of the President of the United States, the several paymasters to districts and assistants prescribed by this act; and he is hereby authorized to require the said paymaster to districts, and assistants, to enter

ticular description.

This regulation not to extend to musicians and soldiers re-enlisted;—no one to be enlisted but with the consent of the person having the legal care of him.

Penalty for infringing this provision.

Bounty to a recruit.

Payment, part to be deferred.

Arrears of pay not exceed two months if avoidable.

Officers and privates may be placed on the pension list in certain cases, at specified rates.

Not to be exceeded.

Inferior disabilities to entitle to proportionate allowances.

Provision for the widow, or children under sixteen, of a commissioned officer, who dies from wounds received in the service of the U. States.

In case of the death or marriage of the widow to ensure to the benefit of the children: determinable with their deaths.

Paymaster to act according to the directions of the President.

To give bond, with sureties for the faithful discharge of his office.

To take an oath of office



To appoint certain paymasters from the line, with the President's approbation.

Authorized to require them to give bonds with sureties.

Duties of military agents prescribed.

They shall account with the department of war.

Additional penalty to non-commissioned officers, &c. for desertion.

They may be tried and punished, if apprehended after the term for which enlisted.

Persons concerned in procuring or assisting in the desertion of soldiers, or who shall purchase their uniform clothing, may be fined or imprisoned at the discretion of certain courts.

Oath to be taken by officers, musicians and privates.

In case of a general court martial the President may appoint a judge advocate.

An additional allowance to the judge advocate.

Brigadier-general to appoint in cases that the President does not.

Provision to commissioned officers for extra expenses in travelling to and sitting on general courts martial.

Non-commis-

into bonds, with good and sufficient surety, for the faithful discharge of their respective duties.

SEC. 17. *And be it further enacted*, That it shall be the duty of the military agents, designated by this act, to purchase, receive, and forward to their proper destination, all military stores, and other articles for the troops in their respective departments, and all goods and annuities for the Indians, which they may be directed to purchase, or which shall be ordered into their care by the department of war. They shall account with the department of war, annually, for all the public property which may pass through their hands, and all the monies which they may expend in discharge of the duties of their offices, respectively: previous to their entering on the duties of their offices, they shall give bonds, with sufficient sureties, in such sums as the President of the United States shall direct, for the faithful discharge of the trust reposed in them; and shall take an oath faithfully to perform the duties of their respective offices.

SEC. 18. *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.

SEC. 19. *And be it further enacted*, That every person who shall procure or entice a soldier in the service of the United States to desert, or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, or be imprisoned any term not exceeding one year.

SEC. 20. *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 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."

SEC. 21. *And be it further enacted*, That whenever a general court martial shall be ordered, the President of the United States may appoint some fit person to act as judge advocate, who shall be allowed, in addition to his other pay, one dollar and twenty-five cents for every day he shall be necessarily employed in the duties of the said court; and in cases where the President shall not have made such appointment, the brigadier-general or the president of the court may make the same.

SEC. 22. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expence in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expence 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.

SEC. 23. *And be it further enacted*, That no non-commissioned officer, musician or private shall be arrested, or subject to arrest, or to be taken

in execution for any debt under the sum of twenty dollars, contracted before enlistment, nor for any debt contracted after enlistment.

SEC. 24. *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.

SEC. 25. *And be it further enacted*, That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of their discharge—to each officer whose term of service in any military corps of the United States shall not have exceeded three years, three months' pay; to all other officers so deranged, one month's pay of their grades, respectively, for each year of past service in the army of the United States, or in any regiment or corps now or formerly in the service thereof.

SEC. 26. *And be it further enacted*, That the President of the United States is hereby authorized and empowered, when he shall deem it expedient, to organize and establish a corps of engineers, to consist of one engineer, with the pay, rank and emoluments of a major; two assistant engineers, with the pay, rank and emoluments of captains; two other assistant engineers, with the pay, rank and emoluments of first lieutenants; two other assistant engineers, with the pay, rank and emoluments of second lieutenants; and ten cadets, with the pay of sixteen dollars per month, and two rations per day: and the President of the United States is, in like manner, authorized, when he shall deem it proper, to make such promotions in the said corps, with a view to particular merit, and without regard to rank, so as not to exceed one colonel, one lieutenant-colonel, two majors, four captains, four first lieutenants, four second lieutenants, and so as that the number of the whole corps shall, at no time, exceed twenty officers and cadets.

SEC. 27. *And be it further enacted*, That the said corps, when so organized, shall be stationed at West Point in the state of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of the said corps, shall be subject, at all times, to do duty in such places, and on such service, as the President of the United States shall direct.

SEC. 28. *And be it further enacted*, That the principal engineer, and in his absence the next in rank, shall have the superintendence of the said military academy, under the direction of the President of the United States; and the Secretary of War is hereby authorized, at the public expense, under such regulations as shall be directed by the President of the United States, to procure the necessary books, implements and apparatus for the use and benefit of the said institution.

SEC. 29. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

APPROVED, March 16, 1802.

CHAP. XI.—*An Act for the accommodation of persons concerned in certain Fisheries therein mentioned.*

*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, it shall be lawful for the collector of the customs for

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tioned officers and privates to be free from arrests for debts under twenty dollars, contracted before enlistment, and for all while in service.

Allowance to officers and soldiers, upon being discharged except by way of punishment.

Additional allowance to officers deranged by this act.

President may organize a corps of engineers.

Of whom it shall consist.

Pay of cadets.

President may make promotions therein within certain limitations.

Corps of engineers to be stationed at West Point, and to form a military academy, but to go to and do duty in other places as the President shall direct.

The principal engineer, and in his absence the next in rank, to superintend the military academy.

The secretary of war to procure the necessary books, &c.

Repeal of laws within the purview of this.

Saving clause.

STATUTE I.

March 16, 1802.

Collector of the customs at Edenton to permit the landing

of salt at fisheries and other places in his district.

In other respects the usual regulations to be observed.

Act of 1799, ch. 22, sec. 53, 56.

Inspectors or other officers of the customs entitled to accommodations from the vessels.

And to pecuniary compensations if more than fifteen days be spent therein.

the district of Edenton to permit any vessel having on board salt only, after due report and entry, and security given for the duties, to proceed under the inspection of an officer of the customs to any fishery, or other landing place within the district, (to be designated in the permit) and there discharge the same; subject, however, in all other respects, to the regulations, restrictions, penalties and provisions established by an act passed the second of March, in the year one thousand seven hundred and ninety-nine, intitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 2. *And be it further enacted*, That every inspector or other officer of the customs, while performing duty on board any such vessel, elsewhere than in the port to which such officer may properly belong, shall be entitled to receive from the master, or commander thereof, such provisions and other accommodations (free from expense) as are usually supplied to passengers, or as the state and condition of the vessel will admit.

SEC. 3. *And be it further enacted*, That if by reason of the delivery of any cargo of salt, in manner aforesaid, more than fifteen working days (computing from the date of entry) shall, in the whole, be spent therein, the wages or compensation of such inspector, or other officer of the customs who may be employed on board any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and until paid, it shall not be lawful for the collector to grant a clearance, or to permit such vessel to depart from the district.

APPROVED, March 16, 1802.

STATUTE I.

March 16, 1802.

[Obsolete.]

Collectors to provide lists of lands taxable.

Act of July 9, 1798, ch. 75.

Transcripts of which to be published, and how.

Payment within six months.

Lands to be sold on failure of payment.

CHAP. XII.—*An Act to amend an act, intitled "An act to lay and collect a direct tax within the United States."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the collectors in each district shall prepare and transmit to their respective supervisors, correct lists of all lands within their respective collection districts, which by the act passed the fourteenth day of July, one thousand seven hundred and ninety-eight, intitled "An act to lay and collect a direct tax within the United States," they now are or hereafter shall be authorized to advertise for sale, specifying therein the persons in whose names the assessments were originally made, and the sums due thereon respectively; of which lists it shall be the duty of the supervisor, in all cases, to cause correct transcripts to be made out, and to cause to be inserted for five weeks successively, in one or more newspapers published within his district, one of which shall be the gazette in which are published by authority, the laws of the state within whose limits the said district may be comprised, if there be any such gazette, a notification, that such transcripts are lodged at his office, and are open to the free inspection of all parties concerned; and also notifying, that the tax due upon the said lands may be paid to the collector within whose division the aforesaid lands are contained, or to the supervisor of the district, at any time within the space of six months from the date of such notification, and the time when, and places where sales will be made of all lands upon which any part of the direct tax shall remain due after the expiration of the time aforesaid.

SEC. 2. *And be it further enacted*, That in case of failure on the part of the owner or owners of the aforesaid lands to pay within the aforesaid time, the full amount of tax due thereon, the collectors under the direction, and with the approbation of their respective supervisors, shall immediately proceed to sell, at public sale, at the times and places mentioned in the advertisement of the supervisor, so much of the lands afore-

said as may be sufficient to satisfy the same, together with all the costs and charges of preparing lists, advertising and notifying as aforesaid, and of sale.

SEC. 3. *And be it further enacted*, That the aforesaid tax, including all costs and charges as aforesaid, shall be and remain a lien upon all lands and other real estate on which the same has been assessed, until the tax due upon the same, including all costs and charges, shall have been collected, or until a sale shall have been effected, according to the provision of this act, or of the act to which this is a supplement.

Tax and costs a lien on land till discharged.

SEC. 4. *And be it further enacted*, That in all cases wherein any tract of land may have been assessed in one assessment, which at the time when such assessment was made, was actually divided into two, or more distinct parcels, each parcel having one or more distinct proprietor or proprietors, it shall be the duty of the collector, to receive in manner aforesaid, from any proprietor or proprietors thus situated, his or their proportion of the tax due upon such tract; and thereupon, the land of the proprietor or proprietors upon which the tax shall have been thus paid, shall be for ever discharged from any part of the tax due under the original assessment.

Tracts parcelled may pay in proportion.

SEC. 5. *And be it further enacted*, That in any case in which it may have happened that lands actually belonging to one person, may have been, or hereafter shall be assessed in the name of another, and no sale of the same shall yet have been made, the same proceedings shall be had for the sale of the aforesaid lands, in order to raise the tax assessed in relation to the same, as is provided by the eleventh section of the act to which this is a supplement, in the case of lands assessed, the owner whereof is unknown; and such sale shall transfer and pass to the purchaser, a good and effectual title.

Provision for sale of lands of persons not named correctly.

1798, ch. 75.

SEC. 6. *And be it further enacted*, That the right of redemption reserved to the owners of lands and tenements sold under this act, or the act to which this is a supplement, shall, in no wise, be affected or impaired: *Provided always*, that the owners of lands which shall thus be sold after the passing of this act, in order to avail themselves of that right, shall make payment or tender of payment within two years from the time of sale, for the use of the purchaser, his heirs or assigns, of the amount of the said tax, costs and charges, with interest for the same, at the rate of twenty-five per cent. per annum.

Right of redemption secured under regulations.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury shall be and hereby is authorized and empowered, under the direction of the President of the United States, to augment the compensation fixed by law, for the commissioner or for the principal and assistant assessors or either of them, in any division where it shall be found necessary for carrying into effect the act intitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," so however, as that the commissioner shall in no case receive more than five dollars per day, nor the principal or assistant assessor in any case receive more than three dollars per day, which additional compensation shall be subject to the same rules of settlement as are established by the act last aforesaid.

Secretary of the Treasury authorized to augment compensation of officers.

1798, ch. 70.

APPROVED, March 16, 1802.

STATUTE I.

CHAP. XIII.—*An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.*(a)

March 30, 1802.

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

Act of April 29, 1816, ch. 165.  
Act of March, 1817, ch. 43.

(a) Regulations of intercourse and trade with the Indians. The 105th section of the act of March 2, 1799, chap. 22, provides that no duties shall be levied on peltries and goods of Indians, brought into the United States.

Act of May 6, 1822, ch. 54. Boundaries to be established according to treaties, to be marked.

Beginning thereof.

Indian boundary described.

line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked in all such places as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of the Cayahoga river on Lake Erie, and running thence up the same to the portage between that and the Tuscaroras branch of the Muskingum; thence, down that branch, to the crossing place above Fort Laurence; thence westwardly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Laromie's store, and where commences the portage, between the Miami of the Ohio and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash; thence southwestwardly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawa river; thence down the said river Ohio to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence southeastwardly on the said ridge, to a point, from whence a southwest line will strike the mouth of Duck river; thence, still eastwardly on the said ridge, to a point forty miles above Nashville; thence northeast to Cumberland river; thence up the said river to where the Kentucky road crosses the same; thence to the Cumberland mountain, at the point of Campbell's line; thence in a southwestwardly direction along the foot of the Cumberland mountain to Emory's river; thence down the same to its junction with the river Clinch; thence down the river Clinch to Hawkins's line; thence along the same to a white oak, marked one mile tree; thence south fifty-one degrees west, three hundred and twenty-eight chains, to a large ash tree on the bank of the river Tennessee, one mile below southwest point; thence up the northeast margin of the river Tennessee (not including islands) to the Wild Cat Rock, below Tellico block-house; thence in a direct line to the Militia spring, near the Maryville road leading from Tellico; thence from the said spring to the Chilhowee mountain by a line so to be run as will leave all the farms on Nine Mile creek to the northward and eastward of it, and to be continued along the Chilhowee mountain until it strikes Hawkins's line; thence along the said line to the great Iron mountain; and from the top of which a line to be continued in a southeastwardly course to where the most southern branch of Little river crosses the divisional line to Tugaloo river; thence along the South Carolina Indian boundary to and over the Oconna mountain, in a southwest course to Tugaloo river; thence in a direct line to the top of Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the

The acts which are no longer in force, have been: An act to regulate trade and intercourse with the Indian tribes, July 23, 1790, chap. 33.—Expired. An act to regulate trade and intercourse with the Indian tribes, March 1, 1793.—Repealed by act of May 19, 1796, chap. 30. An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, May 19, 1796, chap. 25.—Expired. An act for the preservation of peace with the Indian tribes, January 17, 1800, chap. 5.—Expired. An act supplementary to the "act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," April 22, 1800, chap. 30.—Expired.

The acts now in operation and force, are: An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, March 30, 1802, chap. 13; an act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 15; an act supplementary to the act passed the thirtieth of March, one thousand eight hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, April 29, 1816, chap. 165; an act to provide for the punishment of certain crimes and offences committed within the Indian boundaries, March 3, 1817, chap. 92; an act to amend an act entitled, "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirteenth March, one thousand eight hundred and two, May 6, 1822, chap. 54; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, June 30, 1834, ch. 161. Also ch. 162.

Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river St. Mary's: *Provided always*, that if the boundary line between the said Indian tribes and the United States shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner as said provisions apply, by force of this act, to the boundary line herein before recited.

Boundary terminates.

Indian boundary may be varied by treaties and the act to apply.

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

Line not to be crossed.

Penalty for trespass.

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

No one to go into the Indian country without a passport.

By whom passports to be granted.

Penalty for going into the Indian territory without a passport.

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

Offences in the Indian territory punishable.

Penalties.

Indians not to be remunerated if they use violence.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall

No settlement or survey to be made.

(a) The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. *Worcester v. The State of Georgia*, 6 Peters' Rep. 515.

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

- Penalties.**
- Military force may be employed against intruders.**
- survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary, to remove from lands, belonging or secured by treaty, as aforesaid, to any Indian tribe, any such citizen, or other person, who has made, or shall hereafter make, or attempt to make a settlement thereon.
- Murder of Indians punishable with death.**
- SEC. 6. And be it further enacted,** That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians, belonging to any nation or tribe of Indians, in amity with the United States, such offender, on being thereof convicted, shall suffer death.
- Traders who reside must have a license.**
- SEC. 7. And be it further enacted,** That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, to such trader, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations, or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.
- Licenses not to exceed two years.**
- Bond to be given by licensed traders.**
- License may be recalled for misconduct.**
- SEC. 8. And be it further enacted,** That any such citizen or other person, who shall attempt to reside in any town or hunting camp, of any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.
- Goods of unlicensed traders forfeited.**
- Further penalty.**
- Articles which shall not be purchased from Indians.**
- SEC. 9. And be it further enacted,** That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.
- Penalty.**
- Horses not to be bought or sold without license.**
- SEC. 10. And be it further enacted,** That no such citizen or other person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other
- Fifteen days notice before sale of a horse, and description given.**

natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

Penalties.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse to or from any Indian, excepting for and on account of the United States; and any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Agents of the public not to trade.

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

No purchases from Indians but under treaties.

Misdemeanor to attempt procuring them in any other manner.

How punishable.

Exception as to states making purchases in a certain manner.

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

President authorized to attempt by means of civilizing the Indians.

Means limited.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return

Means of redress prescribed for transgression of Indians.



of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: and in the mean time, in respect to the property so taken, stolen or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

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

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

Party injured loses his remedy if he seeks private revenge or redress.

But this does not exempt the Indian offending from legal apprehension in U. States.

How property is to be paid for.

What courts have jurisdiction in these cases.

Persons crossing the line and going into the Indian country contrary to this act, how to be dealt with.

shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit; and every officer and soldier who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court martial shall direct: *Provided*, that the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state, who, if the offence is bailable, shall take proper bail if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated as any other recognizance for bail in any court of the United States; and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act.

Military not to use violence.

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

Violators of this law, if found within the U. S. how punishable.

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

How penalties are to be fixed.

To whose benefit.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district to Mero district, or to prevent the citizens of Tennessee from keeping in repair the said road, under the direction or orders of the governor of said state, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement, or to the settlement on Obed's river, (so called,) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said traces, or either of them, as the case may be, after which, the penalties of this act shall be incurred by every person travelling or being found on said traces, or either of them, to which the prohibition may apply, within the Indian boundary, without a passport.

Trade and intercourse with Indians under circumstances described not forbidden by this act.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the

President to cause boundaries to be ascertained and marked.

United States and any Indian tribe, which now are, or hereafter may be established by treaty.

He may take measures to prevent the sale of spirituous liquors to the Indians.

This act to be in force from its date.

Proceedings under not to be affected by act of Feb. 19, 1799, ch. 8.

SEC. 21. *And be it further enacted*, That the President of the United States be authorized to take such measures, from time to time, as to him may appear expedient to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes, any thing herein contained to the contrary thereof notwithstanding.

SEC. 22. *And be it further enacted*, That this act shall be in force from the passage thereof; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled "An act to amend an act, intituled An act giving effect to the laws of the United States within the district of Tennessee," is not to operate. (a)

APPROVED, March 30, 1802.

(a) The decisions of the courts of the United States, on the subject of the Indians, have been :

It was doubted whether a state can be seised in fee of lands subject to the Indian title, and whether a decision that they were seised in fee, might not be construed to amount to a decision that their grantee might maintain an ejectment for them, notwithstanding that title. The majority of the court is of opinion that the nature of the Indian title, which is certainly to be respected by all courts until it be legitimately extinguished, is not such as to be absolutely repugnant to a seisin in fee on the part of the state. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The acts of assembly of North Carolina, passed between the years 1783 and 1789, avoid all entries, surveys, and grants of land set apart for the Cherokee Indians, and no title can be acquired to those lands. *Danforth's Lessee v. Thomas*, 1 Wheat. 155; 3 Cond. Rep. 524.

The boundaries of the reservation made by the laws of North Carolina, have been altered by treaties with the Indians; but it seems that the mere extinguishment of their title does not subject the land to entry, unless expressly authorized by the legislature. *Ibid.*

The condition of the Indians, in relation to the United States, is perhaps unlike that of any other two people in existence. In general, nations not owing a common allegiance, are foreign to each other. The term foreign nation, is with strict propriety applicable by either to the other. But the relation of the Indians to the United States, is marked by peculiar and cardinal distinctions, which exist no where else. *The Cherokee Nation v. The State of Georgia*, 5 Peters, 1.

The Indians are acknowledged to have an unquestionable, and heretofore an unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to the government. It may well be doubted, whether those tribes which reside within the acknowledged boundaries of the United States, can with strict accuracy be denominated foreign nations. They may more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title, independent of their will, which must take effect in point of possession, when their right of possession ceases; meanwhile they are in a state of pupillage. Their relations to the United States resemble that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father. *Ibid.*

The treaties and laws of the United States, contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. *Worcester v. The State of Georgia*, 6 Peters, 515.

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial; with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate, than the first discoverer of the coast of the particular region claimed: and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and, consequently, admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves; having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to other nations of the earth. They are applied to all in the same sense. *Ibid.*

One uniform rule seems to have prevailed in the British provinces in America, by which Indian lands were held and sold, from their first settlement, as appears by their laws; that friendly Indians were protected in the possession of the lands they occupied, and were considered as owning them by a perpetual right of possession in the tribe or nation inhabiting them, as their common property, from generation to generation, not as the right of the individuals located on particular spots. Subject to this right of possession, the ultimate fee was in the crown, and its grantees; which could be granted by the crown or colonial legislatures, while the lands remained in possession of the Indians; though possession could not be taken without their consent. *Mitchell v. United States*, 9 Peters, 711.

Individuals could not purchase Indian lands without permission or license from the crown, colonial governors, or according to the rules prescribed by colonial laws; but such purchases were valid with such license, or in conformity with the local laws: and by this union of the perpetual right of occupancy with the ultimate fee, which passed from the crown by the license, the title of the purchaser became complete. *Ibid.*

Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession, as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way, and for their own purposes, were as much respected, until they abandoned them, made a cession to the government, or an authorized sale to individuals. In

STATUTE I.

April 2, 1802.

CHAP. XV.—*An Act making a partial appropriation for the support of government, during the year one thousand eight hundred and two.*

[Obsolete.]  
Appropriation.

*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 thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, shall be, and the same hereby is appropriated towards defraying the expenditure of the civil list, including the contingent expenses of the several departments, during the year one thousand eight hundred and two.

APPROVED, April 2, 1802.

either case their rights became extinct, the lands could be granted disencumbered of the right of occupancy, or enjoyed in full dominion by the purchasers from the Indians. Such was the tenure of Indian lands by the laws of Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia. *Ibid.*

Grants made by the Indians at public councils, since the treaty at Fort Stanwick's, have been made directly to the purchasers, or to the state in which the land lies, in trust for them, or with directions to convey to them; of which there are many instances of large tracts so sold and held; especially in New York. *Ibid.*

It was an universal rule, that purchases made at Indian treaties, in the presence, and with the approbation of the officer under whose direction they were held by the authority of the crown, gave a valid title to the lands; it prevailed under the laws of the states after the revolution, and yet continues in those where the right to the ultimate fee is owned by the states, or their grantees. It has been adopted by the United States, and purchases made at treaties held by their authority, have been always held good by the ratification of the treaty, without any patent to the purchasers from the United States. This rule in the colonies was founded on a settled rule of the law of England, that by his prerogative, the king was the universal occupant of all vacant lands in his dominions, and had the right to grant them at his pleasure, or by his authorized officers. *Ibid.*

When the United States acquired and took possession of the Floridas, the treaties which had been made with the Indian tribes, before the acquisition of the territory by Spain and Great Britain, remained in force over all the ceded territory, as the laws which regulated the relations with all the Indians who were parties to them, and were binding on the United States, by the obligation they had assumed by the Louisiana treaty, as a supreme law of the land, which was inviolable by the power of Congress. They were also binding as the fundamental law of Indian rights; acknowledged by royal orders, and municipal regulations of the province, as the laws and ordinances of Spain in the ceded provinces, which were declared to continue in force by the proclamation of the governor in taking possession of the provinces; and by the acts of Congress, which assured all the inhabitants of protection in their property. It would be an unwarranted construction of these treaties, laws, ordinances and municipal regulations, to decide that the Indians were not to be maintained in the enjoyment of all the rights which they could have enjoyed under either, had the provinces remained under the dominion of Spain. It would be rather a perversion of their spirit, meaning and terms, contrary to the injunction of the law under which the court acts, which makes the stipulations of any treaty, the laws and ordinances of Spain, and these acts of Congress, so far as either apply to this case, the standard rules for its decision. *Ibid.*

The treaties with Spain and England, before the acquisition of Florida by the United States, which guaranteed to the Seminole Indians their lands according to the right of property with which they possessed them, were adopted by the United States; who thus became the protectors of all the rights they had previously enjoyed, or could of right enjoy under Great Britain or Spain, as individuals or nations, by any treaty, to which the United States thus became parties in 1803. *Ibid.*

The Indian right to the lands as property, was not merely of possession, that of alienation was concomitant; both were equally secured, protected and guaranteed by Great Britain and Spain, subject only to ratification and confirmation by the license, charter or deed from the governor representing the king. Such purchases enabled the Indians to pay their debts, compensate for their depredations on the traders resident among them to provide for their wants; while they were available to the purchasers as payment of the considerations which at their expense had been received by the Indians. It would have been a violation of the faith of the government to both, to encourage traders to settle in the province, to put themselves and property in the power of the Indians, to suffer the latter to contract debts, and when willing to pay them by the only means in their power, a cession of their lands, withhold an assent to the purchase, which by their laws or municipal regulations, was necessary to vest a title. Such a course was never adopted by Great Britain, in any of her colonies, nor by Spain in Louisiana or Florida. *Ibid.*

The laws made it necessary, when the Indians sold their lands, to have the deeds presented to the governor for confirmation. The sales by the Indians transferred the kind of right which they possessed; the ratification of the sale by the governor, must be regarded as a relinquishment of the title of the crown to the purchaser; and no instance is known where permission to sell has been "refused, or the rejection of an Indian sale." *Ibid.*

The colonial charters, a great portion of the individual grants by the proprietary and royal governments, and a still greater portion by the states of the Union after the revolution, were made for lands within the Indian hunting grounds. North Carolina and Virginia to a great extent paid their officers and soldiers of the revolutionary war by such grants, and extinguished the arrears due the army by similar means. It was one of the great resources which sustained the war, not only by those states, but by other states. The ultimate fee, encumbered with the right of Indian occupancy, was in the crown previous to the revolution, and in the states of the Union afterwards, and subject to grant. This right of occupancy was protected by the political power, and respected by the courts, until extinguished, when the patentees took the unencumbered fee. So the supreme court and the state courts have uniformly held. Clark v. Smith, 13 Peters, 195.

## STATUTE I.

April 3, 1802.

[Obsolete.]

Specific appropriation for the expenses of establishing the boundary line between the U. States and Upper Canada.

CHAP. XVI.—*An Act making appropriation for defraying the expense of a negotiation with the British government, to ascertain the boundary line between the United States and Upper Canada.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding ten thousand dollars be, and the same is hereby appropriated, payable out of any money in the treasury not otherwise appropriated, to defray the expense which shall be incurred in negotiating with the government of Great Britain, for ascertaining and establishing the boundary line between the United States and the British province of Upper Canada; when the President of the United States shall deem it expedient to commence such negotiation.

APPROVED, April 3, 1802.

## STATUTE I.

April 3, 1802.

[Obsolete.]

Specific appropriation.

CHAP. XVII.—*An Act making an appropriation for defraying the expenses which may arise from carrying into effect the convention made between the United States and the French Republic.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the payment of such demands as may be justly due for French vessels and property captured, and which must be restored or paid for, pursuant to the convention between the United States and the French republic, there be appropriated a sum not exceeding three hundred and eighteen thousand dollars, to be paid, under the direction of the President of the United States, out of any public money in the treasury, not otherwise appropriated.

APPROVED, April 3, 1802.

## STATUTE I.

April 6, 1802.

[Obsolete.]

Repeal of the acts imposing duties on certain things after 30th June, 1802.

CHAP. XIX.—*An Act to repeal the Internal Taxes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of June next, the internal duties on stills and domestic distilled spirits, on refined sugars, licenses to retailers, sales at auction, carriages for the conveyance of persons, and stamped vellum, parchment and paper, shall be discontinued, and all acts and parts of acts relative thereto shall, from and after the said thirtieth day of June next, be repealed: *Provided,* that for the recovery and receipt of such duties as shall have accrued, and on the day aforesaid remain outstanding, and for the payment of drawbacks or allowances on the exportation of any of the said spirits or sugars legally entitled thereto, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said day, the provisions of the aforesaid acts shall remain in full force and virtue.

Provisions of these acts still to be in force with respect to the recovery of what may be due under them.

The office of superintendent of stamps abolished, and when.

The commissioner of revenue to perform certain duties under this act.

Collectors of the internal duties to be continued till their collections are complete, unless sooner discontinued by the President.

SEC. 2. *And be it further enacted,* That the office of superintendent of stamps shall cease and be discontinued from and after the thirtieth day of April, one thousand eight hundred and two; after which day the commissioner of the revenue shall perform all the duties by law enjoined on the said superintendent of stamps, which may be required in pursuance of this act; that the office of collectors of the internal duties shall continue in each collection district, respectively, until the collection of the duties above mentioned shall have been completed in such district, and no longer, unless sooner discontinued by the President of the United States, who shall be and hereby is empowered, whenever the collection of the said duties shall have been so far completed in any district as to render, in his opinion, that measure expedient, to discontinue any of the said collectors, and to unite into one collection district any two or more

collection districts, lying and being in the same state : that the office of supervisor shall continue in each state or district, respectively, until the collection of the duties above mentioned, together with the collection of the direct tax, shall have been completed in such state or district, and no longer ; unless sooner discontinued by the President of the United States, who shall be and hereby is empowered, whenever the collection of the said duties and tax shall have been so far completed in any state or district, as in his opinion, to render that measure expedient, to discontinue any of the said offices ; in which case the collectors thereafter employed in the collection of the said duties and tax in such state or district shall be appointed and removeable by the President alone, and shall be immediately accountable to the officers of the treasury department, under such regulations as may be established by the Secretary of the Treasury : that for the promoting of the collection of any of the above-mentioned duties or tax which may be outstanding after the said thirtieth day of June next, the President of the United States shall be, and he hereby is empowered at any time thereafter, to make such allowance as he may think proper, in addition to that now allowed by law to any of the collectors of the said duties and tax, and the same from time to time to vary : *Provided*, that such additional allowance shall, in no instance, exceed, in the aggregate, five per cent. of the gross amount of the duties and tax, outstanding on that day : and the office of commissioner of the revenue shall cease and be discontinued whenever the collection of the duties and tax above mentioned shall be completed, unless sooner discontinued by the President of the United States, who shall be, and hereby is empowered, whenever the collection of the said duties and tax shall have been so far completed as, in his opinion, to render that measure expedient, to discontinue the said office, in which case the immediate superintendence of the collection of such parts of the said duties and taxes as may then remain outstanding, shall be placed in such officer of the treasury department as the secretary, for the time being, may designate : *Provided, however*, that all bonds, notes or other instruments which have been charged with the payment of a duty, and which shall, at any time prior to the said thirtieth day of June, have been written or printed upon vellum, parchment or paper, not stamped or marked according to law, or upon vellum, parchment or paper stamped or marked at a lower rate of duty than is, by law, required for such bond, note or other instrument, may be presented to any collector of the customs within the state ; and where there is no such collector, to the marshal of the district, whose duty it shall be, upon the payment of the duty with which such instrument was chargeable, together with the additional sum of ten dollars, for which duty and additional sum, the said collector or marshal shall be accountable to the treasury of the United States, to endorse upon some part of such instrument his receipt for the same ; and thereupon, the said bond, note or other instrument shall be, to all intents and purposes, as valid and available to the person holding the same as if it had been or were stamped, counterstamped, or marked as by law required ; any thing in any act to the contrary, notwithstanding.

SEC. 3. *And be it further enacted*, That owners of stills, whose licenses to distil shall not have expired on the thirtieth day of June next, shall, at their option, pay either the whole duty which would have accrued on their stills on account of such licenses, or the duty which would have accrued on said stills, on the day aforesaid, if they had taken licenses ending on that day ; that owners of snuff-mills, whose licenses had not expired on the first day of June, one thousand seven hundred and ninety-six, shall be allowed a deduction from the duties incurred on the same, proportionate to the time thus remaining unexpired on such licenses : that the several banks, which may have agreed to pay the annual

Supervisors to continue in office in the same manner.

Certain collectors may be appointed by the President, and made removeable at his pleasure.

They are to be accountable to the treasury department.

President may make an additional allowance for the collection of outstanding duties.

Allowance limited to five per cent.

Office of commissioners of the revenue to be discontinued and when ; it may be sooner discontinued by the President.

Provision in case of its discontinuance.

Stamped bonds, &c. not stamped according to law, may be rendered valid, and how.

Owners of stills, &c. to pay according to their option, in certain cases.

Owners of snuff mills.

Banks to pay one per cent. per annum, in lieu of stamp duties until 30th June, 1822.

Retailers of wines and spirits.

Supervisor of the Northwest district allowed an annual salary, in addition to his commission for clerk hire.

Extra allowances for clerk hire to certain supervisors.

Annual entries of stills to be no longer made.

Certain certificates to be furnished by collectors, designated by the Secretary of the Treasury.

And the inspectors to whom delivered, to account to them for all such.

Allowance to the collectors for preparing and delivering certificates.

Stamped paper on hand, upon which a duty has been paid, may be given up, and the money paid, refunded.

composition of one per cent. on their dividends, in lieu of the stamp duty on the notes issued by them, shall pay only at the rate of one per cent. per annum, on such dividends, to the thirtieth day of June next: that retailers of wines and spirits, who may take licenses after the passing of this act, shall pay for such licenses only in proportion to the time which may intervene between the obtaining of such licenses and the thirtieth day of June next: and that the owners of carriages for the conveyance of persons, who may enter the same after the passing of this act, and before the thirtieth day of June next, shall pay the duty for the same only to the said thirtieth day of June.

SEC. 4. *And be it further enacted*, That the supervisor of the Northwest district shall, in addition to the same commissions on the product of all the internal duties collected in his district, as heretofore have been allowed to the supervisor of Ohio, be allowed an annual salary of five hundred dollars, and at the rate of three hundred dollars per annum for clerk hire.

SEC. 5. *And be it further enacted*, That the following extra allowances for clerk hire, shall be made for one year, to the supervisors of the following districts, as a full compensation for the additional duties arising from the settlement of accounts of certain inspectors of the internal revenues, whose offices have been suppressed by the President of the United States, that is to say, to each of the supervisors of Massachusetts, Pennsylvania, Maryland, North Carolina and South Carolina, the sum of eight hundred dollars, and to the supervisor of Virginia, the sum of five hundred dollars.

SEC. 6. *And be it further enacted*, That so much of any act, as directs an annual entry of stills to be made, be, and the same hereby is repealed.

SEC. 7. *And be it further enacted*, That the certificates accompanying foreign distilled spirits, wines and teas, which are now furnished by the supervisors to the inspectors of the ports shall, from and after the aforesaid thirtieth day of June, be furnished by such collectors of the customs, as may be designated by the Secretary of the Treasury. And it shall be the duty of the inspectors to account with such collectors, for the application of such certificates, in like manner, and under the same regulations, as heretofore they have accounted with the supervisors.

SEC. 8. *And be it further enacted*, That for preparing and issuing the certificates, the collectors performing that duty shall be entitled to, and receive the same compensation as heretofore has been allowed to the supervisors, respectively.

SEC. 9. *And be it further enacted*, That all persons who shall, on or after the thirtieth day of June next, have any blank vellum, parchment or paper, which has been stamped by the superintendent of stamps and counterstamped by the commissioner of the revenue, and on which a duty has been paid to the use of government, shall be entitled to receive from such collector or collectors of the customs, or other revenue officer in the respective states or districts as may be designated for that purpose by the Secretary of the Treasury, the value of the said stamps, after deducting, in all cases, seven and an half per cent., and the said officers are hereby authorized to pay the same: *Provided*, the said blank vellum, parchment or paper, be presented within four months after the thirtieth day of June next.

APPROVED, April 6, 1802.

#### STATUTE I.

April 6, 1802.

Land on which lighthouse on Gurnet Point stood, to be purchased.

CHAP. XX.—*An Act authorizing the erection of certain Lighthouses; and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That under the direction of the Secretary of the Treasury, there shall be purchased, for the use of

the United States, the land whereon lately stood the lighthouse on Gurnet Point, and so much land adjoining thereto, as may be sufficient for vaults and any other purpose necessary for the better support of the said lighthouse.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized, at his discretion, to procure a new lantern or lanterns, with suitable distinctions, and to cause convenient vaults to be erected; and the said lighthouse, on the Gurnet, at the entrance on Plymouth harbor, to be rebuilt.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to cause to be rebuilt, of such height as he may deem expedient, the lighthouse now situated on the eastern end of New Castle Island, at the entrance of Piscataqua river, either on the land owned by the United States, or on Pollock Rock: *Provided*, that if built on Pollock Rock, the legislature of New Hampshire shall vest the property of the said rock in the United States, and cede the jurisdiction of the same.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on Lynde's Point, at the mouth of Connecticut river, in the state of Connecticut, and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse can be purchased at a reasonable price, and the legislature of the state of Connecticut shall cede the jurisdiction over the same to the United States.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be directed to cause proper lighthouses to be built, and buoys to be placed, in the situations necessary for the navigation of the Sound between Long Island and the main; and be, to that effect, authorized to cause, by proper and intelligent persons, a survey to be taken of the said Sound, as far as may be requisite; and to appoint keepers and otherwise provide for such lighthouses, at the expense of the United States: *Provided*, that sufficient land for the accommodation of the respective lighthouses can be purchased at a reasonable price; and that the legislatures of Rhode Island, Connecticut, and New York, shall, respectively, cede the jurisdiction over the same to the United States.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and directed to cause a sufficient lighthouse to be erected on the south point of Cumberland Island, at the entrance of St. Mary's river within the state of Georgia; and that, under the direction of the said secretary, there shall be purchased, if the same cannot otherwise be obtained, sufficient land for the erection of the said lighthouse, and accommodations for the better support thereof: *Provided*, that the legislature of Georgia shall cede the jurisdiction over the same to the United States.

SEC. 7. *And be it further enacted*, That there shall be, and hereby are appropriated, for the reimbursement of the merchants of Plymouth and Duxbury, for monies expended by them in erecting a temporary light on the Gurnet, a sum not exceeding two hundred and seventy dollars; for the rebuilding the lighthouse on the said Gurnet, a sum not exceeding two thousand five hundred dollars; for the rebuilding of the lighthouse on the eastern end of New Castle Island a sum not exceeding four thousand dollars; and for the erection of the said lighthouse on said Lynde's Point, a sum not exceeding two thousand five hundred dollars; for the erection of the lighthouse on Cumberland south point, a sum not exceeding four thousand dollars; and for taking the survey, and for erecting lighthouses and placing buoys in the Sound, a sum not

Secretary of the Treasury authorized to procure one or more lanterns.

Lighthouse on the Gurnet to be rebuilt.

Secretary of the Treasury authorized to cause a lighthouse to be rebuilt.

On what condition.

A lighthouse to be erected on Lynde's Point.

To appoint a keeper.

On what condition to be rebuilt.

Lighthouses to be built between Long Island and the main.

Keepers to be appointed.

On what conditions to be built.

A lighthouse to be built at the entrance of St. Mary's river.

Appropriations to reimburse certain merchants.



exceeding eight thousand dollars, to be paid out of any monies which may be in the treasury, not otherwise appropriated.

Sum appropriated for public piers in the river Delaware.

SEC. 8. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, under the direction of the President of the United States, to cause to be expended, in repairing and erecting public piers, in the river Delaware, a sum not exceeding thirty thousand dollars; and that the same be paid out of any monies in the treasury, not otherwise appropriated: *Provided*, that the jurisdiction of the site where any such piers may be erected, shall be first ceded to the United States, according to the conditions in such case by law provided.

On what conditions.

APPROVED, April 6, 1802.

STATUTE I.

April 6, 1802.

[Obsolete.]

Compensation for taking the census to be apportioned.

1800, ch. 12.

CHAP. XXI.—*An Act for the relief of the Marshals of certain districts therein mentioned.*

*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 hereby is authorized and directed to apportion to the several marshals of the districts of Virginia, Maryland, and Pennsylvania, respectively, who have been employed or concerned in taking the late census, the compensation allowed by the "Act providing for the second census or enumeration of the inhabitants of the United States," according to the service each may have performed.

APPROVED, April 6, 1802.

STATUTE I.

April 14, 1802.

[Obsolete.]

Specific appropriation.

CHAP. XXII.—*An Act to authorize an advance of money to Samuel Dexter.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and directed to advance out of any money in the treasury, not otherwise appropriated, the sum of five hundred dollars to Samuel Dexter, for the purpose of assisting him in defraying the expenses of the suit of Joseph Hodgson against him in the circuit court of the district of Columbia, he, the said Dexter, to be accountable for the same.

APPROVED, April 14, 1802.

STATUTE I.

April 14, 1802.

Act relative to the improvement of the Appomatox, assented to.

CHAP. XXIII.—*An Act declaring the assent of Congress to an act of the General Assembly of Virginia therein mentioned.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the assent of Congress is hereby given and declared to an act of the general assembly of Virginia, intituled "An act to amend and reduce into one, the several acts of assembly for improving the navigation of Appomatox river, from Broadway to Pocahontas bridge."

APPROVED, April 14, 1802.

STATUTE I.

April 14, 1802.

[Obsolete.]

Former act revived and continued.

March 2, 1799, ch. 38.

For what time.

CHAP. XXV.—*An Act to revive, and continue in force, an act, intituled "An act to augment the salaries of the officers therein mentioned," passed the second day of March, one thousand seven hundred and ninety-nine.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an act, intituled "An act to augment the salaries of the officers therein mentioned," be, and the same is hereby revived, and continued in force, for and during the term of two years, from the commencement of the present year.

APPROVED, April 14, 1802.

CHAP. XXVI.—*An Act to amend an act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second section of the act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures," shall not be deemed to operate upon unregistered ships or vessels owned by the citizens of the United States, at the time of passing the said act, in those cases where such ship or vessel, at that time, possessed a sea letter, or other regular document issued from a custom-house of the United States, proving such ship or vessel to be American property.

SEC. 2. *And be it further enacted,* That whenever satisfactory proof shall be made to the Secretary of the Treasury, that any unregistered ship or vessel was, in fact, the property, in whole, of a citizen or citizens of the United States, on the thirtieth day of May, in the year one thousand eight hundred, that the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be issued to such ship or vessel, a certificate, which shall entitle such unregistered ship or vessel to the same privileges which are herein before granted to unregistered ships or vessels owned by citizens of the United States, and carrying a sea letter, or other regular document issued from a custom-house of the United States, before the passing of the said act, intituled "An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures."

APPROVED, April 14, 1802.

CHAP. XXVIII.—*An Act to establish an uniform rule of Naturalization, and to repeal the acts heretofore passed on that subject.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—

*First,* That he shall have declared, on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least, before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

*Secondly,* That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

*Thirdly,* That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at

STATUTE I.

April 14, 1802.

1800, ch. 64.

Part of a former law not to operate upon unregistered ships, &c.

In certain cases.

Upon proof, the Secretary of the Treasury to cause a certificate to be issued to an unregistered ship or vessel, entitling her to certain privileges.

STATUTE I.

April 14, 1802.

Act of March 26, 1804, ch. 47.  
Act of July 30, 1813, ch. 36.  
Act of March 22, 1816, ch. 32.  
Act of May 26, 1824, ch. 186.

An alien may become a citizen of the United States.

On what conditions.

To declare on oath or affirmation in the supreme or superior court, or district or circuit court of some of the states or of the U. States, three years before his admission, his intention to renounce forever his allegiance to any sovereign or state of which he is a subject.

(a) See notes to act of March 26, 1790, chap. 13, vol. i. page 103.

To swear or affirm that he will support the Constitution of the U. States.

That he shall have resided in the U. States five years before he shall be admitted a citizen.

Shall prove that he is a man of good moral character and attached to the Constitution of the U. States.

Shall renounce every title of nobility held by him.

On what conditions an alien may be naturalized, who resided in the U. States after the 29th January, 1795

Proceedings to be recorded by the clerk of the court.

Provision in favour of persons residing in the U. States between the 29th January, 1795, and the 18th June, 1798.

Mode of naturalization prescribed.

Free white persons arriving in the U. States to be registered.

Form of register.

least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: *Provided*, that the oath of the applicant shall, in no case, be allowed to prove his residence.

*Fourthly*, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court: *Provided*, that no alien who shall be a native citizen, denizen or subject of any country, state or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: *Provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject: and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission: all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: and provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

SEC. 2. *Provided also, and be it further enacted*, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry, and obtain certificates, in the following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master or mistress, to the clerk of the district court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state; and such report shall ascertain the name, birthplace, age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual

concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this act, to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

SEC. 3. *And whereas*, doubts have arisen whether certain courts of record in some of the states, are included within the description of district or circuit courts: *Be it further enacted*, that every court of record in any individual state, having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

SEC. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, that no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the state in which such person was proscribed.

SEC. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization, be, and the same are hereby repealed.

APPROVED, April 14, 1802.

What courts are to be considered as capable of naturalizing aliens.

Children of persons naturalized under certain laws to be citizens of the United States.

Privilege of citizenship not to extend to children of persons who have never resided in the U. States.

Or to persons proscribed, &c.

Repeal of former acts.

#### STATUTE I.

April 26, 1802.

CHAP. XXX.—*An Act in addition to an act, intituled "An act, in addition to an act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen."*

Act of March 1, 1800, ch. 13. Act of March 3, 1803, ch. 30.

How the holders of certain warrants for military services, or register's certificates, may register or locate the same.

*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, and until the first day of January next, it shall be lawful for the holders or proprietors of warrants heretofore granted in consideration of military services, or register's certificates of fifty acres, or more, granted, or hereafter to be granted agreeable to the third section of an act intituled "An act in addition to an act, intituled An act regulating the grants of land appropriated for military services; and for the society of the United Brethren for propagating the gospel among the Heathen," approved the first day of March one thousand eight hundred, to register and locate the same, in the same manner, and under the same restrictions, as might have been done before the first day of January last: *Provided*, that persons holding register's certificates for a less quantity than one hundred acres, may locate the same on such parts of fractional townships, as shall, for that purpose, be divided by the Secretary of the Treasury into lots of fifty acres each.

Provision with respect to certain register's certificates.

Secretary of War to receive claims to lands, and for duplicates of warrants, suggested to have been lost.

To report the same to Congress, with his opinion.

STATUTE I.

April 29, 1802.

Supreme court to be holden at Washington, by any four justices.

Sessions to commence on the first Monday of February annually.

Business to be continued over if a quorum does not attend.

One of the justices may make rules, &c.

Part of act of September 24, 1789, ch. 20, providing for a session of the Supreme Court in August, repealed.

Associate justice living in the fourth circuit, to attend at the city of Washington.

When.

For what purpose.

1839, ch. 35.

To be attended also by the clerk.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of War to receive claims to lands for military services, and claims for duplicates of warrants issued from his office, or from the land-office of Virginia, or of plats and certificates of surveys founded on such warrants, suggested to have been lost or destroyed, until the first day of January next, and no longer; and immediately thereafter, to report the same to Congress, designating the numbers of claims of each description, with his opinion thereon.

APPROVED, April 26, 1802.

CHAP. XXXI.—*An Act to amend the Judicial System of the United States.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, the Supreme Court of the United States shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have one session in each and every year, to commence on the first Monday of February annually, and that if four of the said justices shall not attend within ten days after the time hereby appointed for the commencement of the said session, the business of the said court shall be continued over till the next stated session thereof.(b) *Provided always*, that any one or more of the said justices attending as aforesaid shall have power to make all necessary orders touching any suit, action, writ of error, process, pleadings or proceedings, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings. And so much of the act, intituled "An act to establish the judicial courts of the United States," passed the twenty-fourth day of September, seventeen hundred and eighty-nine, as provides for the holding a session of the supreme court of the United States on the first Monday of August, annually, is hereby repealed.

SEC. 2. *And be it further enacted*, That it shall be the duty of the associate justice resident in the fourth circuit formed by this act, to attend at the city of Washington on the first Monday of August next, and on the first Monday of August each and every year thereafter, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings or proceedings, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings:(c) and that all writs and process may be returnable to the said court on the said first Monday in August, in the same manner as to the session of the said court, herein before directed to be holden on the first Monday in February, and may also bear teste on the said first Monday in August, as though a session of the said court was holden on that day, and it shall be the duty of the clerk of the supreme court to attend the said justice on the said first Monday of August, in each and every year, who shall make due entry of all such matters and things as shall or may be ordered as aforesaid by the said justice, and at each and every such August session, all actions, pleas, and other proceedings relative to any cause, civil or criminal, shall be continued over to the ensuing February session.

(a) See notes to the act to establish the judicial courts of the United States, September 24, 1789, chap. 20, page 73. An act in addition to an act to amend the judicial system of the United States, March 3, 1803, chap. 40.

(b) Act of March 3, 1837, chap. 32; an act supplementary to an act to amend the judicial system of the United States.

By the act of May 4, 1826, chap. 37, the sessions of the supreme court were directed to commence on the first Monday in January annually: and by the act of June 17, 1844, the sessions are to commence on the first Monday of December annually.

(c) By the 7th section of the act of February 28, 1839, chap. 38, the provision which required the attendance of a justice of the supreme court at Washington on the first Monday in August, was repealed

Sec. 3. *And be it further enacted*, That all actions, suits, process, pleadings and other proceedings, of what nature or kind soever, civil or criminal, which were continued from the supreme court of the United States, which was begun and holden on the first Monday of December last, to the next court to have been holden on the first Monday of June, under the act which passed on the thirteenth day of February, one thousand eight hundred and one, intituled, "An act to provide for the more convenient organization of the courts of the United States," and all writs, process and proceedings, as aforesaid, which are or may be made returnable to the same June session, shall be continued, returned to, and have day, in the session to be holden by this act, on the first Monday of August next; and such proceedings shall be had thereon, as is herein before provided.

Certain proceedings made returnable to August session.

Act of February 13, 1801, ch. 4.

Sec. 4. *And be it further enacted*, That the districts of the United States (excepting the districts of Maine, Kentucky, and Tennessee) shall be formed into six circuits, in manner following:

Districts formed into circuits. Circuits formed.

The districts of New Hampshire, Massachusetts and Rhode Island, shall constitute the first circuit;

First circuit.

The districts of Connecticut, New York and Vermont, shall constitute the second circuit;

Second circuit.

The districts of New Jersey and Pennsylvania shall constitute the third circuit;

Third circuit.

The districts of Maryland and Delaware shall constitute the fourth circuit;

Fourth circuit.

The districts of Virginia and North Carolina shall constitute the fifth circuit; and

Fifth circuit.

The districts of South Carolina and Georgia shall constitute the sixth circuit.(a)

Sixth circuit.

And there shall be holden annually in each district of the said circuits, two courts, which shall be called circuit courts. In the first circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of New Hampshire, shall commence on the nineteenth day of May, and the second day of November, annually; in the district of Massachusetts, on the first day of June, and the twentieth day of October, annually; in the district of Rhode Island, on the fifteenth day of June, and the fifteenth day of November, annually.

Two circuit courts to be held in each district.

Altered by act of June 17, 1844.

First circuit, of whom the court is to consist, and the time of its session.

1812, ch. 45.

In the second circuit, the said circuit court shall consist of the senior associate justice of the supreme court residing within the fifth circuit, and the district judge of the district, where such court shall be holden: and the sessions of the said court in the district of Connecticut, shall commence on the thirteenth day of April, and the seventeenth day of September, annually; in the district of New York, on the first day of April, and the first day of September, annually; in the district of Vermont, on the first day of May, and the third day of October, annually.

Second circuit court, its sessions where to be held.

Act of March 3, 1803, ch. 40.

Act of March 9, 1808, ch. 29, sec. 1.

(a) The acts of Congress which regulate the original jurisdiction of the circuit courts, are: An act to establish the judicial courts of the United States, September 24, 1789, chap. 20; an act in addition to an act to prohibit the carrying on the slave trade from the United States to any foreign place or country, May 10, 1800, sec. 4; an act to vest more effectually in the state courts, and in the district courts of the United States, jurisdiction in the cases therein mentioned, March 3, 1815. *Turner v. The Bank of North America*, 4 Dall. 8; 1 Cond. Rep. 205.

The inferior courts of the United States, are all of limited jurisdiction, but they are not on that account inferior courts, in the technical sense of those words, whose judgments taken alone, are to be disregarded. If the jurisdiction be not alleged in the proceedings, they are erroneous, but they are not nullities. *McCormick et al. v. Sullivan et al.*, 10 Wheat. 192; 6 Cond. Rep. 71.

The justices of the supreme court have by practice and acquiescence under it, for a period of several years, commencing with the organization of the judicial system, sat as circuit judges: this practical exposition is too strong to be shaken or controlled. *Stuart v. Laird*, 1 Cranch, 299; 1 Cond. Rep. 316.

The circuit court has jurisdiction on a bill in equity, filed by the United States, against the debtor of their debtor, they claiming a priority under the fifty-fifth section of the act of March 2, 1799, notwithstanding the local law of the state allows a creditor to proceed against the debtor of his debtor by a peculiar process. *The United States v. Howland et al.*, 4 Wheat. 108; 4 Cond. Rep. 404.

Third circuit court, its sessions.

Act of March 3, 1803, ch. 32.

Fourth circuit court, its sessions.

Fifth circuit court, its sessions.

Act of February 4, 1807, ch. 5.

Sixth circuit court, its sessions.

1807, ch. 16.

At Charleston. Columbia.

Savannah.

Louisville.

Provisions if the judges do not attend.

One judge may adjourn the court.

1808, ch. 29.

Clerks of district to be clerks of circuit courts.

With an exception.

Justices of the supreme court to allot themselves among the circuits.

Allotment to be entered on record.

If they fail to do it, the President may make the allotment.

Allotment to be binding until another is made.

Powers of the circuit courts.

In writs of error and appeal, the opinion of the justice of the supreme court to prevail.

In the third circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of New Jersey, shall commence on the first day of April, and the first day of October, annually; in the district of Pennsylvania, on the eleventh day of April, and the eleventh day of October, annually.

In the fourth circuit, the said circuit court shall consist of the justice of the supreme court residing within the said circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of Delaware, shall commence on the third day of June, and the twenty-seventh day of October, annually; in the district of Maryland, on the first day of May, and the seventh day of November, annually; to be holden hereafter at the city of Baltimore only.

In the fifth circuit, the circuit court shall consist of the present chief justice of the supreme court, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of Virginia, shall commence on the twenty-second day of May, and the twenty-second day of November, annually; in the district of North Carolina, on the fifteenth day of June, and the twenty-ninth day of December, annually.

In the sixth circuit, the said circuit court shall consist of the junior associate justice of the supreme court, in the fifth circuit, and the district judge of the district where such court shall be holden: and the sessions of the said court, in the district of South Carolina, shall commence at Charleston on the twentieth day of May, and at Columbia on the thirtieth day of November, annually; in the district of Georgia, on the sixth day of May at Savannah, and on the fourteenth day of December hereafter at Louisville, annually: *Provided*, that when only one of the judges hereby directed to hold the circuit courts, shall attend, such circuit court may be held by the judge so attending; and that when any of the said days shall happen on a Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and the circuit courts constituted by this act, shall be held at the same place or places in each district of every circuit, as by law they were respectively required to be held previous to the thirteenth day of February, one thousand eight hundred and one, excepting as is herein before directed. And none of the said courts shall be holden until after the first day of July next, and the clerk of each district court shall be also clerk of the circuit court in such district, except as is herein after excepted.

SEC. 5. *And be it further enacted*, That on every appointment which shall be hereafter made of a chief justice or associate justice, the said chief justice and associate justices shall allot themselves among the aforesaid circuits as they shall think fit, and shall enter such allotment on record. And in case no such allotment shall be made by them at their session next succeeding such appointment, and also, after the appointment of any judge, as aforesaid, and before any allotment shall have been made, it shall and may be lawful for the President of the United States to make such allotment as he shall deem proper, which allotment made in either case, shall be binding until another allotment shall be made; and the circuit courts constituted by this act, shall have all the power, authority and jurisdiction within the several districts of their respective circuits that before the thirteenth day of February, one thousand eight hundred and one, belonged to the circuit courts of the United States, and in all cases which, by appeal or writ of error, are or shall be removed from a district to a circuit court, judgment shall be rendered in conformity to the opinion of the judge of the supreme court presiding in such circuit court.

SEC. 6. *And be it further enacted*, That whenever any question shall occur before a circuit court, upon which the opinions of the judges shall be opposed, the point upon which the disagreement shall happen, shall, during the same term, upon the request of either party, or their counsel, be stated under the direction of the judges, and certified under the seal of the court, to the supreme court, at their next session to be held thereafter; and shall, by the said court, be finally decided. (a) And the decision

In case of disagreement in opinion of the judges of the circuit court, that of the supreme court upon the point stated to be conclusive.

(a) The decisions of the Supreme Court of the United States, upon the provisions of this section, are: The law which empowers the supreme court to take cognizance of questions adjourned from a circuit court, gives jurisdiction over the single point on which the judges were divided; not over the whole cause. *Wayman et al. v. Southard et al.*, 10 Wheat. 1; 6 Cond. Rep. 1.

Where the court is equally divided, the decree of the court below is of course affirmed, so far as the point of division goes. *The Antelope*, 10 Wheat. 66; 6 Cond. Rep. 30.

The supreme court has no jurisdiction in a case in which the judges of the circuit court have divided in opinion upon a motion for a rule to show cause why the taxation of the costs of the marshal on an execution should not be reversed and corrected. *Bank of the United States v. Green and others*, 6 Peters, 26.

Where the court is equally divided in opinion upon a writ of error the judgment of the inferior court is affirmed. *Etting v. The Bank of the United States*, 11 Wheat. 59; 6 Cond. Rep. 216.

Where a case is certified to the supreme court upon a division of opinion of the judges of the circuit court, and the points upon which they were so divided, are too imperfectly stated to enable the supreme court to pronounce any opinion upon them, it will neither award a *venire facias de novo*, nor certify any opinion to the court below, but will merely certify that they are too imperfectly stated. *Perkins v. Hart's Ex'rs, &c.*, 11 Wheat. 237; 6 Cond. Rep. 287.

It appeared on a certificate from the circuit court of the United States of Pennsylvania, that the judges of the court were divided on a motion in arrest of judgment. Held, that judgment must be given on the verdict. *United States v. Worrall*, 2 Dall. 333.

Where a case is certified from a circuit court of the United States, the judges of the circuit court having differed in opinion upon questions of law which arose on the trial of the cause; the supreme court cannot be called upon to express an opinion on the whole facts of the case, instead of upon particular points of law, growing out of the same. *Adams, Cunningham & Co. v. Jones*, 12 Peters, 207.

The intention of Congress, in passing the act authorizing a division of opinion of the judges of the circuit courts of the United States to be certified to the supreme court was, that a division of the judges of the circuit court, upon a single and material point, in the progress of the cause, should be certified to the supreme court for its opinion; and not the whole cause. When a certificate of division brings up the whole cause, it would be, if the court should decide it, in effect, the exercise of original, rather than appellate jurisdiction. *White v. Turk et al.*, 12 Peters, 238.

This case came up to the supreme court, from the circuit court, upon a division of opinion between the judges of the court. It was decided by the supreme court, that the question certified would, alone, be considered; each party being left to bring up the whole case from the circuit court, by a writ of error. *Ogle v. Lee*, 2 Cranch, 33.

The question certified from the circuit court of North Carolina, was, "whether the act of assembly, (of North Carolina,) entitled, an act concerning proving wills, and to prevent frauds in the management of intestates' estates, passed in 1715, recited in the plea of the defendants, was, under all the circumstances stated, and the various acts passed by the legislature of North Carolina, a bar to this action." The certificate stated, that the 9th section of the act had been pleaded by the defendant, in bar to the action. The certificate of the division was granted on the motion of the plaintiff, by his counsel; and at his request, a statement of the facts, "made under the direction of the judges," was certified. The certificate, thus made out, set forth all the laws of North Carolina, which operated on the question certified; and stated the questions which arose in the cause, on which the opinions of the judges were divided. The court decided in favour of the plaintiff. *Ogden, Adm'r of Cornell v. Blackledge, Ex'r of Sater*, 2 Cranch, 272; 1 Cond. Rep. 411.

The certificate of division of opinion by the judges of the circuit court of Virginia, stated, "In this cause it occurred as a question, whether *Hepburn and Dundas*, the plaintiffs in this cause, who are citizens and residents in the District of Columbia; and are so stated in the pleadings; can maintain an action in the supreme court against the defendant, who is a citizen and inhabitant of the district and the commonwealth of Virginia, and is also stated so to be in the pleadings: or whether, for want of jurisdiction, the said suit ought to be dismissed." It was certified that the circuit court had no jurisdiction in the case. *Hepburn and Dundas v. Ellzey*, 2 Cranch, 445; 1 Cond. Rep. 444.

This case was certified from the circuit court of Pennsylvania, the judges being divided in opinion upon the question, "whether, in the state of the pleadings, the judgment ought to be rendered for the plaintiffs." The supreme court said—Judgment, therefore, on the pleadings, must be rendered for the plaintiffs. Mr. Chief Justice Marshall, who delivered the opinion of the court, said: "By the twenty-sixth section of the judicial act, it is directed that, in cases of this description, the court shall render judgment for so much as is due according to equity. And when the sum for which judgment is to be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury. In this case, it is the opinion of a majority of the court, that the judgment ought to be rendered for so much as remains due of the sum of one hundred and seventy thousand guilders, calculating interest thereon from the 1st of March, 1803; and if either of the parties request it, that a jury be empanelled to ascertain the value of this sum in money of the United States." *United States v. Gurney and others*, 4 Cranch, 333; 2 Cond. Rep. 132.

This case was certified on division of opinion of the judges of the circuit court, on a motion in arrest of judgment, the question being, whether the assignee of a part of a patent right, cannot maintain an action on the case, for a violation of the patent right. 6 Cranch, 324.

In this case, the question certified, on which the judges of the circuit were divided in opinion, was



Decision of the supreme court, and their order in the premises, shall be remitted to the circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order: *Provided*, that nothing herein contained shall prevent the cause from proceeding, if, in

whether a writ of habere facias possessionem should be issued; the defendant, in the circuit court of Maryland, having obtained, in a state court, an order for the injunction of the proceedings in the circuit court. The supreme court directed that the writ be issued. *M'Kim v. Voorhies*, 7 Cranch, 279; 2 Cond. Rep. 492.

The defendant was indicted in the circuit court of Vermont, under embargo laws, for loading carriages with pearl ashes, with intent to export them. The jury found him guilty; and that the ashes were worth two hundred and eighty dollars. The defendant moved in arrest of judgment, for defect in the finding; and on the question presented by the motion, the judges were divided in opinion; which division was certified to the supreme court. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

The question certified to the supreme court, from the circuit court of West Tennessee, was on the construction of the act of the legislature of Tennessee, relative to possession of lands. *Patton's Lessee v. Easton*, 1 Wheat. 476; 3 Cond. Rep. 631.

The supreme court of the United States has no jurisdiction of causes brought before it, on a certificate of division of opinion of the judges of the circuit court, for the *District of Columbia*. The appellate jurisdiction extends, only, to the final judgment and decrees of that court. *Ross v. Triplett*, 3 Wheat. 600; 4 Cond. Rep. 351.

The question referred to the supreme court, by a certificate of division between the judges of the circuit court, on facts stated by the court, was, whether the circuit court of Kentucky could take jurisdiction of a case, when one of the grants for the land in controversy was issued out by the state of Virginia, the other by the state of Kentucky, both grants being founded upon warrants and locations made under the laws of Virginia. *Colson v. Lewis*, 2 Wheat. 377; 4 Cond. Rep. 165.

The facts of the case being found by a special verdict, and the judges being divided in opinion on questions arising on the verdict, the questions were certified to the supreme court. *Somerville's Ex'rs v. Hamilton*, 4 Wheat. 230; 4 Cond. Rep. 436.

The difference of opinion of the judges of the circuit court of Delaware, was, whether certain depositions taken under a commission issued from the circuit court of Delaware, could be read in evidence. This difference was certified to the supreme court, and the question decided. *Sergeant's Lessee v. Biddle et al.*, 4 Wheat. 508; 4 Cond. Rep. 522.

On an indictment for manslaughter, the defendant was found guilty, subject to the opinion of the court, whether the circuit court of Pennsylvania had jurisdiction in a case where the offence was committed on board an American ship, lying in the river Tigris, off Wampo, in the empire of China. On the question of jurisdiction, the judges were divided in opinion, and the division was certified to the supreme court; and was decided in favour of the defendant. *United States v. Willberger*, 5 Wheat. 76; 4 Cond. Rep. 593.

The jury found a special verdict, in the circuit court of Virginia, on a trial of an indictment for piracy; and on a motion to arrest the judgment, the question whether the acts charged against the defendant, and found by the jury, was a piracy by the law of nations, so as to be punishable under the act of Congress of 3d March, 1819, was presented; and the judges of the circuit court were divided in opinion; and thereupon, the question was certified to the supreme court. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619.

The prisoners were found guilty in the circuit court of Massachusetts, for murder on the high seas, out of the jurisdiction of a particular state. The counsel of the prisoners moved the court for a new trial for the misdirection of the court on points of law which arose during the trial. The judges of the court being opposed in opinion upon questions presented with the motion; the indictment, and a statement of the evidence, were certified to the supreme court. *United States v. Holmes et al.*, 5 Wheat. 412; 4 Cond. Rep. 708.

The defendant was indicted in the circuit court of South Carolina, charging him with wickedly and maliciously concealing a murder committed on the high seas, of which he had knowledge. The judge charged the jury, that the concealment, under the circumstances, was sufficient to convict the defendant, and the jury found him guilty. On a motion to arrest the judgment, and for a new trial, the judges were opposed in opinion on the motion, which was certified to the supreme court. The supreme court said, a motion for a new trial is not a part of the proceedings of the case. The question must be one which arises in a cause depending before the court, relative to a proceeding belonging to the cause. A motion for a new trial has never before been brought to this court on a division of opinion in the circuit court. *United States v. Daniel*, 6 Wheat. 542; 5 Cond. Rep. 170.

On a trial of a writ of right in the circuit court of Kentucky, the judges of the court differed in opinion on questions as to the constitutionality of certain laws of Kentucky, giving to occupying claimants of land, the value of their improvements. The questions were certified to the supreme court. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369.

The question certified from the circuit court of Maryland, in this case, was on a motion to instruct the jury, that, on the whole evidence, the plaintiffs cannot sustain their demand. All the evidence given on the trial of the cause was before the supreme court. The supreme court certified their opinion to the circuit court. *Willinks v. Hollingsworth*, 6 Wheat. 240; 5 Cond. Rep. 79.

This was a case certified from the circuit court of New Jersey. The question on which the court was divided was, whether on the special pleadings and demurrer, an alteration in the bond of a collector of taxes, made without the knowledge of his surety, by which the collector was appointed for nine instead of eight townships, discharged the surety from liability for taxes collected after the alteration was made. *Miller v. Stewart*, 9 Wheat. 680; 5 Cond. Rep. 727.

This cause was certified from the circuit court of the district of Kentucky, upon a division of opinion between the judges of that court, on several questions which occurred, on a motion made by the plaintiff, to quash the marshal's return on an execution issued on a judgment obtained in that court on a replevin bond; and also to quash the replevin bond taken on the execution, for the causes assigned in the motion. The court divided in opinion on the points stated in the motion, and the same were certified to the supreme court. *Wayman et al. v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

the opinion of the court, farther proceedings can be had without prejudice to the merits: and provided also, that imprisonment shall not be allowed, nor punishment in any case be inflicted, where the judges of the said court are divided in opinion upon the question touching the said imprisonment or punishment.

Imprisonment, &c. not to be inflicted when the court is divided.

The defendants, Kelly and others, were indicted in the circuit court of Pennsylvania, for feloniously endeavouring to make a revolt on the high seas, on board of a merchant vessel of the United States. They were found guilty; and their counsel moved to arrest the judgment, on the ground, "that the act of Congress does not define the offence of making a revolt, and that it was not competent to the court to give a judicial definition of a crime heretofore unknown." The opinions of the judges of the circuit court were divided on this motion, and the same was certified to the supreme court. United States v. Kelly et al., 11 Wheat. 417; 6 Cond. Rep. 370.

An action of general indebitatus assumpsit, was brought in the circuit court of Ohio, for work, labour and services in exploring and surveying lands, showing and selling them, investigating titles, and paying taxes, &c. The plaintiff also filed an additional bill of particulars, stating other services. The jury found a verdict for the plaintiff, "if, on points reserved, the court should be of opinion that the law is for the plaintiff; if not, for the defendant." The opinions of the judges being opposed, the cause was removed to the supreme court, upon a certificate of disagreement upon points stated, and the special verdict. The points were, that the whole evidence and certain letters, show a subsisting and open agreement at the time of action brought; that the whole evidence constitutes a special agreement, &c.; that the plaintiff cannot recover on two items of the account, &c. The supreme court held the points imperfectly stated, and refused to give a certificate of their opinion. Perkins v. Hart's Ex'r, 11 Wheat. 237; 6 Cond. Rep. 287.

In this case, the judges of the circuit court of West Tennessee, after a judgment rendered in the court, divided in opinion as to the amount of the surety bond to be given by the party who applied for a writ of error: whereupon the division was certified to the supreme court. The court were of opinion, that it had no jurisdiction of the question on which the opinions of the judges of the circuit court were opposed; the division of opinion having arisen after a decision of the cause, in the court below. It was certified, accordingly, to the circuit court. Devereaux v. Marr, 12 Wheat. 212; 6 Cond. Rep. 522.

In this case, an action of debt was brought in the circuit court of Rhode Island, on two bonds given, conditioned that N. H. should remain a true prisoner within the limits of the prison. The defendant pleaded a discharge from imprisonment by an act of the legislature of Rhode Island. The judges of the circuit court were opposed in opinion, as to the validity of the discharge; and the same was certified to the supreme court. Mason v. Haile, 12 Wheat. 370; 6 Cond. Rep. 535.

An action was instituted in the circuit court of the United States for the southern district of New York, against the drawer, upon nine several bills of exchange, and a verdict was taken for the plaintiffs, subject to the opinion of the court, on a case agreed. The judges of the circuit court being divided in opinion upon certain points, the same was certified to the supreme court. The case stated formed a part of the record sent up to the supreme court. The supreme court directed the opinion of the court to be certified on each of the points, on which the judges of the circuit court had been divided in opinion; and which were argued before it. Schimmelpennich et al. v. Bayard et al., 1 Peters; 264.

This case came before the court on a certificate of a division of opinion between the judges of the circuit court of the southern district of New York; the court having divided in opinion on a motion for execution, after a verdict against the sureties of a postmaster, for the plaintiff. The circuit court directed the questions which arose on the motion, and on which they had differed, to be certified to the supreme court. Dox et al. v. The Postmaster General, 1 Peters, 318.

An action was instituted in the circuit court of Kentucky on a promissory note, by the Bank of the United States; and the defendants filed a plea, setting forth circumstances which brought up the question of usury, in the discounting of the note. The plaintiffs demurred; and the judges of the circuit court differed in opinion on the questions raised by the pleadings: 1. Whether the facts set forth in the plea, made out a case of usury. 2. Whether, if there was usury in the case, the note is invalid, so that no recovery can be had thereon. 3. Whether, if not wholly void, a part of the note can be recovered. Bank of the United States v. Owens and others, 2 Peters, 527.

Action on a bill of exchange. A judgment was confessed on a case stated, subject to the opinion of the court, whether the court had jurisdiction of the suit. The judges differed in opinion, and the question on which they divided was certified to the supreme court. Buckner v. Finley and Van Lear, 2 Peters, 586.

A writ of right was brought in the circuit court of the southern district of New York, and the judges of the court were opposed in opinion on questions presented in the trial of the cause, on the pleadings, and on the merits. The record contained all the pleadings, and the evidence given on the trial; and the questions on which the judges were opposed were certified to the supreme court. Inglis v. The Trustees of the Sailor's Snug Harbor, 3 Peters, 99.

The questions on which the judges of the circuit court of North Carolina were opposed in opinion, arose in an action instituted against the defendant, to recover damages for neglecting to institute a suit against the indorser of a promissory note, until after the remedy was barred by the statute of limitations. The question certified to the supreme court, arose on the finding of the jury for the plaintiff, subject to the opinion of the court, whether the statute of limitations was not a bar to the plaintiff's action against the defendant. Wilcox et al. v. The Ex'rs of Plummer, 4 Peters, 172.

On inspecting the record, it was perceived that the judges of the circuit court of Rhode Island, instead of dividing on one or more points, had divided on the whole case, and had directed the whole case to be certified to the supreme court. Considering this as irregular, the supreme court directed the cause to be remanded to the circuit court, that further proceedings may be had therein according to law. Saunders v. Gould, 4 Peters, 392.

A bill was filed on the equity side of the circuit court of Virginia, and the judges were opposed in opinion on questions arising in the case, as to the appropriation and distribution of the assets of the

North Carolina district divided into three districts.

SEC. 7. *And be it further enacted*, That the district of North Carolina shall be divided into three districts, one to consist of all that part thereof which, by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax, which district shall be called the dis-

estate of a testator. These questions were certified to the supreme court. *Backhouse v. Patton*, 5 Peters, 160.

In an action on a bond to the United States, the judges of the circuit court of Maryland were divided in opinion as to the right of the plaintiffs to recover against the defendants as sureties for a debt due to the United States, by the Bank of Somerset. *United States v. Robertson*, 5 Peters, 641.

An action of debt was brought on a promissory note in the circuit court for the district of West Tennessee, and the judges of the court were opposed in opinion on questions which arose on the plaintiff's demurrers to the defendant's pleas; and also whether the averment of the citizenship of some of the parties to the suit was sufficient. A certificate of this division of opinion was, by the direction of the circuit court, made to the supreme court, according to law. *Kirkman v. Hamilton*, 6 Peters, 20.

The judges of the circuit court of North Carolina were opposed in opinion, on a question, whether the priority to which the United States are entitled in case of a general assignment made by a debtor, comprehends a bond for duties executed anterior to the assignment, but not payable until after the same. The question was certified to the supreme court. *United States v. The State Bank of North Carolina*, 6 Peters, 29.

In this case the defendant was indicted and convicted of robbing the United States' mail, and being pardoned by the President of the United States, a question arose in the circuit court of the United States, whether the defendant should plead the pardon. On this question the judges of the court were opposed in opinion, and the question was certified to the supreme court, for its decision. *United States v. Wilson*, 7 Peters, 150.

This case was submitted to the circuit court, on a statement of facts agreed upon by the counsel of the plaintiff, and the district attorney of the United States. The whole of the agreed facts were sent up with the record. Upon the trial and statement of facts in the cause, certain questions had occurred, on which the opinions of the judges were opposed; and the points of disagreement were certified to the supreme court for their decision. The court decided on all the questions certified, with one exception. *Harris v. Elliott*, 10 Peters, 25.

An action of assumpsit was commenced by the plaintiff against the collector of the port of New York, to recover a sum paid to him for duties on certain goods; the goods not being liable, under the law, to the duties charged by the collector. On the trial of the cause, the judges of the circuit court of the southern district of New York were opposed in opinion, as to the construction of the act of Congress, by which the duties were claimed; and being so opposed in opinion, the question as to the construction of the law was certified to the supreme court for decision. *Elliott v. Swartwout*, 10 Peters, 137.

An action of detinue was instituted in the circuit court of West Tennessee, to recover a slave. During the progress of the suit, the defendant died; and his personal representative moved to dismiss the suit, on the ground that it did not survive. On this motion, the judges of the court were divided in opinion; and the same was certified, for its decision, to the supreme court. *Davis v. Braden*, 10 Peters, 286.

A question, whether a plaintiff in ejectment shall be permitted to enlarge the term in the demise, is one within the discretion of the court, to which the motion for the purpose is submitted; and it cannot be certified to the supreme court, if the judges of the circuit court are divided in opinion. *Lanning's Lessee v. Vaughan et al.*, 10 Peters, 366.

Questions respecting the practice of the circuit court in equity cases, which depend on the sound discretion of the court, in the application of the rules which regulate the course of equity proceedings, to the circumstances of such particular case; are not questions which can be certified, on a division of opinion of the circuit court. *Packer v. Nixon*, 10 Peters, 408.

The questions certified to the supreme court were, whether, on certain facts which were in evidence in the cause, the deed was admissible in evidence, under the acts of the legislatures of North Carolina and Tennessee; and whether certain evidence, which was given on the trial, did or did not conduce to prove that the defendants purchased under a particular person. On these questions, the judges of the circuit court of Tennessee were opposed in opinion; and the same were certified, and answered by the supreme court. *Denn, Lessee of Scott v. Reid et al.*, 10 Peters, 524.

An action of debt was instituted on an act of the legislature of New York, to recover certain penalties, for bringing into the state of New York certain paupers, in violation of the provisions of the act. The declaration set out the law of New York, and the breach of its provisions, by the defendant. The defendant demurred to the declaration, and the plaintiff joined in the demurrer. The judges of the circuit court of the southern district of New York were opposed in opinion on the question; whether the act of the legislature of New York, mentioned in the declaration, assumes to regulate commerce between the port of New York and foreign ports. This was certified to the supreme court. *City of New York v. Milne*, 11 Peters, 102.

The defendant was indicted for forging a bill of the Bank of the United States; and the judges of the circuit court of the United States for the Pennsylvania district, being opposed in opinion, whether the same was a bill of the Bank of the United States, according to the eighteenth section of the act, granting a charter to the bank; the same, with the indictment, was certified to the supreme court for its decision. *United States v. Brewster*, 7 Peters, 164.

The opinions of the judges of the circuit court of Pennsylvania were opposed in opinion, on a question arising on a demurrer, by the United States, to a plea of *autre fois acquit*, to an indictment for passing a counterfeit bank note of the Bank of the United States; and the same was certified to the supreme court. *United States v. Randenbush*, 8 Peters, 288.

The judges of the circuit court of Massachusetts were opposed in opinion on five points which arose on the trial, before a jury, of the cause; and they were, with all the evidence, certified to the supreme court for its decision. *Carrington et al. v. The Merchants' Ins. Co.*, 8 Peters, 495.

trict of Albemarle, and a district court in and for the same shall be holden at Edenton by the district judge of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of North Carolina which by the laws of the said state now forms the districts of Newbern and Hillsborough, together with all that part of the district of Wilmington which lies to the northward and eastward of New river; for which district of Pamptico, a district court shall be holden at Newbern by the district judge last aforesaid on the second Tuesday in April, on the second Tuesday in August, and on the second Tuesday in December in each and every year; and one other to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and for which a district court shall be holden at Wilmington by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December, in each and every year; which said district courts hereby directed to be holden shall respectively have and exercise within their several districts, the same powers, authority and jurisdiction, which are vested by law in the district courts of the United States.

SEC. 8. *And be it further enacted*, That the circuit court and district courts for the district of North Carolina shall appoint clerks for the said courts respectively, which clerks shall reside and keep the records of the said courts at the places of holding the courts whereto they shall respectively belong, and shall perform the same duties and be entitled to and receive the same emoluments and fees, respectively, which are by law established for the clerks of the circuit and district courts of the United States respectively.

SEC. 9. *And be it further enacted*, That all actions, causes, pleas, process and other proceedings relative to any cause, civil or criminal, which shall be returnable to, or depending in the several circuit or district courts of the United States on the first day of July next, shall be and are hereby declared to be respectively transferred, returned and continued to the several circuit and district courts constituted by this act, at the times herein before and herein after appointed for the holding of each of the said courts, and shall be heard, tried and determined therein in the same manner and with the same effect, as if no change had been made in the said courts. And it shall be the duty of the clerk of each and every court hereby constituted, to receive and to take into his safe keeping the writs, process, pleas, proceedings and papers of all those causes and actions which by this act shall be transferred, returned or continued to such court, and also all the records and office papers of every kind respectively belonging to the courts abolished by the repeal of the act, intituled "An act to provide for the more convenient organization of the courts of the United States," and from which the said causes shall have been transferred as aforesaid.

SEC. 10. *And be it further enacted*, That all suits, process, pleadings and other proceedings, of what nature or kind soever, depending in the circuit court in the district of Ohio, and which shall have been, or may hereafter be commenced within the territory of the United States north-west of the river Ohio, in the said court, shall, from and after the first day of July next, be continued over, returned, and made cognizable, in the superior court of the said territory next thereafter to be holden, and all actions, suits, process, pleadings, and other proceedings as aforesaid depending in the circuit court of the said district, and which shall have been or may hereafter be commenced within the Indiana territory in said court, shall, from and after the first day of July next, be continued over, returned and made cognizable in the superior court of the said Indiana territory, next thereafter to be holden.

Names of the districts.

Act of February 4, 1807, ch. 5, sec. 2. Vol. 1. p. 217, 253, 518.

District of Cape Fear court to be holden at Wilmington.

Act of February 4, 1807, ch. 5, sec. 2.

Circuit and district courts for North Carolina to appoint their clerks.

Where they shall reside and keep their records.

Their duties, fees and emoluments.

Continuance of suits depending in the circuit courts on the first day of July, 1802.

The clerks to take charge of all writs, &c.

Suits depending in the circuit court in the district of Ohio, and in the territory of Indiana to be continued over.

Cognizance of proceedings under commissions of bankruptcy in certain cases.

Act of February 13, 1801, ch. 4.

Salaries of the district judges of Kentucky and Tennessee.

Vol. i. p. 496.

Act of September 24, 1789, ch. 20. Act of January 31, 1797, ch. 2.

Certain marshals and attorneys may be continued.

Act of February 13, 1801, ch. 4.

President to discontinue others.

Act of February 13, 1801, ch. 4.

Marshal's powers and duties.

Marshals and attorneys discontinued, to deliver over papers, &c.

General commissioners of bankruptcy.

Proceedings upon a petition for a commission of bankruptcy.

Act of April 4, 1800, ch. 19. sec. 2.

Allowance to the commissioners and clerk.

To be apportioned out of the bankrupt's property.

Who may be, or are commissioners already appointed.

In certain cases to finish the business of their appointments.

SEC. 11. *And be it further enacted*, That in all cases in which proceedings shall, on the said first day of July next, be pending under a commission of bankruptcy issued in pursuance of the aforesaid act, intituled "An act to provide for the more convenient organization of the courts of the United States," the cognizance of the same shall be, and hereby is transferred to, and vested in, the district judge of the district within which such commission shall have issued, who is hereby empowered to proceed therein in the same manner and to the same effect, as if such commission of bankruptcy had been issued by his order.

SEC. 12. *And be it further enacted*, That from and after the first day of July next, the district judges of Kentucky and Tennessee shall be and hereby are severally entitled to a salary of fifteen hundred dollars, annually, to be paid quarter-yearly at the treasury of the United States.

SEC. 13. *And be it further enacted*, That the marshals and attorneys of the United States, for the districts which were not divided, or within the limits of which, new districts were not erected, by the act intituled "An act to provide for the more convenient organization of the courts of the United States," passed the thirteenth day of February, one thousand eight hundred and one, shall continue to be marshals and attorneys for such districts respectively, unless removed by the President of the United States, and in all other districts which were divided or within the limits of which new districts were erected by the last recited act, the President of the United States be and hereby is empowered from and after the first day of July next to discontinue all such supernumerary marshals and district attorneys of the United States in such districts respectively as he shall deem expedient, so that there shall be but one marshal and district attorney to each district; and every marshal and district attorney who shall be continued in office, or appointed by the President of the United States in such districts, shall have and exercise the same powers, perform the same duties, give the same bond with sureties, take the same oath, be subject to the same penalties and regulations as are, or may be prescribed by law, in respect to the marshals and district attorneys of the United States. And every marshal and district attorney who shall be so discontinued as aforesaid shall be holden to deliver over all papers, matters and things in relation to their respective offices, to such marshals and district attorneys respectively who shall be so continued or appointed as aforesaid in such district, in the same manner as is required by law in cases of resignation or removal from office.

SEC. 14. *And be it further enacted*, That there shall be appointed by the President of the United States, from time to time, as many general commissioners of bankruptcy, in each district of the United States, as he may deem necessary: and upon petition to the judge of a district court for a commission of bankruptcy he shall proceed as is provided in and by an act, intituled "An act to establish a uniform system of bankruptcy throughout the United States," and appoint, not exceeding three of the said general commissioners as commissioners of the particular bankrupt petitioned against; and the said commissioners, together with the clerk, shall each be allowed as a full compensation for their services, when sitting and acting under their commissions, at the rate of six dollars per day for every day which they may be employed in the same business, to be apportioned among the several causes on which they may act on the same day, and to be paid out of the respective bankrupt's estates: *Provided*, that the commissioners, who may have been, or may be appointed in any district before notice shall be given of the appointment of commissioners for such district by the President in pursuance of this act, and who shall not then have completed their business, shall be authorized to proceed and finish the same, upon the terms of their original appointment.

SEC. 15. *And be it further enacted*, That the stated session of the district court, for the district of Virginia, heretofore directed to be holden in the city of Williamsburg shall be holden in the town of Norfolk from and after the first day of July next, and the stated sessions of the district court for the district of Maryland, shall hereafter be holden in the city of Baltimore only, and in the district of Georgia, the stated sessions of the district court shall be held in the city of Savannah only.

SEC. 16. *And be it further enacted*, That for the better establishment of the courts of the United States within the state of Tennessee, the said state shall be divided in two districts, one to consist of that part of said state, which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee, the other to consist of the remaining part of said state, and to be called the district of West Tennessee.

SEC. 17. *And be it further enacted*, That the district judge of the United States, who shall hereafter perform the duties of district judge, within the state of Tennessee, shall annually hold four sessions, two at Knoxville, on the fourth Monday of April, and the fourth Monday of October, in and for the district of East Tennessee, and two at Nashville, on the fourth Monday of May, and the fourth Monday of November, in and for the district of West Tennessee.

SEC. 18. *And be it further enacted*, That there shall be a clerk for each of the said districts of East and West Tennessee, to be appointed by the judge thereof, who shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, which are established by law for the clerks of the district courts of the United States, respectively.

SEC. 19. *And be it further enacted*, That there shall be appointed, in and for each of the districts of East and West Tennessee, a marshal, whose duty it shall be to attend the district courts hereby established, and who shall have and exercise within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to the same allowance, as a full compensation for all extra services, as hath heretofore been allowed to the marshal of the district of Tennessee, by a law, passed the twenty-eighth day of February, one thousand seven hundred and ninety-nine, and shall receive the same compensation and emoluments, and in all respects be subject to the same regulations as are now prescribed by law, in respect to the marshals of the United States, heretofore appointed: *Provided*, that the marshals of the districts of East and West Tennessee, now in office, shall, during the periods for which they have been appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside.

SEC. 20. *And be it further enacted*, That there shall be appointed for each of the districts of East and West Tennessee, a person learned in the law, to act as attorney for the United States within such district; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute in such district, all delinquencies, for crimes and offences, cognizable under the authority of the United States, and all civil actions or suits, in which the United States shall be concerned; and shall be entitled to the same allowance, as a full compensation for all extra services, as hath heretofore been allowed to attorneys of the district of Tennessee, by a law passed the twenty-eighth day of February, one thousand seven hundred and ninety-nine, and shall receive such compensation, emoluments and fees, as by law are or shall be allowed to the district attorneys of the United States, respectively: *Provided*, that the district attorneys of East and West

District court of Virginia to be held at Norfolk.

For Maryland, at Baltimore.

For Georgia, at Savannah.

State of Tennessee divided into two districts.

District judge of Tennessee to hold four annual sessions.

Where.  
Act of February 24, 1807, ch. 16, sec. 4.

Clerks to be appointed for East and West Tennessee.

Where to reside—their duties and emoluments.

Marshals for East and West Tennessee—their powers, duties, and emoluments.

Act of February 28, 1799, ch. 19, sec. 4.

The present marshals to continue in office, unless removed by the President.

Attorneys for East and West Tennessee.

Their duties and emoluments.

The present district attorneys to continue in office, unless removed by the President.

Proceedings, &c., depending in the sixth circuit in certain courts continued over to others.

Terms of the district court of Maine.

Annual session to be holden on the last Tuesday in May.

To what time proceedings therein are returnable.

District court of the U. States to be held in the district of Columbia.

Act of February 27, 1801, ch. 15.

Testimony of witnesses in chancery suits may be taken in writing.

Cases in which it shall not be taken in writing.

Clerk for the district court of Norfolk.

His place of residence, duties and emoluments.

Terms of the district court of Vermont.

Tennessee, now in office, shall severally and respectively be attorneys for those districts within which they reside, until removed by the President of the United States.

SEC. 21. *And be it further enacted*, That all actions, suits, process, pleadings and proceedings, of what nature or kind soever, which shall be depending or existing in the sixth circuit of the United States within the circuit courts of the districts of East and West Tennessee, shall be and hereby are continued over to the district courts established by this act in manner following, that is to say: All such as shall on the first day of July next, be depending and undetermined, or shall then have been commenced, and made returnable before the circuit court of East Tennessee, to the next district court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined, or shall have been commenced and made returnable before the circuit court of West Tennessee, to the next district court, hereby directed to be holden, within and for the district of West Tennessee, and all the said suits shall then be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been if the law, authorizing the establishment of the sixth circuit of the United States, had not been repealed.

SEC. 22. *And be it further enacted*, That the next session of the district court for the district of Maine, shall be holden on the last Tuesday in May next; and that the session of the said court heretofore holden on the third Tuesday of June annually, shall thereafter be holden, annually, on the last Tuesday in May.

SEC. 23. *And be it further enacted*, That all writs and process which shall have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court on the third Tuesday in June next, shall be returned and held continued to the said last Tuesday of May next.

SEC. 24. *And be it further enacted*, That the chief judge of the district of Columbia shall hold a district court of the United States, in and for the said district, on the first Tuesday of April, and on the first Tuesday of October in every year; which court shall have and exercise, within the said district, the same powers and jurisdiction which are by law vested in the district courts of the United States. (a)

SEC. 25. *And be it further enacted*, That in all suits in equity, it shall be in the discretion of the court, upon the request of either party, to order the testimony of the witnesses therein to be taken by depositions; which depositions shall be taken in conformity to the regulations prescribed by law for the courts of the highest original jurisdiction in equity, in cases of a similar nature, in that state in which the court of the United States may be holden: *Provided however*, that nothing herein contained shall extend to the circuit courts which may be holden in those states, in which testimony in chancery is not taken by deposition. (b)

SEC. 26. *And be it further enacted*, That there shall be a clerk for the district court of Norfolk, to be appointed by the judge thereof, which clerk shall reside and keep the records of the said court at Norfolk aforesaid, and shall perform the same duties, and be entitled to, and receive the same fees and emoluments which are established by law for the clerks of the district courts of the United States.

SEC. 27. *And be it further enacted*, That from and after the first day of July next, there shall be holden, annually, in the district of Vermont, two stated sessions of the district court, which shall commence

(a) See note to act of February 27, 1801, chap. 15.

(b) In appeals to the supreme court from the circuit courts in chancery cases, the parol testimony which is heard in the court below ought to appear on the record. *Conn v. Penn*, 5 Wheat. 424; 4 Cond. Rep. 716.

on the tenth day of October, at Rutland, and on the seventh day of May, at Windsor, in each year; and when either of the said days shall happen on a Sunday, the said court, hereby directed to be holden on such day, shall be holden on the day next thereafter.

SEC. 28. *And be it further enacted*, That the act, intituled "An act altering the time of holding the district court in Vermont," and so much of the second section of the act, intituled "An act giving effect to the laws of the United States within the state of Vermont," as provides for the holding four sessions, annually, of the said district court, in said district, from and after the first day of July next, be and hereby are repealed.

SEC. 29. *And be it further enacted*, That the clerk of the said district court shall not issue a process to summon, or cause to be returned, to any session of the said district court, a grand jury, unless by special order of the district judge, and at the request of the district attorney; nor shall he cause to be summoned or returned, a petit jury to such sessions of the said district court, in which there shall appear to be no issue proper for the trial by jury, unless by special order of the judge as aforesaid. And it shall be the duty of the circuit court in the district of Vermont, at their stated sessions, to give in charge to the grand juries, all crimes, offences and misdemeanors, as are cognizable, as well in the said district court, as the said circuit court, and such bills of indictment as shall be found in the circuit court, and cognizable in the said district court, shall, at the discretion of the said circuit court, be transmitted by the clerk of the said court, pursuant to the order of the said circuit court, with all matters and things relating thereto, to the district court next thereafter to be holden, in said district, and the same proceedings shall be had thereon in said district court, as though said bill of indictment had originated and been found in the said district court. And all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable in either of the said courts, shall be to the circuit court next thereafter to be holden in said district.

SEC. 30. *And be it further enacted*, That from and after the passing of this act, no special juries shall be returned by the clerks of any of the said circuit courts; but that in all cases in which it was the duty of the said clerks to return special juries before the passing of this act, it shall be the duty of the marshal for the district where such circuit court may be held, to return special juries, in the same manner and form, as, by the laws of the respective states, the said clerks were required to return the same.

APPROVED, April 29, 1802.

Repealing clause concerning the former sessions of this court.

Act of March 22, 1816, ch. 31. See vol. i. p. 197.

When a grand jury for the district court of Vermont is to be summoned.

And a petit jury.

Circuit court of the district of Vermont to give certain things in charge to the grand juries.

Special juries to be no longer returned by the clerks.

Marshals to do it in certain cases.

#### STATUTE I.

CHAP. XXXII.—*An Act making provision for the redemption of the whole of the Public Debt of the United States.*

April 29, 1802.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the duties on merchandise and tonnage as, together with the monies, other than surpluses of revenue, which now constitute the sinking fund, or shall accrue to it by virtue of any provisions heretofore made, and together with the sums annually required to discharge the annual interest and charges accruing on the present debt of the United States, including temporary loans heretofore obtained, and also future loans which may be made for reimbursing, or redeeming, any instalments, or parts of the principal of the said debt, will amount to an annual sum of seven millions three hundred thousand dollars, be, and the same hereby is yearly appropriated to the said fund; and the said sums are hereby declared

Appropriations for the extinguishment of the public debt.

See vol. i. p. 138, 218, 279, 338, 370, 410, 432, 488, 512, 562. Debts to individual states, vol. i. p. 49, 178, 616.



Balances of unexpended appropriation, how disposed of.

Appropriations, amount of, to be paid each and every year by the Secretary of the Treasury to the commissioners of the sinking fund.

Reimbursement of the capital of the present debt of the United States, including future loans that may be made, and payments on account of interest, &c. to be under the direction of the commissioners of the sinking fund.

Specific appropriations to be applied under the direction of the commissioners.

to be vested in the commissioners of the sinking fund, in the same manner as the monies heretofore appropriated to the said fund, to be applied by the said commissioners to the payment of interest and charges, and to the reimbursement or redemption of the principal of the public debt, and shall be and continue appropriated until the whole of the present debt of the United States, and the loans which may be made for reimbursing or redeeming any parts or instalments of the principal of the said debt shall be reimbursed and redeemed: *Provided*, that after the whole of the said debt, the old six per cent. stock, the deferred stock, the seventeen hundred and ninety-six six per cent. stock and three per cent. stock excepted, shall have been reimbursed or redeemed, any balance of the sums annually appropriated by this act, which may remain unexpended at the end of six months next succeeding the end of the calendar year to which such annual appropriation refers, shall be carried to the surplus fund, and cease to be vested by virtue of this act in the commissioners of the sinking fund, and the appropriation, so far as relates to such unexpended balance, shall cease and determine.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury annually, and in each year, to cause to be paid to the commissioners of the sinking fund the said sum of seven millions three hundred thousand dollars, in such payments, and at such times, in each year as the situation of the treasury will permit: *Provided*, that all such payments as may be necessary to enable the said commissioners to discharge, or reimburse, any demands against the United States, on account of the principal or interest of the debt, which shall be actually due, in conformity to the engagements of the said states, shall be made at such time and times, in each year as will enable the said commissioners faithfully and punctually to comply with such engagement.

SEC. 3. *And be it further enacted*, That all reimbursements of the capital, or principal of the present debt of the United States, including future loans which may be made for reimbursing or redeeming any instalments, or parts of the same, and all payments on account of the interest and charges accruing upon the said debt shall be made under the superintendance of the commissioners of the sinking fund. And it shall be the duty of the said commissioners to cause to be applied and paid out of the said fund, yearly and every year, at the treasury of the United States, the several and respective sums following, to wit: first, such sum and sums as by virtue of any act or acts, they have heretofore been directed to apply and to pay: secondly, such sum and sums as may be annually wanted to discharge the annual interest and charges accruing on any other part of the present debt of the United States, including the interest and charges which may accrue on future loans which may be made for reimbursing or redeeming any instalments, or parts of the principal of the said debt: thirdly, such sum and sums as may annually be required to discharge any instalment or part of the principal of the present debt of the United States, and of any future loans which may be made for reimbursing, or discharging the same, which shall be actually due and demandable, and which shall not by virtue of this, or any other act, be renewed or prolonged, or reimbursed, out of the proceeds of a new loan: and also it shall be the duty of the said commissioners to cause to be applied the surplus of such fund as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption, by payment, or purchase, of the present debt of the United States, including loans for the reimbursement thereof, temporary loans heretofore obtained from the Bank of the United States, and those demands against the United States, under any treaty, or convention, with a foreign power, for the payment of which the faith of the United States has been, or may hereafter be pledged by Congress: *Provided*, however, that the whole, or any part, of such demands, arising under a

treaty, or convention, with a foreign power, and of such temporary loans, may, at any time, be reimbursed, either out of the sinking fund, or, if the situation of the treasury will permit, out of any other monies which have been, or may hereafter be, appropriated to that purpose.

SEC. 4. *And be it further enacted,* That the commissioners of the sinking fund be, and they hereby are empowered, with the approbation of the President of the United States, to borrow on the credit of the United States, either in America, or abroad, by obtaining a prolongation of former loans, or otherwise, the sums requisite for the payment of the instalments or parts of principal of the Dutch debt, which become due in the years one thousand eight hundred and three, one thousand eight hundred and four, one thousand eight hundred and five, and one thousand eight hundred and six: and that a sum equivalent to that to be thus borrowed, or reloaned, shall be laid out by the commissioners of the sinking fund, in the purchase or redemption of such parts of the present debt of the United States, and other demands against them, as the commissioners of the sinking fund may lawfully pay, agreeably to the provisions herein before made, and as the said commissioners shall in their judgment deem most expedient, so as to effect the payment annually of seven million three hundred thousand dollars, towards the final discharge of the whole debt, agreeably to such provision: *Provided,* That the United States shall have a right to reimburse any loan thus made within six years after the date of the same, and that the rate of interest thereupon shall not exceed five per centum per annum, nor the charges thereupon the rate of five per centum on the capital borrowed: *And provided always,* that the power herein given shall not be construed to repeal, diminish, or affect the power given to the said commissioners, by the tenth section of the act intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," to borrow certain sums for the discharge of the instalments of the capital, or principal, of the public debt, in the manner, and on the terms prescribed by the said section; nor the power given to them by an act intituled "An act making provision for the payment of certain debts of the United States," to borrow certain sums and to sell the shares of the Bank of the United States, belonging to the United States, in the manner, on the terms, and for the purposes authorized by the said act; and provided, further, that nothing herein contained shall be construed to revive any act or part of an act, authorizing the loan of money, and which hath heretofore expired.

SEC. 5. *And be it further enacted,* That for the purpose of more effectually securing the reimbursement of the Dutch debt, the commissioners of the sinking fund may, and they hereby are empowered, with the approbation of the President of the United States, to contract, either with the Bank of the United States, or with any other public institution, or with individuals, for the payment, in Holland, of the whole, or any part, of the principal of the said Dutch debt, and of the interest and charges accruing on the same, as the said demands become due, on such terms as the said commissioners shall think most advantageous to the United States; or to employ either the said bank, or any other public institution, or any individual or individuals, as agent or agents, for the purpose of purchasing bills of exchange, or any other kind of remittances, for the purpose of discharging the interest and principal of said debt, and to allow to such agent or agents a compensation not exceeding one fourth of one per cent. on the remittances thus purchased or procured by them under the direction of the said commissioners, and as much of the duties on tonnage and merchandise as may be necessary for that purpose is hereby appropriated towards paying the extra allowance or commission resulting from such transaction, or transactions, and also to pay any deficiency arising from any loss incurred upon any remittance pur-

Demands under treaties, &c. may be satisfied out of other monies.

Commissioners authorized to borrow under the direction of the President for the purpose of obtaining a prolongation of the payment of the Dutch debt.

The loans to be made to be reimbursable within six years.

Rate of interest, and of charges.

Power given not to affect the powers given by former acts.

Not to revive any act for the loan of money, which has expired.

Commissioners authorized to employ the bank of the U. States as an agent, for the payment of the Dutch debt, &c.

Compensation to agent.

chased or procured under the direction of the said commissioners, for the purpose of discharging the principal and interest of the said debt.

Authorized to employ an agent in Europe relative to the said business.

SEC. 6. *And be it further enacted*, That the commissioners of the sinking fund be, and they hereby are empowered, with the approbation of the President of the United States, to employ, if they shall deem it necessary, an agent in Europe for the purpose of transacting any business relative to the discharge of the Dutch debt, and to the loans authorized by this, or any other act, for the purpose of discharging the same, and also to allow him a compensation not exceeding three thousand dollars a year, to be paid out of any monies in the treasury not otherwise appropriated.

His compensation.

Nothing in this act to affect the provisions of former acts pledging the faith of the U. States.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be construed to repeal, alter, or affect any of the provisions of any former act pledging the faith of the United States to the payment of the interest, or principal, of the public debt; and that all such payments shall continue to be made at the time heretofore prescribed by law; and the surplus only of the appropriations made by this act beyond the sums payable by virtue of the provisions of any former act, shall be applicable to the reimbursement, redemption, or purchase of the public debt in the manner provided by this act.

Restrictions and regulations established by former acts, shall apply to the commissioners under this.

SEC. 8. *And be it further enacted*, That all the restrictions and regulations heretofore established by law, for regulating the execution of the duties enjoined upon the commissioners of the sinking fund, shall apply to and be in as full force for the execution of the analogous duties enjoined by this act, as if they were herein particularly repeated and re-enacted. *Provided, however*, that the particular annual account of all sales of stock, of loans, and of payments, by them made, shall, hereafter, be laid before Congress on the first week of February, in each year; and so much of any former act as directed such account to be laid before Congress within fourteen days after their meeting, is hereby repealed.

Account of the sales of stocks, &c. to be laid before Congress.

1795, ch. 45.

APPROVED, April 29, 1802.

STATUTE I.

April 29, 1802.

[Obsolete.]

Appropriation for the children of officers, seamen and marines lost in the ship *Insurgent*, and brigantine *Pickering*.

CHAP. XXXIII.—*An Act for the relief of the widows and orphans of certain persons who have died in the naval service of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the widows, if any such there be, and in case there be no widow, the child or children of the officers, seamen and marines, who were in the service of the United States, and lost in the ship *Insurgent* and brigantine *Pickering*, shall be entitled to, and receive out of any money in the treasury not otherwise appropriated, a sum equal to four months pay of their respective husbands or fathers, as aforesaid.

APPROVED, April 29, 1802.

STATUTE I.

April 29, 1802.

[Obsolete.]

Salaries of the Secretary of the Senate, Clerk of the House of Representatives &c.

1806, ch. 23.

CHAP. XXXV.—*An Act to regulate and fix the compensations of the officers of the Senate and House of Representatives.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the officers of the Senate and House of Representatives herein after mentioned, shall be, and hereby are entitled to receive in lieu of their compensations as fixed by law, the following sums; that is to say: the secretary of the senate, and clerk of the House of Representatives, two thousand dollars, each; their principal clerks one thousand three hundred dollars, each; and each of their engrossing clerks, one thousand dollars per annum.

Of the sergeant-at-arms of the Senate.

SEC. 2. *And be it further enacted*, That the sergeant-at-arms of the Senate, who also performs the duty of doorkeeper, and the sergeant-at-

arms of the House of Representatives, shall be, and hereby are entitled to receive eight hundred dollars per annum, each.

SEC. 3. *And be it further enacted*, That the doorkeeper of the House of Representatives shall be, and hereby is entitled to receive five hundred dollars per annum, and two dollars per day, during each session of Congress; and the assistant doorkeeper of the Senate and House of Representatives, four hundred and fifty dollars per annum, each, and two dollars each, per day, during each session of Congress.

SEC. 4. *And be it further enacted*, That the compensations to the secretary of the Senate and clerk of the House of Representatives, and to their clerks, and to the other officers herein named, shall commence with the present year.

APPROVED, April 29, 1802.

Of the doorkeeper and assistant doorkeeper of the House of Representatives.

Commencement of the salaries.

STATUTE I.

April 29, 1802.

[Repealed.]

CHAP. XXXVI.—*An Act supplementary to an act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person who shall, from and after the first day of January next, claim to be the author or proprietor of any maps, charts, book or books, and shall thereafter seek to obtain a copyright of the same agreeable to the rules prescribed by law, before he shall be entitled to the benefit of the act, intituled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned," he shall, in addition to the requisites enjoined in the third and fourth sections of said act, if a book or books, give information by causing the copy of the record, which, by said act he is required to publish in one or more of the newspapers, to be inserted at full length in the title-page or in the page immediately following the title of every such book or books; and if a map or chart, shall cause the following words to be impressed on the face thereof, viz: "*Entered according to act of Congress, the*                    *day of*                    18                    (here insert the date when the same was deposited in the office) *by A. B. of the state of*                    (here insert the author's or proprietor's name and the state in which he resides.)

Additional requisites prescribed for persons claiming to be authors or proprietors of maps, charts or books.

1790, ch. 15.

SEC. 2. *And be it further enacted*, That from and after the first day of January next, every person, being a citizen of the United States, or resident within the same, who shall invent and design, engrave, etch or work, or from his own works and inventions, shall cause to be designed and engraved, etched or worked, any historical or other print or prints, shall have the sole right and liberty of printing, re-printing, publishing and vending such print or prints, for the term of fourteen years from the recording the title thereof in the clerk's office, as prescribed by law for maps, charts, book or books: *Provided*, he shall perform all the requisites in relation to such print or prints, as are directed in relation to maps, charts, book or books, in the third and fourth sections of the act to which this is a supplement, and shall moreover cause the same entry to be truly engraved on such plate, with the name of the proprietor, and printed on every such print or prints as is herein before required to be made on maps or charts.

Same rules prescribed with respect to persons who shall invent, and design, engrave, etch, or work historical or other prints.

SEC. 3. *And be it further enacted*, That if any print-seller or other person whatsoever, from and after the said first day of January next,

(a) See notes to "an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors, during the time therein mentioned," May 31, 1790, chap. 15, vol. i. page 124.

Penalties for engraving, etching or working, or copying and selling a print or prints, without the consent of the owner or owners, in writing.

4 Wash. C. C. R. 48.

A moiety of the forfeiture to any one who shall sue for the same.

Penalties for publishing maps, charts, books or prints, but in the way prescribed by law.

Limitation of action in cases of forfeiture.

within the time limited by this act, shall engrave, etch or work, as aforesaid, or in any other manner copy or sell, or cause to be engraved, etched, copied or sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, re-print, or import for sale, or cause to be printed, re-printed, or imported for sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof, first had and obtained, in writing, signed by him or them respectively, in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed, without the consent of the proprietor or proprietors, shall publish, sell, or expose to sale or otherwise, or in any other manner dispose of any such print or prints, without such consent first had and obtained, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print or prints are or shall be copied or printed) to the proprietor or proprietors of such original print or prints, who shall forthwith destroy the same; and further, that every such offender or offenders shall forfeit one dollar for every print which shall be found in his, her, or their custody; either printed, published, or exposed to sale, or otherwise disposed of, contrary to the true intent and meaning of this act, the one moiety thereof to any person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered in any court having competent jurisdiction thereof.

SEC. 4. *And be it further enacted*, That if any person or persons from and after the passing of this act, shall print or publish any map, chart, book or books, print or prints, who have not legally acquired the copyright of such map, chart, book or books, print or prints, and shall, contrary to the true intent and meaning of this act, insert therein or impress thereon that the same has been entered according to act of Congress, or words purporting the same, or purporting that the copyright thereof has been acquired; every person so offending shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, having cognizance thereof. *Provided always*, that in every case for forfeitures herein before given, the action be commenced within two years from the time the cause of action may have arisen.

APPROVED, April 29, 1802.

#### STATUTE I.

April 30, 1802.

[Obsolete.]

Act of March 2, 1799, ch. 22. Additional compensation to the collector at Richmond.

Discontinued 1804, ch. 58.

Salary to the collector at Petersburg discontinued.

Emoluments of custom-houses limited.

CHAP. XXXVII.—*An Act to amend "An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage; and for other purposes."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June, in the present year, there shall be paid, annually, to the collector of the customs for the district of Richmond, in addition to the fees and emoluments otherwise allowed by law, the sum of two hundred and fifty dollars.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of June, the salary heretofore allowed by law to the collector of the customs for the district of Petersburg be, and the same hereby is discontinued.

SEC. 3. *And be it further enacted*, That from and after the said thirtieth day of June, whenever the annual emoluments of any collector of the customs, after deducting therefrom the expenditures incident to his office, shall amount to more than five thousand dollars; or those of a naval officer, after like deduction, to more than three thousand five hun-

dred dollars, or those of a surveyor, after a like deduction, to more than three thousand dollars, the surplus shall be accounted for, and be paid by them, respectively, to the treasury of the United States: *Provided always*, that nothing in this act contained shall be construed to extend to fines, forfeitures and penalties, under the revenue laws of the United States.

APPROVED, April 30, 1802.

CHAP. XXXVIII.—*An Act to suspend, in part, the act intituled "An act regulating foreign coins; and for other purposes."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act for regulating foreign coins, and for other purposes," as is contained within the second section thereof, be, and the same hereby is suspended, for and during the space of three years, from and after the end of the present session of Congress.

APPROVED, April 30, 1802.

CHAP. XXXIX.—*An Act to revive and continue in force, an act intituled "An act for establishing trading houses with the Indian tribes."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act for establishing trading houses with the Indian tribes," approved on the eighteenth of April, one thousand seven hundred and ninety-six, shall be, and the same is hereby revived and continued in force, until the fourth day of March next, and no longer.

APPROVED, April 30, 1802.

CHAP. XL.—*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.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper, and the said state, when formed, shall be admitted into the Union, upon the same footing with the original states, in all respects whatever.

SEC. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit: bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of the Great Miami, aforesaid, and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line, aforesaid: *Provided*, that Congress shall be at liberty at any time hereafter, either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami, aforesaid, to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid state, or dispose of it otherwise, in conformity to the fifth article of compact between the

But the provisions of this act not to extend to fines, &c.

STATUTE I.

April 30, 1802.

[Obsolete.]

Part of the act for regulating foreign coins, &c. Act of August 4, 1790, ch. 35. sec. 40. Act of Feb. 9, 1793, ch. 5. Act of April 10, 1806, ch. 22.

STATUTE I.

April 30, 1802.

[Expired.]

A former act revived and continued in force.

Act of April 18, 1796, ch. 13. 1803, ch. 14.

STATUTE I.

April 30, 1802.

Act of August 7, 1789, ch. 8. Act of May 8, 1792, ch. 42.

The inhabitants of the eastern division of the territory west of the Ohio to form a constitution and become a state.

Act of March 3, 1803, ch. 21.

Boundaries thereof.

Act of February 19, 1803, ch. 7.

Act of July 14, 1832, ch. 240. Act of June 15, 1830, ch. 98.

Territory east thereof at the disposal of Congress.

1805, ch. 5.

original states, and the people and states to be formed in the territory northwest of the river Ohio.

What part of territory attached to Indiana.

SEC. 3. *And be it further enacted*, That all that part of the territory of the United States, northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state, subject nevertheless to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects whatever, with all other citizens residing within the Indiana territory.

Qualifications of electors for choosing a convention.

SEC. 4. *And be it further enacted*, That all male citizens of the United States, who shall have arrived at full age, and resided within the said territory at least one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having in other respects, the legal qualifications to vote for representatives in the general assembly of the territory, be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be, that is to say: from the county of Trumbull, two representatives; from the county of Jefferson, seven representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington, four representatives; from the county of Ross, seven representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams, three representatives; from the county of Hamilton, twelve representatives, two of the twelve to be elected in what is now known by Clermont county, taken entirely from Hamilton county; and the elections for the representatives aforesaid, shall take place on the second Tuesday of October next, the time fixed by a law of the territory, intituled "An act to ascertain the number of free male inhabitants of the age of twenty-one, in the territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same," for electing representatives to the general assembly, and shall be held and conducted in the same manner as is provided by the aforesaid act, except that the qualifications of electors shall be as herein specified.

Election districts.

SEC. 5. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they are hereby authorized to meet at Chillicothe on the first Monday in November next; which convention, when met, shall first determine by a majority of the whole number elected, whether it be or be not expedient at that time to form a constitution and state government for the people, within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are authorized to form a constitution and state government, or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance; and shall form for the people of the said state, a constitution and state government; provided the same shall be republican, and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio.

Convention to meet at Chillicothe in November, 1802.

Constitution must be republican.

SEC. 6. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 7. *And be it further enacted*, That the following propositions be, and the same are hereby offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

*First*, That the section, number sixteen, in every township, and where such section has been sold, granted or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

*Second*, That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the military tract, with the sections of land which include the same, shall be granted to the said state for the use of the people thereof, the same to be used under such terms and conditions and regulations as the legislature of the said state shall direct: *Provided*, the said legislature shall never sell nor lease the same for a longer period than ten years.

*Third*, That one twentieth part of the nett proceeds of the lands lying within the said state sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said state, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass: *Provided always*, that the three foregoing propositions herein offered, are on the conditions that the convention of the said state shall provide, by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the state, whether for state, county, township or any other purpose whatever, for the term of five years from and after the day of sale.

APPROVED, April 30, 1802.

To have one representative in Congress till next census.

Propositions offered to the convention.  
1811, ch. 9.

STATUTE I.

May 1, 1802.

CHAP. XLI.—*An Act to abolish the Board of Commissioners in the City of Washington; and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June next, the offices of the commissioners appointed in virtue of an act passed on the sixteenth day of July in the year seventeen hundred and ninety, intituled "An act to establish the temporary and permanent seat of the government of the United States," shall cease and determine; and the said commissioners shall deliver up unto such person as the President shall appoint, in virtue of this act, all plans, draughts, books, records, accounts, deeds, grants, contracts, bonds, obligations, securities, and other evidences of debt in their possession which relate to the city of Washington, and the affairs heretofore under their superintendance or care.

SEC. 2. *And be it further enacted*, That the affairs of the city of Washington, which have heretofore been under the care and superintendance of the said commissioners, shall hereafter be under the direction of a superintendent, to be appointed by, and to be under the control of the President of the United States; and the said superintendent is hereby invested with all powers, and shall hereafter perform all duties

Commission to cease on first of June, 1802.

Act of July 16, 1790, ch. 23.

To transfer records to a superintendent.

A superintendent to be appointed by the President.



Powers same as commissioners.

1803, ch. 29.

Commissioners shall settle accounts immediately.

Superintendent to pay all obligations contracted by his predecessor.

Lots shall be sold to pay debt to Maryland.

In default of sale, the debt to be paid from public treasury.

Lots to be re-sold which had not been paid for.

The amount of sales to be applied to the payment of a sum due to Maryland.

Provision in case of a deficiency.

After debts already contracted are discharged monies advanced out of the treasury to be reimbursed by superintendent.

Part of a former act relating to the appointment of a board of commissioners repealed.

Books of subscription to be

which the said commissioners are now vested with, or are required to perform by, or in virtue of any act of Congress, or any act of the general assembly of Maryland, or any deed or deeds of trust from the original proprietors of the lots in the said city, or in any other manner whatsoever.

SEC. 3. *And be it further enacted*, That the said commissioners shall forthwith settle with the accounting officers of the treasury their accounts for all monies received and expended by them in their capacity as commissioners, and shall immediately thereafter pay to the said superintendent any balance which may be found against them upon such settlement.

SEC. 4. *And be it further enacted*, That the said superintendent shall pay all the debts heretofore contracted by the commissioners in their capacity as such, the payments of which are not herein after specially provided for, out of any monies received by him arising out of the city funds.

SEC. 5. *And be it further enacted*, That the said superintendent shall, under the direction of the President of the United States, sell so many of those lots in the city of Washington which are pledged for the repayment of a loan of two hundred thousand dollars, made by the state of Maryland, in the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven, to the commissioners for the use of the said city, as may be sufficient to pay the interest already accrued on the said loan, and the interest and instalments thereof, as they may respectively become due: *Provided*, that if in the opinion of the President of the United States, the sale of a sufficient number of the said lots, to meet the objects aforesaid, cannot be made without an unwarrantable sacrifice of the property, then so much money as may be necessary to provide for the deficiency is hereby appropriated and shall be paid out of any money in the treasury of the United States not otherwise appropriated.

SEC. 6. *And be it further enacted*, That the said superintendent shall, prior to the first day of November next, sell, under the directions of the President of the United States, all the lots in the said city, which were sold antecedent to the sixth day of May, in the year one thousand seven hundred and ninety-six, and which the said commissioners are authorized by law to re-sell, in consequence of a failure on the part of the purchasers, to comply with their contracts; and the monies arising thereupon shall be applied, on or before the first day of November next, to the payment of the sum of fifty thousand dollars and the interest thereon to the state of Maryland, which said sum was formerly loaned by the said state to the commissioners for the use of the city of Washington: *Provided*, that if a sufficient sum to meet the objects last aforesaid, shall not be produced by the sale of the whole of the lots aforesaid, then so much money as may be necessary to provide for the deficiency is hereby appropriated, and shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

SEC. 7. *And be it further enacted*, That after the debts already contracted by the commissioners shall have been discharged, all monies advanced out of the treasury in pursuance of this act, shall be reimbursed by the said superintendent, by paying into the treasury all monies arising from the city funds, until the whole sum advanced, with the interest thereon, shall be repaid.

SEC. 8. *And be it further enacted*, That so much of the act, intituled "An act to establish the temporary and permanent seat of government of the United States," passed on the sixteenth day of July, in the year seventeen hundred and ninety, as relates to the appointment of commissioners shall be, and the same is hereby repealed.

SEC. 9. *And be it further enacted*, That it shall and may be lawful to open books in the city of Washington, for receiving and entering

subscriptions for opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the city of Washington, under the management of Thomas Tingey, Daniel Carroll of Duddington, Thomas Law, and Daniel Carroll Brent, which subscriptions shall be made personally, or by power of attorney; the said books shall be opened for receiving subscriptions, and continue open until the sum of eighty thousand dollars shall be filled up, in shares of one hundred dollars each; and that each person shall, at the time of subscribing, pay down ten dollars, being one tenth of each share; and after fourteen days previous notice, by advertisement, there shall be a meeting of the subscribers, and they are hereby declared to be incorporated into a company, by the name of the "Washington Canal Company," and may sue and be sued, as such, and make all necessary by-laws and regulations for the proper management of the business thereof. And such of the subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors for conducting the said undertaking, and managing the said company's business for, and during such time not exceeding three years, as the said subscribers, or a majority of them, shall think fit. Each member shall be allowed one vote for every share, by him or her held at the time in the said company, and any proprietor by a writing under his or her hand, executed in presence of two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

SEC. 10. *And be it further enacted*, That the shares in said company shall be deemed personal, and not real property, and transferable in such manner as the company shall direct.

SEC. 11. *And be it further enacted*, That the president and directors so elected, and their successors, or a majority of them, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canals, erect such locks, and perform such other works as they shall judge necessary for opening the canal aforesaid, and the forks thereof;—and out of the monies arising from the subscriptions, wharfage and tolls, to pay for the same, and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll gatherers, managers and servants, as they shall judge requisite, and to settle their respective wages.

SEC. 12. *And be it further enacted*, That the treasurer of the company shall give bond, with such penalty and such security as the said president and directors, or a majority of them, shall direct.

SEC. 13. *And be it further enacted*, That the said president and directors, so elected, and their successors, or a majority of them assembled, shall have full power and authority to demand and receive of the proprietors, the remaining nine tenths of the shares, from time to time, as they may be required, by previous advertisement at least one month in the Washington, Georgetown, and Alexandria gazettes; and if any of the said proprietors shall refuse or neglect to pay their proportions within one month after the same so ordered and advertised, as aforesaid, the said shares of defaulters shall be forfeited.

SEC. 14. *And be it further enacted*, That the said president and directors, so elected, and their successors, or a majority of them, shall not begin to collect wharfage or tolls, until the canal is made practicable for boats and scows to pass through the same from the Potomac to the Eastern Branch.

SEC. 15. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the faithful discharge of his office.

SEC. 16. *And be it further enacted*, That there shall be a general

opened for completing the canal from the Potomac to the Eastern Branch.

Under whose direction.

Sum to be raised, amount of shares.

Act of May 31, 1832, ch. 112.

Subscribers incorporated;

Empowered to choose a president and four directors.

Shares to entitle the holders to an equal number of votes.

A proxy may act.

Shares to, be personal property.

Powers of the president and directors when elected.

Treasurer to give bonds with security.

President and directors may call upon the proprietors for payments on their shares.

Defaulters forfeit their shares.

When wharfage and tolls are made demandable.

Oath of office to be taken by the president and directors.

A general meeting of the proprietors twice a year.

President and directors to make reports of their proceedings to them.

Certificates to be given by the proprietor to the president and directors.

meeting of the proprietors on the first Monday in June, and the first Monday in December, every year, in the city of Washington; to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors, then present, or a majority of them, shall give a certificate thereof, and at such half-yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements or contingent charges, an equal dividend of all the nett profits arising from the wharfage and tolls hereby granted, shall be ordered and made to, and among all the proprietors of the said company, in proportion to their several shares.

Rates of wharfage fixed.

Rates of tolls.

Public property free from tolls and wharfage.

In what case the canal is to revert to the U. States.

SEC. 17. *And be it further enacted,* That for and in consideration of the expenses the said proprietors shall incur, not only in cutting canals, but in erecting locks, and in maintaining and keeping the same in repair, and in temporary enlargement and improvement of the same, that for the space of fifty years, when this act shall cease on repayment of the principal of the sums expended, the company is hereby authorized to collect the same rates of wharfage on all articles and materials landed on each side of the canal, as are now legally received at the wharfs at Georgetown: and it shall and may be lawful for the said president and directors, for fifty years, and as much longer as their principal sums expended remain unpaid, to demand and to receive, at the most convenient place for all commodities carried through a lock or locks, of the canal, a toll not exceeding half a dollar on each loaded boat, and a quarter of a dollar on each loaded scow; but no toll to be paid returning. But when the wharfage shall produce the annual interest of eight per cent. on the sums expended by the president and directors, exclusive of the tolls, then the tolls shall cease, and the canal and forks thereof, shall be entirely free for passage: and when the wharfage shall exceed the annual interest of twelve per cent. then the president and directors shall appropriate one half of the surplus to such public purpose as Congress may direct, or reserve the same as a fund to pay off the principal: *Provided always,* that all public property shall pass free of toll and wharfage.

SEC. 18. *Provided nevertheless, and be it further enacted,* That in case the said Washington Canal Company created by this act shall not, within the term of five years, complete said canal in such a manner as to admit boats drawing three feet of water to pass through the whole extent of said canal, that the said canal shall revert to the United States, and all right and authority hereby granted to said company shall cease and determine.

APPROVED, May 1, 1802.

STATUTE I.

May 1, 1802.

[Obsolete.]

CHAP. XLIII.—*An Act making an appropriation for the support of the Navy of the United States, for the year one thousand eight hundred and two.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums, including any sum which may have been, or might be expended during the present year, by virtue of any former appropriation, be, and the same are hereby respectively appropriated, to defray the expenses of the navy of the United States during the year one thousand eight hundred and two; that is to say:

Specific appropriations.

For the pay and subsistence of the officers, the pay of the seamen, provisions and repairs, five hundred and eight thousand two hundred and twenty-six dollars.

For medicines, instruments, and hospital stores, ten thousand dollars.

For the purchase of ordnance and other military stores, twenty thousand dollars.

For salaries of superintendents of navy yards, storekeepers and clerks, store-rent, hire of labourers, &c. twelve thousand dollars.

Specific appropriations.

For the purchase and expense of transportation of timber, and other materials, including ordnance for the seventy-four gun ships, one hundred and ninety thousand five hundred and seventy-five dollars.

For the improvement of navy yards, docks and wharves, fifty thousand dollars.

For contingencies, ten thousand dollars.

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

For clothing for the same, fifteen thousand five hundred and nineteen dollars.

For military stores for the same, one thousand two hundred and twenty-four dollars and sixty cents.

For the quartermaster's department, comprising quarters for the officers, and barracks for the men at different stations, fuel, stationery, camp utensils, &c. seven thousand and sixty-one dollars.

For medicine, medical services, and hospital stores, one thousand dollars.

For officers' travelling expenses, armourer's and carpenter's bills, and other contingent expenses, two thousand five hundred and fifty dollars.

SEC. 2. *And be it further enacted*, That so much of the said several sums of money, herein before specifically appropriated, and amounting together to the sum of nine hundred thousand dollars, as shall not have been expended by virtue of any former appropriation, shall be paid, first, out of any balance remaining unexpended of former appropriations for the support of the navy;—and secondly, out of any monies in the treasury of the United States, not otherwise appropriated by law.

APPROVED, May 1, 1802.

STATUTE I.

May 1, 1802.

CHAP. XLIV.—*An Act to extend and continue in force the provisions of an act intitled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes or his associates, for lands lying between the Miami rivers, in the territory northwest of the Ohio, and for other purposes."*

Act of March 3, 1801, ch. 23.  
Act of March 3, 1803, ch. 29.  
Provisions of a former act, under certain modifications, continued in force.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several provisions of an act intitled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers in the territory northwest of the Ohio," shall be, and the same are hereby continued in force until the first day of March next, subject to the modifications contained in this act.

SEC. 2. *And be it further enacted*, That the provisions of the said act shall, and the same are hereby extended to all persons claiming lands lying between the Miami rivers, and without the limits of Ludlow's survey, by purchase or contract made prior to the first day of January, one thousand eight hundred, with John Cleves Symmes or his associates.

SEC. 3. *And be it further enacted*, That every person claiming lands as aforesaid, either within or without the limits of Ludlow's survey, and who have not obtained a certificate of the right of pre-emption therefor, shall, on or before the first day of November next, give notice of the nature and extent of his claim, in manner prescribed by the second section of the said act. And the receiver of public monies, and commissioners appointed under the fourth section of the said act, shall meet at Cincinnati, on the second Monday of November next, they having given four weeks previous notice of such meeting in a public newspaper printed at Cincinnati, and shall then and there proceed to hear and

Provisions of that act extended to persons claiming lands between the Miami rivers in certain cases.  
Persons claiming lands—who have not obtained certificates of the right of pre-emption.

How such claims are to be settled.

Vacancies in the board of commissioners for that purpose to be filled by the President.

Duties, emoluments, &c. to the members composing it, and the surveyor-general continued.

Persons possessing certificates of the right of pre-emption, allowed time for payment.

Secretary of the Treasury may cause to be opened such roads within the territory northwest of the Ohio as shall promote the sale of public lands.

Limitation of the sum to be expended for that purpose.

How the lands around Vincennes, to which the Indian title remains, are to be surveyed, &c.

Limitation of the expense for that object.

\*1500, ch. 55.

In cases where a section or fractional section within the seven ranges of townships has been sold.

How to be laid off.

finally decide upon all claims, of which notice may have been given as aforesaid, and shall, in all matters relative thereto, govern themselves by the provisions of the said act. Vacancies in the said board of commissioners may be filled by the President of the United States alone. And the duties, powers and emoluments of the said commissioners, receiver of public monies, and register of the land-office at Cincinnati, and surveyor-general, as prescribed by the said act, shall, and the same are hereby continued.

SEC. 4. *And be it further enacted*, That every person who may have obtained, or who shall hereafter obtain, as aforesaid, a certificate of a right of pre-emption from the said commissioners shall be allowed until the first day of January next, to make the first payment required for the lands described in such certificate, and shall, in all other respects relative thereto, conform to the several provisions of the said act.

SEC. 5. *And be it further enacted*, That it shall and may be lawful for the Secretary of the Treasury to cause to be viewed, marked, and opened, such roads within the territory northwest of the Ohio, as in his opinion will best serve to promote the sales of the public lands in future: *Provided*, that the whole sum to be expended on such roads shall not exceed six thousand dollars, and that the same shall be paid out of the monies paid by purchasers of public lands on account of surveying expenses.

SEC. 6. *And be it further enacted*, That all the lands around Vincennes on the Wabash, in the Indiana territory, the Indian title to which hath been extinguished, shall be surveyed and laid off in the manner prescribed by the third section of an act entitled "An act to amend an act entitled 'An act providing for the sales of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river,'"\* under directions from the Secretary of the Treasury, and by such person or persons as the President of the United States alone shall appoint for that purpose: *Provided*, that the whole expense of surveying and marking the lines shall not exceed four dollars for every mile that shall be actually run, surveyed and marked. And two plats of the lands aforesaid shall be prepared by the person or persons who may survey the same, who shall also designate thereon the bounds of the lands of individuals held under reservations of the state of Virginia, or under the laws of the United States: one of the said plats shall be returned to the office of the Secretary of the Treasury, and the other shall be deposited with the secretary of the Indiana territory.

SEC. 7. *And be it further enacted*, That in all cases where any section or fractional section of land lying within the seven ranges of townships has been sold prior to the tenth day of May, one thousand eight hundred, under the authority of the United States, the lines of such section or fractional section shall be run under the direction of the Secretary of the Treasury, in the manner most consistent with the supposed boundaries of the same, at the time of the sale, any thing in the act of the tenth of May, one thousand eight hundred, to the contrary notwithstanding. And it shall be lawful for the Secretary of the Treasury, whenever lines thus run shall interfere with the claim of a purchaser of public lands under the last mentioned act, to permit such purchaser, if he shall desire it, at any time within six months, after such lines, thus interfering with his claim, shall have been run, to withdraw his former application, and to apply in lieu thereof for any other vacant section.

APPROVED, May 1, 1802.

CHAP. XLV.—*An Act to provide for the establishment of certain districts, and therein to amend an act intituled "An act to regulate the collection of duties on imports and tonnage;" and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of June next, a district shall be formed from the district of Yorktown in Virginia, to be called the district of East River, which shall comprehend the waters, shores, harbors, and inlets of North and East River, and Mobjack bay, and all other navigable waters, shores, harbors and inlets within the county of Mathews, in said state; and it shall be lawful for the President of the United States to designate a proper place to be port of entry and delivery within the said district; and to appoint a collector and surveyor of the customs to reside and keep their offices thereat, who shall be entitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred dollars each.\*

Sec. 2. *And be it further enacted,* That from and after the said last day of June next, Bennet's creek, within the district of Edenton, and state of North Carolina, shall cease to be a port of delivery, as heretofore established, and the office, authority, and emoluments of the surveyor of said port, shall also from thenceforth terminate and be discontinued; and a port of delivery, in lieu thereof, shall be established on Salmon creek within the district aforesaid, at a place called the Tombstone; and a surveyor of the customs shall be appointed to reside and keep an office thereat, who shall be entitled to receive for his services, in addition to the fees established by law, the annual salary heretofore allowed to the surveyor of Bennet's creek.

Sec. 3. *And be it further enacted,* That from and after the said last day of June next, a port of delivery shall be established at the mouth of Slade's creek on the north side thereof, within the district of Washington, and state of North Carolina, on a certain tract of land, intended and designated for a town, whereon William Parmley resides; and a surveyor of the customs shall be appointed to reside and keep an office thereat, who shall be entitled to receive for his services, in addition to the fees established by law, an annual salary of one hundred and fifty dollars.

Sec. 4. *And be it further enacted,* That in the territory of the United States northwest of the river Ohio, there shall, from and after the passing of this act, be established a district, to be called the district of Marietta, which shall include all the waters, shores and inlets of the river Ohio, on the northern side, and the rivers, waters and shores connected therewith, above or to the eastward of, and including the river Scioto, from the mouth thereof, upwards, as far as the same may be navigable; and a collector of the customs shall be appointed to reside and keep an office at the town of Marietta, which shall be the sole port of entry and delivery for the said district; and the said collector shall be entitled to receive for his services, in addition to the fees and other emoluments established by law, an annual salary of one hundred and fifty dollars.

Sec. 5. *And be it further enacted,* That it shall be lawful for the President of the United States to establish, when it shall appear to him to be proper, in addition to the port of entry and delivery already established on the Mississippi, south of the state of Tennessee, one other port of entry and delivery on the said river; and to appoint a collector of the customs to reside and keep an office thereat, and to appoint one or more surveyors to reside at such place or places as he may think proper to designate as ports of delivery only; and the surveyor or surveyors thus appointed, shall be subject to the control and direction of the collector within whose district he or they shall reside.

## STATUTE I.

May 1, 1802.

[Obsolete.]

Act of 1799, ch. 22. Act of 1817, ch. 109.

A district formed, to be called the district of East River, from the district of Yorktown, in Virginia.

Port of entry and delivery may be designated by the President, and a collector and surveyor to be appointed by him.

Their compensations.

Bennet's creek in the district of Edenton to be discontinued, as a port of delivery.

A port of delivery substituted on Salmon creek, at Tombstone.

Surveyor to reside there.

His compensation.

A port of delivery established at the mouth of Slade's creek.

\*1799, ch. 23. 1804, ch. 13.

District of Marietta established.

A collector to be appointed to reside at Marietta.

No other port of entry and delivery in the district.

Collector's salary.

President may establish another port of entry and delivery on the Mississippi—

May appoint a collector to reside there—and one or more surveyors at such places as he shall designate for ports of delivery only on the Mississippi.

No duty to be collected on merchandise not subject to it in other cases, because landed at New Orleans.

Act of March 2, 1799, ch. 22.  
Act of April 5, 1800. Act of Nov. 25, 1803.

Secretary of the Treasury, with the approbation of the President, to prescribe certain forms to prevent frauds in cases of debentures.

Repealed.

Goods brought to ports on the Mississippi from Louisiana, in vessels belonging thereto—to what duties subject.

No duty demandable on the tonnage of boats, flats, &c. in the districts on the Mississippi.

Cases in which this exemption does not apply.

October 31, 1803, ch. 1.

Collector of the district of Georgetown may reside out of that town.  
Vol. i. 627.

SEC. 6. *And be it further enacted*, That from and after the passing of this act, no duty shall be demanded or collected on merchandise of the growth, produce or manufacture of the United States, or of any foreign country, transported coastwise between the Atlantic ports of the United States, and the districts of the United States on the river Mississippi, or any of its branches, although landed at the port of New Orleans, on its passage; provided the same would not be subject to duty, or liable to seizure, if transported from one district of the United States, on the sea-coast, to another: *And provided likewise*, that no debenture for a drawback shall have been issued upon the export of such merchandise from the Atlantic ports of the United States to any foreign port or place; and to the end as well that frauds on the revenue may be prevented, as that the coasting vessels of the United States may be permitted to participate in the said trade, the Secretary of the Treasury, with the approbation of the President, is hereby authorized to prescribe and establish such forms and regulations, and the same from time to time, with like approbation, to alter and amend, for the government of the officers of the customs in this respect, as he may think proper and necessary; on the observance of which, merchandise thus transported shall be exempted from duty; and it shall be lawful for the coasting vessels of the United States to be employed in the said trade, and not otherwise.

SEC. 7. *And whereas*, it is provided by the hundred and fourth section of the collection law, that merchandise belonging to British subjects may be brought (without regard to the character of the vessel importing the same) into the ports of the United States on the northern and northwestern frontiers, subject to no higher or other duties than are or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States, and it being just and reasonable that the same privilege should be extended to vessels and merchandise belonging to persons residing at New Orleans, and other ports of Louisiana and Florida, on the Mississippi, or any of its branches: *Be it further enacted*, that from and after the last day of June next, all goods and merchandise, the importation of which into the United States shall not be wholly prohibited, shall and may freely, for the purposes of commerce, be brought into the ports of the United States on the Mississippi, or any of its branches, in vessels belonging to New Orleans, or any other port of Louisiana or Florida, on the Mississippi; and such goods or merchandise shall be subject to no higher or other duties than are, or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States.

SEC. 8. *And be it further enacted*, That from and after the last day of June next, no duty on the tonnage of any boat, flat, raft, or other vessel, shall be demanded, or collected on the arrival or entry of such boat, flat, or raft, or other vessel, in any district which is or may be established on the Mississippi, or any of its branches, and on the northern or northwestern boundaries of the United States: *Provided nevertheless*, that this exemption shall not be construed to extend to any vessel above fifty tons burthen, and which shall not be wholly employed in carrying on inland trade between the ports of the United States on the Mississippi, and its branches, and the ports of Louisiana and Florida, on the same, including New Orleans, and between the ports of the northern and northwestern boundaries of the United States and the British provinces of Upper and Lower Canada.

SEC. 9. *And be it further enacted*, That all that part of the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, that directs that the collector of the district of Georgetown shall reside at Georgetown, be, and is hereby repealed.

APPROVED, May 1, 1802.

CHAP. XLVI.—*An Act making appropriations for the Military Establishment of the United States, in the year one thousand eight hundred and two.*

STATUTE I.  
May 1, 1802.

[Obsolete.]

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

For the pay of the army of the United States, the sum of two hundred and ninety-two thousand two hundred and seventy-two dollars, including therein the sum of sixty thousand dollars appropriated by an act of the present session.

Specific ap-  
propriations.

For the subsistence of the army, the sum of two hundred and one thousand and twenty-seven dollars and forty cents.

For forage, three thousand eight hundred and four dollars.

For clothing, sixty-six thousand six hundred and thirty dollars.

For the medical and hospital department, ten thousand dollars.

For bounties and premiums, two thousand dollars.

For all expenses of transportation, tents, tools, and the contingent expenses of the war department, sixty-four thousand dollars.

For the pay, subsistence, and clothing of the corps of engineers, seven thousand and ten dollars and eighty cents.

For the Indian department, seventy-one thousand seven hundred and fifty dollars.

For the expenses incident to the arsenals, magazines, and armories of the United States, sixty-six thousand seven hundred and sixty-six dollars and eighty-eight cents.

For erecting and completing fortifications and barracks, seventy thousand five hundred dollars.

For running certain boundary lines between the Indians and white inhabitants of the United States, and for ascertaining the lines of sundry reserved tracts of land in the Indiana and Northwestern territories, five thousand dollars.

SEC. 2. *And be it further enacted,* That for defraying all expenses which will arise in consequence of discharging the officers, non-commissioned officers, and privates, who are, or shall be, supernumerary by the act of the present session, intituled "An act fixing the military peace establishment of the United States," and for carrying the said act into complete operation, the following sums be, and they hereby are respectively appropriated, that is to say:

1802, ch. 9.

For pay of the officers, non-commissioned officers, and privates, to be discharged, thirty-nine thousand five hundred dollars.

For subsistence, eighteen thousand dollars.

For clothing, twelve thousand dollars.

For forage, one thousand five hundred dollars.

For the medical department, two thousand dollars.

For the quartermaster's department, forty-five thousand dollars.

For bounties and premiums, one thousand five hundred dollars.

For allowance to officers and soldiers who are to be discharged, thirty thousand dollars.

For contingencies, nine thousand dollars.

SEC. 3. *And be it further enacted,* That a sum not exceeding forty thousand dollars, including any unexpended balance of the sum of fifteen thousand dollars, appropriated by the act approved on the thirteenth of May, one thousand eight hundred, intituled "An act to appropriate a certain sum of money to defray the expense of holding a treaty or treaties with the Indians," be, and the same hereby is appropriated for de-

1800, ch. 62.



Limitation of the compensation to be allowed to a commissioner for holding treaties with Indians, south of the Ohio.

How the several appropriations of this act are to be paid.

fraying the expense of any treaty or treaties which may be held with the Indians south of the river Ohio: *Provided*, that the compensation to be allowed to any commissioner appointed, or who may be appointed, for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the actual service of such commissioner.

SEC. 4. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the same objects respectively, and secondly, out of any monies in the treasury not otherwise appropriated:

APPROVED, May 1, 1802.

STATUTE I.

May 1, 1802.

[Obsolete.]  
Specific appropriations.

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

1802, ch. 15.

*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, including the contingent expenses of the several departments and officers; for the compensation of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants, for the support of the mint establishment, for the expenses of intercourse with foreign nations, for the support of light-houses, beacons, buoys, and public piers, and for satisfying certain miscellaneous claims and expenses, the following sums, including therein the sum of one hundred thousand dollars already appropriated, by an act, intituled "An act making a partial appropriation for the support of government during the year one thousand eight hundred and two," be, and are hereby appropriated, that is to say:

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

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

For extraordinary contingent expenses of the House of Representatives, by resolutions of the house during the present session, including also the expenses of the library of the two houses of Congress, and for printing one thousand copies of the census of the United States, seven thousand dollars.

For defraying the expense of new furniture, provided for the House of Representatives, one thousand two hundred and forty-four dollars and eighty-five cents.

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

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred and sixty dollars.

For the incidental and contingent expenses in the said department, twelve thousand eight hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and forty-nine dollars and eighty-one cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and

persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

Specific appropriations.

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

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery and printing in the office of the Auditor, five hundred dollars.

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

For expense of stationery and printing in the Treasurer's office, three hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, (including the wages of two persons employed in counterstamping paper in the said office,) six thousand six hundred and fifty-three dollars and six cents.

For expense of stationery and printing in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and one cent.

For expense of stationery and printing (including books for the public stocks and for the arrangement of the marine papers) in the Register's office, two thousand eight hundred dollars.

For compensation to the Superintendent of stamps, clerks and persons employed in his office, one thousand six hundred and sixteen dollars and sixty-seven cents.

For expense of stationery and printing in the office of Superintendent of stamps, two hundred dollars.

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

For compensation of clerks to be employed in the treasury, in addition to those authorized by the act of the second of March, one thousand seven hundred and ninety-nine, for the purpose of making drafts of the several surveys of lands in the territory of the United States, northwest of the river Ohio, and for keeping the books of the treasury in relation to the sales of lands at the several land-offices, two thousand dollars.

For fuel and other contingent expenses of the treasury department, including therein the sum of one thousand dollars already appropriated, four thousand dollars.

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

For defraying the expense of printing two large tables of imports, for one year, (ending the thirtieth of September, one thousand seven hundred and ninety-nine,) in American and foreign vessels, including paper furnished for the same, one hundred and sixty-four dollars.

For compensation to a superintendent employed to secure the buildings and records in the treasury department, during the present year, and for nine months service in the year one thousand eight hundred and one, not heretofore appropriated, including the expense of two watchmen, and the repair of fire engines, buckets, &c., one thousand four hundred dollars.

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

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

Specific ap-  
propriations.

For compensation to the Accountant of the War department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War department, one thousand dollars.

For compensation of clerks employed in the paymaster-general's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40.

For compensation to the Purveyor of public supplies, clerks and persons employed in his office, including a sum of seven hundred dollars for compensations to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery and fuel in the said office, three thousand eight hundred dollars.

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

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand seven hundred dollars.

1799, ch. 40.

For compensation to the Accountant of the Navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for compensations to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand three hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the Postmaster-General, Assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, and for making good a deficiency in the appropriation for clerk hire in the said office, in the year one thousand eight hundred and one, including a sum of two thousand three hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, eleven thousand seven hundred and five dollars.

For expense of fuel, candles, stationery, furniture, chests, &c., exclusive of expenses of suits, prosecutions, mail locks, keys, portmanteaus, saddle-bags, blanks for post-offices, advertisements relative to the mail, and other expenses incident to the department at large, these being paid for by the Postmaster-General out of the funds of the office, two thousand dollars.

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

For compensation to the clerks to the commissioners of loans, and an allowance to certain Loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans, for the state of Pennsylvania, in addition to the permanent provision made by law, in consequence of the removal of the offices of the treasury department, in the year one thousand eight hundred, to the permanent seat of government, two thousand dollars.

For compensation to the Surveyor-General, and the clerks employed by him, and

For expense of stationery and other contingent expenses in the Surveyor-General's office, three thousand two hundred dollars.

For defraying the expense of publishing in the Sciota Gazette, the act providing for the sale of lands in the territory northwest of the river Ohio, and of paper for printing twelve hundred copies of the act providing for the sale of western lands of the United States, eighty-four dollars

For completing certain surveys authorized by acts of Congress passed the tenth of May, one thousand eight hundred, the eighteenth of February and third of March, one thousand eight hundred and one, and for surveying and laying off, according to law, the lands around Vincennes, on the Wabash, in the Indiana territory, thirty-nine thousand two hundred and ninety-six dollars and ninety cents.

Specific appropriations.

For compensation to the following officers of the Mint:—

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, refining, coining, carpenter, millwright and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forgem, who also oversees the execution of the iron work, seven thousand dollars.

For repairs of furnaces, cost of rollers and screws, bar iron, lead, steel, office furniture, and for all other contingencies of the establishment of the mint, three thousand nine hundred dollars.

For compensation to the governor and judges and secretary of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, and other contingent expenses for lands in the said territory, three hundred and fifty dollars.

For compensation to the governor, judges, and secretary of the Mississippi territory, five thousand one hundred and fifty dollars.

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

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

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

For additional compensation to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding for each department respectively, fifteen per centum in addition to the sums allowed by the act, intituled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars.

1799, ch. 40.

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

For the compensation granted by law to the chief justice, associate judges, circuit judges, and district judges of the United States, including the chief justice and two associate judges of the district of Columbia, and to the attorney-general, sixty-eight thousand six hundred and fifty dollars.

For the like compensations granted to the district attorneys, and for defraying the expenses of the supreme, circuit and district courts of the United States, including the court for the district of Columbia, jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, fifty-six thousand nine hundred dollars.

Specific ap-  
propriations.

For compensation to the marshals of the district of Maine, New Hampshire, Vermont, Kentucky, East and West Tennessee, one thousand two hundred dollars.

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

For carrying into effect the act of Congress, of the third of February, one thousand eight hundred and two, relative to the officers and crew of the United States schooner Enterprise, one thousand seven hundred and nineteen dollars.

For payment of the annuity granted to the children of the late Colonel John Harding and Major Alexander Trueman, by an act of Congress passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For payment of the annual allowance to the invalid pensioners of the United States, for their pensions from the fifth of March, one thousand eight hundred and two, to the fourth of March, one thousand eight hundred and three, ninety-three thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns and lamps, and materials used therein, and other contingent expenses, including commissions to the superintendents of the said lighthouses, at two and a half per centum, forty-four thousand eight hundred and forty-one dollars and forty-four cents.

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

For defraying the contingent expenses of government, twenty thousand dollars.

For defraying the expenses of taking the second enumeration of the inhabitants of the United States, in addition to the appropriation heretofore made for that object, twenty thousand dollars.

1799, ch. 12. For defraying the expenses incident to the purchase or erection of certain warehouses and stores for the reception of goods, wares and merchandise, under the "Act respecting quarantine and health laws," passed the twenty-fifth of February, one thousand seven hundred and ninety-nine, sixty-nine thousand and twenty-six dollars and twelve cents.

For the expenses of intercourse with foreign nations, sixty-four thousand and fifty dollars.

For the salaries of the commissioners under the seventh article of the treaty of amity, commerce and navigation, between the United States and Great Britain, including contingent expenses, twenty-four thousand and sixty-six dollars and sixty-seven cents.

For salaries of the agents of the United States, in London and Paris, expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, twenty-nine thousand dollars.

For the salary of an agent in London for the relief and protection of American seamen, and contingent expenses to be incurred therein; and for relieving seamen elsewhere, fifteen thousand dollars.

1790, ch. 34. SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury not otherwise appropriated.

APPROVED, May 1, 1802.

CHAP. XLVIII.—*An Act further to alter and establish certain Post Roads; and for the more secure carriage of the Mail of the United States.*

STATUTE I.  
May 3, 1802.

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

[Obsolete.]  
Post roads discontinued.

From Pelham to Nottingham West, in New Hampshire.

From Hanover to Scituate, in Massachusetts.

From Bridgewater to Taunton.

From New York to Saggharbor, in the state of New York.

From Schenectady to Sandy-hill.

From Salem to Bridgetown, in New Jersey.

From Lumberton, by Elizabethtown, to Andersville, in North Carolina.

From Rockford, by Scull Camp, to Grayson Courthouse.

From Amelia Courthouse, by Pridesville, to Paynsville, in Virginia.

From Washington to Cincinnati.

From Franklin Courthouse to Jackson Courthouse, in Georgia.

From Goldson's, by Geesbridge, St. Tammany's, Mecklenburgh Courthouse, Marshall's store, Christian's store, Lunenburg Courthouse and Edmund's store, to Goldson's.

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

New post roads established.

*In Maine.*—From Dennysville to Eastport.

From Machias, by Dennysville, to Scodiac.

*In New Hampshire.*—From Pelham, by Windham, to Londonderry.

From Haverhill, by Bath and Littleton, to Lancaster.

*In Massachusetts.*—From Boston, by Easton, to Taunton.

From Hingham, by Cohasset, to Scituate.

From Springfield, by South Hadley, to Northampton.

From Salem, by Topsfield, to Haverhill.

*In Vermont.*—From Middlebury, by New Haven, Moncton, Hinesburg, Williston, Jericho, Essex, Westford, Fairfax and Sheldon, to Huntsburg; to return from Huntsburg, by Berkshire, Enosburg, Bakersfield, Cambridge, Underhill, Jericho, Richmond, Huntington, Starksborough and Bristol, to Middlebury.

From Danville, by St. Johnsbury, through Barnet, to return to Rye-gate.

*In Connecticut.*—From Hartford, by Coventry, Windham and Canterbury, to Plainfield.

From Middletown, by Haddam, to Saybrook.

From New Haven, by Woodbridge, Waterbury and Watertown, to Litchfield.

From Norwich, by Lisbon, Canterbury, and Brooklyn, to Pomfret.

*In New York.*—From New York, by Brooklyn, Jamaica, Hampstead, Merrick, Oysterbay South, Huntington South, Islip, Patchauge Fire-Place, Moriches, West Hampton, Southampton and Bridgehampton, to Saggharbor.

From Hampstead, by Huntington, Smithtown, Brookhaven, and Riverhead, to Southhold.

From Newtown, in the county of Tioga, by Catharinatown, to Geneva.

From Schenectady to Ballstown Springs, Milton, Saratoga Springs, Greenfield, Hadley, Galloway, Charleton, and again to Schenectady.

From Sandy-hill to Fort George, and through the towns of Thermon and Jay, to Plattsburg, and thence to the northern line of said state.

*In New Jersey.*—From Woodbury, by Bridgetown, Milville, Port Elizabeth, and Cape May Courthouse, to Cape Island.

From Somerset Courthouse, by Baskenridge, to Morristown.

New post roads  
established.

From New Germantown, by David Miller's in Washington township, and New Hampton, to Pittstown.

*In Pennsylvania.*—From Lancaster, by Reading, Allentown, Bethlehem and Stroud's, to Milford.

From Lebanon to Jonestown.

From Jenkintown, by the Cross-roads and New Hope, to Flemington, New Jersey.

From Chambersburg, by Messersburg, to Bedford.

From Downingtown, by West Chester, Kennet's Square, and New London Cross-roads, to the Brick Meeting-house, in Maryland.

*In Maryland.*—From Reisterstown, by M'Allisterstown, Abbotstown, and Berlin, to Carlisle, Pennsylvania.

From Elkton, by the Brick Meeting-house, to the Rising Sun, Black Horse and Sorrel Horse Taverns, to Lancaster, Pennsylvania.

From Westminster, in Maryland, by Union Mills, Petersburg and Gettysburg, to Chambersburg, in Pennsylvania.

From Boonesborough, by Sharpsburg and Hagerstown, to Messersburg, Pennsylvania. The mail from Ellicott's Mills to Montgomery Courthouse, shall pass by Brookville.

*In Delaware.*—From Georgetown, by Broadkiln Landing, to Lewistown.

From Newport, by Chatham, Cochran's and Strasburg, to Lancaster, in Pennsylvania.

From Whitelysburg to Frederica.

From Georgetown, by Bridge Branch, and Northwest Fork Bridge, to Hunting Creek or New Market, Maryland, as the postmaster may direct.

*In Virginia.*—From Leesburg to Centreville.

From New Dublin, by Tazewell Courthouse, Russel Courthouse, and Lee Courthouse, to Robinson's Mills, at the foot of Cumberland Mountain.

From Cumberland Courthouse to Ca Ira.

From Culpepper Courthouse, by Woodville and Mundell's store, to New Market, in Shenandoah county.

From Fauquier Courthouse, by Aquia, to King George Courthouse.

From Winchester, by Front-Royal, to Culpepper Courthouse.

From Brooke Courthouse to Steubenville, in the Northwestern Territory.

From Brooke Courthouse to West Liberty.

From Brookington, by Newman's and Randolph's taverns, and Dennis' store, to Henderson and Fitzgerald's store.

From Amelia Courthouse, by Perkins' store, to Painesville.

From Wyliesville, in Charlotte county, by Speed and Wilson's store, Sterling Yancey's and Norman's store, to Person Courthouse, in North Carolina.

From Harrisville, by Field's mill, Quarlesville, M'Farland's store, Lunenburg Courthouse, Christiansville, Marshallsville, Mecklenburg Courthouse and St. Tammany's; and to return by Geesbridge, Edmund's store, Field's mill to Harrisville.

From Richmond Courthouse to Tappahannock.

*In North Carolina.*—From Plymouth to Robert Winn's, on Scuppernong river.

From Jonesburg to Pasquotank river bridge.

From Rutherfordstown, by John Gowen's store, to Greenville Courthouse, in South Carolina.

From Wilkes to Ash Courthouse.

The road from Mount Airy to Grayson Courthouse, in Virginia, shall pass by Scull Camp.

*In Tennessee.*—From Jonesborough to Carter Courthouse.

From Nashville to Franklin.

From Knox to Burville.

*In South Carolina.*—The road from Edgefield to Cambridge, shall pass by Amos Richardson's, and return by Northampton.

From Monk's corner over Biggen bridge, by Pineville, Murray's ferry, Santee, to Kingstree.

*In Georgia.*—From Oglethorpe Courthouse, by Athens, through Clarksburg, to Jackson Courthouse.

From Riceburg, by Fort James, to Tatnall Courthouse.

*In Kentucky.*—From Shelbyville to Louisville.

From Danville, by Pulaski Courthouse, to Wayne Courthouse.

*In the Northwestern Territory.*—From Marietta, by Chilicothe and Williamsburg, to Cincinnati.

SEC. 3. *And be it further enacted,* That for the better and more secure carrying of the mail of the United States, on the main post road between Petersburg, in Virginia, and Louisville, in Georgia, the Postmaster-General shall be, and hereby is authorized and directed to engage and contract with private companies, or adventurers, for carrying the mail of the United States, for a term of time not exceeding five years, in mail coaches or stages, calculated to convey passengers therein: *Provided,* that the expense thereof shall not exceed a sum equal to one third more than the whole of the present expense incurred for carrying the mail on such road, on horseback. And the said Postmaster-General may, hereafter at his discretion, require as a stipulation in the contract for carrying the mail from Suffield, in Connecticut, by Windsor, in Vermont, to Dartmouth College, in New Hampshire; that the same shall be conveyed in a carriage or line of stages: *Provided,* the expense thereof shall not exceed more than one third the sum heretofore given for carrying the mail on the last mentioned route by a post rider.

SEC. 4. *And be it further enacted,* That from and after the first day of November next no other than a free white person shall be employed in carrying the mail of the United States, on any of the post roads, either as a post-rider or driver of a carriage carrying the mail: and, every contractor or person who shall have stipulated or may hereafter stipulate to carry the mail, or whose duty it shall be to cause the same to be conveyed, on any of the post roads, as aforesaid, and who shall, contrary to this act, employ any other than a free white person as a post-rider or driver, or in any other way to carry the mail on the same, shall, for every such offence, forfeit and pay the sum of fifty dollars, one moiety thereof to the use of the United States, and the other moiety thereof to the person who shall sue for, and prosecute the same, before any court having competent jurisdiction thereof.

SEC. 5. *And be it further enacted,* That all letters, packets and newspapers to and from the Attorney-General of the United States shall be conveyed by post free of postage: *Provided,* that all letters by him sent be franked in the manner required by the seventeenth section of the act to establish the post-office. (a)

SEC. 6. *And be it further enacted,* That the Postmaster-General be authorized to allow the postmasters at the several distributing offices, such compensation as shall be adequate to their several services in that respect: *Provided,* that the same shall not exceed in the whole five per cent. on the whole amount of postages on letters and newspapers received for distribution, and that the said allowance be made to commence on the first day of June, in the year one thousand eight hundred: *Provided also,* that if the number of mails received at, and dispatched from, any such office is not actually increased by the distributing system, then no additional allowance shall be made to the postmaster.

SEC. 7. *And be it further enacted,* That there shall be allowed to the deputy postmaster at the city of Washington, for his extraordinary

New post roads established.

Postmaster-General authorized to contract for carrying the mail in coaches from Petersburg to Louisville in Georgia, for a time limited.

Additional expense not to exceed a certain amount.

He may have the mail from Suffield in Connecticut by Windsor, in Vermont, to Dartmouth College, carried in the same way.

Under a limitation of expense.

Free white persons to be only employed in carrying the mail.

Penalty for not complying with this provision.

(a) 1799, ch. 43.

Privilege of franking extended to the Attorney-General, and of receiving letters, &c. free of postage.

Allowances may be made to the postmasters at the distributing offices;

Limitation thereof.

No allowance if the number of mails is not actually increased by the distributing system.

An additional compensation to



the deputy post-master at the city of Washington.

This act not to affect existing contracts.

expenses incurred in the discharge of the duties of his office, an additional compensation, at the rate of one thousand dollars per annum, to be computed from the first day of January last.

SEC. 8. *And be it further enacted*, That this act shall not be so construed as to affect any existing contracts for carrying the mail.

APPROVED, May 3, 1802.

STATUTE I.

May 3, 1802.

[Obsolete.]

Specific appropriation.

How to be applied.

CHAP. XLIX.—*An Act making an appropriation for carrying into effect the Convention between the United States of America and His Britannic Majesty.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for carrying into effect the convention of the eighth day of January, one thousand eight hundred and two, between the United States of America and His Britannic Majesty, the sum of two millions six hundred and sixty-four thousand dollars be, and the same hereby is appropriated.

SEC. 2. *And be it further enacted*, That the aforesaid sum shall be paid in such instalments, and at such times, as are fixed by the said convention, out of any monies in the treasury, not otherwise appropriated.

APPROVED, May 3, 1802.

STATUTE I.

May 3, 1802.

CHAP. LI.—*An Act to amend an act intituled "An act for the relief of sick and disabled Seamen," and for other purposes.*

Fund provided for the relief of sick and disabled seamen.

Act of July 16, 1798, ch. 77.  
Act of March 2, 1799, ch. 24.

Sum appropriated for an hospital in Massachusetts.

President may cause accommodations, &c. to be provided for the relief of the U. States seamen at New Orleans, with the consent of the local government.

Masters of boats, rafts, &c. going to New Orleans, down the Mississippi, to make reports of the number of hands, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the monies heretofore collected in pursuance of the several acts "for the relief of sick and disabled seamen," and at present unexpended, together with the monies hereafter to be collected by authority of the before-mentioned acts, shall constitute a general fund, which the President of the United States shall use and employ as circumstances shall require for the benefit and convenience of sick and disabled American seamen: *Provided*, that the sum of fifteen thousand dollars be, and the same is hereby appropriated for the erection of an hospital in the district of Massachusetts.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to cause such measures to be taken as, in his opinion, may be expedient for providing convenient accommodations, medical assistance, necessary attendance, and supplies for the relief of sick or disabled seamen of the United States who may be at or near the port of New Orleans, in case the same can be done with the assent of the government having jurisdiction over the port; and for this purpose, to establish such regulations, and to authorize the employment of such persons as he may judge proper; and that for defraying the expense thereof, a sum not exceeding three thousand dollars be paid out of any monies arising from the said fund not otherwise appropriated.

SEC. 3. *And be it further enacted*, That from and after the thirtieth day of June next, the master of every boat, raft or flat, belonging to any citizen of the United States which shall go down the Mississippi with intention to proceed to New Orleans shall, on his arrival at Fort Adams, render to the collector or naval officer thereof, a true account of the number of persons employed on board such boat, raft or flat, and the time that each person has been so employed, and shall pay to the said collector or naval officer at the rate of twenty cents per month, for every person so employed, which sum, he is hereby authorized to retain out of the wages of such person: and the said collector or naval officer shall not give a clearance for such boat, raft or flat, to proceed on her voyage to New Orleans, until an account be rendered to him of the

number of persons employed on board such boat, raft or flat, and the money paid to him by the master or owner thereof: and if any such master shall render a false account of the number of persons, and the length of time they have severally been employed, as is herein required, he shall forfeit and pay fifty dollars, which shall be applied to, and shall make a part of, the said general fund for the purposes of this act: *Provided*, that all persons employed in navigating any such boat, raft or flat, shall be considered as seamen of the United States, and entitled to the relief extended by law to sick and disabled seamen.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to nominate and appoint for the port of New Orleans, a fit person to be director of the marine hospital of the United States, whose duties shall be in all instances the same as the directors of the marine hospitals of the United States, as directed and required by the act, intituled "An act for the relief of sick and disabled seamen." [Act of July 16, 1798, chap. 76.]

SEC. 5. *And be it further enacted*, That each and every director of the marine hospitals within the United States, shall, if it can with convenience be done, admit into the hospital of which he is director, sick foreign seamen, on the application of the master or commander of any foreign vessel to which such sick seamen may belong; and each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, the payment of which the master or commander of such foreign vessel shall make to the collector of the district in which such hospital is situated: and the collector shall not grant a clearance to any foreign vessel, until the money due from such master or commander, in manner and form aforesaid, shall be paid; and the director of each hospital is hereby directed, under the penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital, under his direction, and render the same to the collector.

SEC. 6. *And be it further enacted*, That the collectors shall pay the money collected, by virtue of this and the act to which this is an amendment, into the treasury of the United States, and be accountable therefor, and receive the same commission thereon, as for other money by them collected.

SEC. 7. *And be it further enacted*, That each and every director of the marine hospitals shall be accountable at the treasury of the United States for the money by them received in the same manner as other receivers of public money, and for the sums by them expended shall be allowed a commission at the rate of one per cent.

APPROVED, May 3, 1802.

CHAP. LIII.—*An Act additional to, and amendatory of, an act, intituled "An act concerning 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 circuit court of the county of Washington, in the territory of Columbia, shall have power to proceed in all common law and chancery causes which now are, or hereafter shall be instituted before it, in which either of the parties reside without the said territory, in the same way that non-residents are proceeded against in the general court or in the supreme court of chancery in the state of Maryland.

SEC. 2. *And be it further enacted*, That the circuit court of the county of Alexandria, in the district of Columbia, shall have power to proceed in all common law and chancery causes which now are, or hereafter shall be instituted before it, in which either of the parties are non-residents of said district of Columbia, in the same way, and under

Penalty for rendering a false account.

Persons navigating such boats, to be considered as seamen of the United States.

President to appoint a director of the marine hospital at New Orleans.

Sick foreign seamen may be admitted in certain cases.

Seamen admitted into the hospital subject to a charge for every day they shall remain therein.

Clearance not to be given by the collector until the money due from the master, as aforesaid, shall be paid.

Accs. against foreign seamen to be made out by the director of the hospital.

Collectors to pay the money they collect into the Treasury of the U. States under this and the act to which this is a supplement.

Director of the marine hospital to account for the money received by him.

Allowed a commission.

STATUTE I.

May 3, 1802.

February 27,

1801, ch. 15.

Same proceedings may be had against non-residents in the circuit court for the county of Washington as in the general court or court of chancery in Maryland.

Proceedings against non-residents in the circuit court of Alexandria county

to be the same as in the district or high court of chancery in Virginia.

Times of sessions of the circuit courts of Alexandria and Washington counties.

Process heretofore issued.

Causes depending to stand adjourned to these sessions.

These courts have power to hold adjourned sessions.

No *capias ad satisfaciendum* to be issued where the costs do not exceed twenty dollars.

Executions in such cases to be issued against the goods and chattels of the debtors.

Constables to give bond with surety, approved of by one of the district judges.

Clerk's fees. Constable's fees and commissions.

The act to which this is a supplement not to extend to cases where, by the Virginia and Maryland laws, attachments may issue against the property of absconding debtors.

How taxes are to be levied in the county of Alexandria.

And the poor of the said county provided for.

The laws of Virginia and Maryland adopted by a former act, not to prohibit the owners of slaves from hiring them in and removing them to the district.

Parts of former acts with respect to com-

the same regulations observed by the district court or by the high court of chancery in Virginia, in proceeding against non-residents.

SEC. 3. *And be it further enacted*, That the courts for the counties of Alexandria and Washington, shall hereafter be holden at the periods following, to wit: for the county of Alexandria, on the fourth Monday of June and November, and for the county of Washington, on the fourth Monday of July and December, in each year; and all process heretofore issued from the offices of the said courts and not yet returned, shall be returnable to the first day of the sessions of the said courts, respectively, and all causes now depending in the same shall stand adjourned and continued over to the next sessions of the said courts, as established by this act. And the said courts are hereby invested with the same power of holding adjourned sessions that are exercised by the courts of Maryland.

SEC. 4. *And be it further enacted*, That no *capias ad satisfaciendum* shall hereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment, exclusive of costs, shall not exceed twenty dollars; but that in such cases, execution shall be only on the goods and chattels of the debtor, and shall issue by order of the justice who may have taken cognizance of the action, from the clerk's office, and shall be returnable thereto: that all such executions be returnable on the first Monday in every month; and that the same, and also the warrant to bring the party before the justice, be directed to one of the constables, whose duty it shall be to obey the same: that each of the said constables shall give bond, with one sufficient surety, to be approved of by one of the district judges, for the faithful execution of the duties of his office, in the sum of five hundred dollars: that the clerk's fees for issuing and filing the return of every such execution, shall be twenty-five cents; the constable's fees for return and service, shall be fifty cents; and that a commission of eight per cent. be allowed the constable for every sum thereon by him levied.

SEC. 5. *And be it further enacted*, That so much of the original act to which this is a further supplement, as confines the jurisdiction of the courts of this territory to cases between parties who are inhabitants of, or residents within the same, shall not be construed to extend to any case where, by the laws of Maryland and Virginia, respectively, attachments may issue to affect the property of absconding debtors, or others having property within the district, and whose persons are not answerable to the process of the court.

SEC. 6. *And be it further enacted*, That the taxes to be levied in the county of Alexandria, shall hereafter be assessed by the justices of the peace of the said county, and the poor of the town and country parts of the said county of Alexandria shall be provided for respectively, in like manner as the county and corporation courts were authorized to do by the laws of Virginia, as they stood in force within the said county, on the first Monday of December, in the year one thousand eight hundred.

SEC. 7. *And be it further enacted*, That no part of the laws of Virginia or Maryland declared by an act of Congress, passed the twenty-seventh day of February, one thousand eight hundred and one, "concerning the district of Columbia," to be in force within the said district, shall ever be construed so as to prohibit the owners of slaves to hire them within, or remove them to the said district, in the same way as was practised prior to the passage of the above-recited act.(a)

SEC. 8. *And be it further enacted*, That so much of two acts of Congress, the one passed on the twenty-seventh day of February, one thousand eight hundred and one, intituled "An act concerning the district

(a) Lee v. Lee, 8 Peters, 44.

of Columbia;" the other passed the third day of March, one thousand eight hundred and one, supplementary to the aforesaid act, as provides for the compensation to be made to certain justices of the peace thereby created, and for compensation to jurors attending the courts within said district, except so much thereof as relates to their travelling expenses attending the same, shall be, and is hereby repealed: and jurors, in future, shall serve in the said courts, and be summoned to attend the same in like manner as jurors serve and were summoned in the courts of Virginia, prior to the passage of the above-recited act.

SEC. 9. *And be it further enacted*, That ordinary licenses, retailers' licenses, and hawkers and pedlers' licenses, shall be granted by the circuit court of the said district, in the respective counties, as the same were heretofore granted by the courts of Maryland and Virginia, respectively. And the several judges of the said circuit court shall have like authority to grant such licenses in vacation, as the justices of the courts of Maryland and Virginia heretofore possessed; and the money arising from such licenses shall be applied to the use and benefit of the said counties, respectively, in such manner, and to such purposes, as the justices of the levy courts in the same shall appoint and direct.

SEC. 10. *And be it further enacted*, That the marshal of the district of Columbia be, and he hereby is authorized and directed, with the approbation of the President of the United States, to cause a good and sufficient jail to be built within the city of Washington, and that a sum not exceeding eight thousand dollars be, and the same hereby is appropriated to that purpose, to be paid out of any unappropriated monies in the treasury.

SEC. 11. *And be it further enacted*, That the corporation of Georgetown, in the district of Columbia, shall have full power and authority to tax any particular part or district of the town, for paving the streets, lanes or alleys therein, or for sinking wells, or erecting pumps which may appear for the benefit of such particular part or district: *Provided*, that the rate of tax so to be levied shall not exceed two dollars per foot front, and that the same shall be enforced and collected in the same manner that the taxes which the said corporation had heretofore been authorized to lay and collect.

SEC. 12. *And be it further enacted*, That articles inspected at one port in the said district shall not be subject to a second inspection, at any other port in the said district.

SEC. 13. *And be it further enacted*, That the President of the United States be authorized to cause the militia, of the respective counties of Washington and Alexandria to be formed into regiments and other corps, conformably, as nearly as may be, to the laws of Maryland and Virginia, as they stood in force in the said counties, respectively, on the first Monday in December, in the year one thousand eight hundred; and that he appoint and commission, during pleasure, all such officers of the militia of the said district, as he may think proper; that he be authorized to call them into service, in like manner as the executive of Maryland and Virginia were authorized in the counties of Washington and Alexandria respectively, on the first Monday of December, one thousand eight hundred. And that such militia, when in actual service, be entitled to the same pay and emoluments as the militia of the United States, when called out by the President.

APPROVED, May 3, 1802.

pensation to justices of the peace and jurors abolished.

Except as to the travelling expenses of jurors.

Jurors to be summoned, &c.

Certain licenses to be granted in the same way as they have been granted by the courts of Maryland and Virginia.

Judges of the circuit court may grant such licenses in vacation.

Marshal authorized to cause a jail to be built in the city of Washington with the President's approbation.

A limitation of expense and appropriation of money.

Corporation of Georgetown to lay a tax.

For what purpose.

Limitation of the rate of tax and the manner to be enforced and collected.

Articles inspected in one port of the district exempt from further inspection in the district.

President of the U. States to cause the militia of Washington and Alexandria counties to be organized.

To appoint and commission officers, &c.

To call them into service.

Their pay and emoluments while in service.

STATUTE I.

May 3, 1802.

CHAP. LIII.—*An Act to incorporate the inhabitants of the City of Washington, 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 inhabitants

Act of February 24, 1804, ch. 14. Act

of May 4, 1812, ch. 75, repealed.  
Act of Feb. 20, 1819, ch. 34, repealed.

Act of Feb. 23, 1820, ch. 15.

Act of May 15, 1820, ch. 103, repealed.

Act of May 26, 1824, ch. 191.

The inhabitants of the city of Washington made a body politic.

Their powers as such.

The city to be divided into wards.

City council to consist of twelve members.

To be divided into two chambers, in what manner.

Council to be annually elected, and by whom.

Judges of elections.

Times of holding the elections.

How long the polls are to be kept open.

When and how the votes are to be counted.

Persons having the greatest number to be notified thereof by the judges, and a return made to the mayor of the city.

How the mayor is to be appointed.

His continuance in office and qualifications.

Where the city council is to hold its sessions, and when.

The mayor may convene it on extra occasions.

What number shall make a quorum to do business in each council.

The two councils may appoint their own officers, &c., and make their own rules and regulations.

of the city of Washington be constituted a body politic and corporate, by the name of a mayor and council of the city of Washington, and by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city; and may have and use a city seal, which may be broken or altered at pleasure; the city of Washington shall be divided into three divisions or wards, as now divided by the levy court for the county, for the purpose of assessment; but the number may be increased hereafter, as in the wisdom of the city council shall seem most conducive to the general interest and convenience.

SEC. 2. *And be it further enacted*, That the council of the city of Washington shall consist of twelve members, residents of the city, and upwards of twenty-five years of age, to be divided into two chambers, the first chamber to consist of seven members, and the second chamber of five members; the second chamber to be chosen from the whole number of councillors elected, by their joint ballot. The city council to be elected annually, by ballot, in a general ticket, by the free white male inhabitants of full age, who have resided twelve months in the city, and paid taxes therein the year preceding the election's being held: the justices of the county of Washington, resident in the city, or any three of them, to preside as judges of election, with such associates as the council may, from time to time, appoint.

SEC. 3. *And be it further enacted*, That the first election of members for the city council shall be held on the first Monday in June next, and in every year afterwards, at such place in each ward as the judges of the election may prescribe.

SEC. 4. *And be it further enacted*, That the polls shall be kept open from eight o'clock in the morning till seven o'clock in the evening, and no longer, for the reception of ballots. On the closing of the poll, the judges shall close and seal their ballot-boxes, and meet on the day following in the presence of the marshal of the district, on the first election, and the council afterwards, when the seals shall be broken, and the votes counted: within three days after such election, they shall give notice to the persons having the greatest number of legal votes, that they are duly elected, and shall make their return to the mayor of the city.

SEC. 5. *And be it further enacted*, That the mayor of the city shall be appointed, annually, by the President of the United States. He must be a citizen of the United States, and a resident of the city, prior to his appointment.

SEC. 6. *And be it further enacted*, That the city council shall hold their sessions in the city hall, or, until such building is erected, in such place as the mayor may provide for that purpose, on the second Monday in June, in every year; but the mayor may convene them oftener, if the public good require their deliberations. Three fourths of the members of each council may be a quorum to do business, but a smaller number may adjourn from day to day: they may compel the attendance of absent members, in such manner, and under such penalties, as they may, by ordinance, provide: they shall appoint their respective presidents, who shall preside during their sessions, and shall vote on all questions where there is an equal division; they shall settle their rules of proceedings, appoint their own officers, regulate their respective fees, and remove them at pleasure: they shall judge of the elections, returns and qualifications of their own members, and may, with the concurrence of three fourths of the whole, expel any member for disorderly behaviour, or mal-conduct in office, but not a second time for the same offence: they shall keep a journal of their proceedings, and enter the yeas and nays on any question, resolve or ordinance, at the request of any member, and their deliberations shall be public. The mayor shall appoint

to all offices under the corporation. All ordinances or acts passed by the city council shall be sent to the mayor, for his approbation, and when approved by him, shall then be obligatory as such. But if the said mayor shall not approve of such ordinance or act, he shall return the same within five days, with his reasons in writing therefor; and if three fourths of both branches of the city council, on reconsideration thereof, approve of the same, it shall be in force in like manner as if he had approved it, unless the city council, by their adjournment, prevent its return.

SEC. 7. *And be it further enacted*, That the corporation aforesaid shall have full power and authority to pass all by-laws and ordinances; to prevent and remove nuisances; to prevent the introduction of contagious diseases within the city; to establish night watches or patrols, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for licensing and regulating auctions, retailers of liquors, hackney carriages, wagons, carts and drays, and pawnbrokers within the city; to restrain or prohibit gambling, and to provide for licensing, regulating or restraining theatrical or other public amusements within the city; to regulate and establish markets; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same, agreeably to the plan of the said city; to provide for the safe keeping of the standard of weights and measures fixed by Congress, and for the regulation of all weights and measures used in the city; to provide for the licensing and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks that are to be made and used in the city; to sink wells, and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to lay and collect taxes; to enact by-laws for the prevention and extinguishment of fire; and to pass all ordinances necessary to give effect and operation to all the powers vested in the corporation of the city of Washington: *Provided*, that the by-laws or ordinances of the said corporation, shall be, in no wise, obligatory upon the persons of non-residents of the said city, unless in cases of intentional violation of by-laws or ordinances previously promulgated. All the fines, penalties and forfeitures, imposed by the corporation of the city of Washington, if not exceeding twenty dollars, shall be recovered before a single magistrate, as small debts are, by law, recoverable; and if such fines, penalties and forfeitures exceed the sum of twenty dollars, the same shall be recovered by action of debt in the district court of Columbia, for the county of Washington, in the name of the corporation, and for the use of the city of Washington.

SEC. 8. *And be it further enacted*, That the person or persons appointed to collect any tax imposed in virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable therewith: no sale shall be made unless ten days previous notice thereof be given; no law shall be passed by the city council subjecting vacant or unimproved city lots, or parts of lots, to be sold for taxes.

SEC. 9. *And be it further enacted*, That the city council shall provide for the support of the poor, infirm and diseased of the city.

SEC. 10. *Provided always, and be it further enacted*, That no tax shall be imposed by the city council on real property in the said city, at any higher rate than three quarters of one per centum on the assessment valuation of such property.

SEC. 11. *And be it further enacted*, That this act shall be in force for two years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 3, 1802.

The mayor to appoint to all offices under the corporation.

Ordinances to be binding must be approved by him, but in certain cases.

Powers of the corporation prescribed.

Ordinances and by-laws not to be obligatory upon strangers but in certain cases.

How fines, &c. may be recovered.

Taxes may be collected by distress and sale of personal property in certain cases.

No sale but upon previous notice.

No law to be passed subjecting vacant lots to sale.

City council to provide for the support of the poor.

Limitation of the rate of taxation on real property.

Commencement of this act and how long to be in force.

Jan. 21, 1802.

I. RESOLUTION, *Authorizing the Secretary of State to furnish the Members of both Houses with the Laws of the Sixth Congress.*

*RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be directed to cause to be furnished to each member of the two Houses of Congress, a copy of the laws of the sixth Congress.*

APPROVED, January 21, 1802.

Feb. 3, 1802.

II. RESOLUTIONS, *Expressing the sense of Congress on the gallant conduct of Lieut. Sterret,—the officers and crew of the United States schooner Enterprize.*

The sense entertained by Congress of the gallant conduct of lieutenant Sterret in the capture of a Tripolitan corsair.

President requested to present a sword to him.

An allowance of one month's pay made to the officers &c.

*RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That they entertain a high sense of the gallant conduct of Lieutenant Sterret, and the other officers, seamen and marines, on board the schooner Enterprize, in the capture of a Tripolitan corsair, of fourteen guns and eighty men.*

*Resolved, That the President of the United States be requested to present to Lieutenant Sterret, a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen and marines, who were on board the Enterprize when the aforesaid action took place.*

APPROVED, February 3, 1802.