

# ACTS OF THE SEVENTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the sixth day of December, 1802, and ended on the third day of March, 1803.*

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States, and President of the Senate; STEPHEN R. BRADLEY, President of the Senate pro tempore, on the 14th of January, 1803, and from the 3d of March, 1803; NATHANIEL MACON, Speaker of the House of Representatives.

### STATUTE II.

CHAP. I.—*An Act making a partial appropriation for the Naval Service, during the year one thousand eight hundred and three.*

Jan. 14, 1803.

*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 be, and the same hereby is appropriated towards defraying the expenses of the navy of the United States, during the year one thousand eight hundred and three.

[Obsolete.]

SEC. 2. *And be it further enacted,* That the aforesaid sum shall be paid, first, out of any balance remaining unexpended of former appropriations for the same object; and secondly, out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 14, 1803.

STATUTE II.

CHAP. IV.—*An Act authorizing the sale of a piece of land, parcel of the Navy Yard belonging to the United States, in Charlestown, in the state of Massachusetts, to the proprietors of the Salem turnpike road and Chelsea bridge corporation.*

Feb. 10, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he hereby is authorized and empowered, by indenture of bargain and sale, in common form, to convey, in fee simple, to the proprietors of the Salem turnpike and Chelsea bridge corporation, by their proper name of incorporation, a certain piece of land, lying on the western corner, and being parcel of the navy yard belonging to the United States, in Charlestown, in the state of Massachusetts, containing fifteen square perches, or thereabouts, or so much thereof as is required to enable the said proprietors to lay out and make a turnpike road from Salem to Charlestown bridge, near Boston, according to the plan exhibited to Congress by the said proprietors.

Secretary of the Navy authorized to convey a piece of land to the Salem bridge corporation.

SEC. 2. *And be it further enacted,* That it shall be the duty of the said secretary, prior to the making the said conveyance, to cause the said piece of land to be valued by disinterested men, to be appointed in such manner as he shall agree with the said proprietors; the amount of which said valuation, being paid to the use of the United States, it shall then, and not before, be lawful for the said secretary to make the aforesaid conveyance.

A valuation to be ascertained by disinterested persons and paid.

APPROVED, February 10, 1803.

## STATUTE II.

Feb. 19, 1803.

Act of February 24, 1804, ch. 13.

In what manner goods to be exported from the Mississippi are to be identified.

Certificate to be granted by the collector of the Mississippi district.

CHAP. V.—*An Act to provide for the granting of Clearances to ships or vessels owned by citizens of the United States, lying in the river Mississippi, south of the southern boundary of the United States, and therein to amend an act, intituled "An act to regulate the collection of duties on imposts 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 whenever articles of the growth, produce, or manufacture of the United States, shall be intended to be exported from any of the ports of the United States within the Mississippi, by the way of New Orleans, to any foreign port, the identity of such articles shall be ascertained and certified in the same manner by the proper officers as has been or hereafter may be provided, for the transportation of the same articles to any of the ports of the United States, without the Mississippi.

SEC. 2. *And be it further enacted,* That it shall be lawful for the collector of the customs for the district of Mississippi, to grant to any ship or vessel owned by citizens of the United States, laden with articles of the growth, produce, or manufacture of the said states, and actually lying in some part of the river Mississippi, south of the southern boundary of the United States, a clearance in the same manner as if such ship or vessel was lying within the said district, which clearance shall be of the form following, to wit:

"District of Mississippi, to  
Port of Adams,

These are to certify to all whom it doth concern, that \_\_\_\_\_ master or commander of the \_\_\_\_\_ burthen \_\_\_\_\_ tons or thereabouts, mounted with \_\_\_\_\_ guns (if any) navigated with \_\_\_\_\_ men built, now lying in the river Mississippi, out of the limits of the United States, and bound for \_\_\_\_\_ having on board (here specify the articles if required) being of the growth, produce, or manufacture of the United States, or (if no specification be required) being laden with articles of the growth, produce, or manufacture of the United States, hath here cleared his said vessel according to law:

Given under my hand and seal, at the custom-house of Fort Adams, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ year of the independence of the United States of America."

Not to be given till it is ascertained that the goods are of the growth, &c. of the U. States.

Certificate to be exhibited to the Consul of the U. States.

*Provided nevertheless,* That such clearance shall not be granted until the identity of the articles laden on board such ship or vessel, as being of the growth, produce, or manufacture of the United States, shall be established to the satisfaction of the said collector, either by the exhibition of a certificate to that effect, from the consul, vice-consul, or other authorized agent of the United States, residing at or near New Orleans on the said river or otherwise: *And provided also,* that before the departure of such ship or vessel for any foreign port or place without the said river, it shall be the duty of the master or commander thereof, to exhibit such clearance to the said consul, vice-consul, or other authorized agent of the United States, who shall certify thereon under his consular seal, if he be satisfied that the state of the cargo at the time of such exhibition correspond therewith, that such is the case; or if the whole or any part thereof shall have been unladen, or otherwise changed, so as not to agree with the tenor of such clearance, he shall accordingly state the same.

SEC. 3. *And be it further enacted,* That the consul, vice-consul, or other authorized agent of the United States, residing at New Orleans, or at such other place or deposit on the banks of the Mississippi, south of the southern boundary of the United States, as may be assigned by virtue of the treaty of San Lorenzo, shall be entitled to receive from the

captains or owners of American vessels, two dollars for each certificate he shall sign, certifying that the articles contained in such certificate, are of the growth, produce, or manufacture of the United States; and he shall also be authorized to employ a proper person to attend to the landing and loading such articles, whose duty therein, and compensation, shall be the same as those of an inspector of customs in one of the ports of the United States, which compensation shall be considered as a charge against the revenue, and defrayed by the collector for the district of Mississippi, out of the monies received by him on account of the duties on tonnage and merchandise.

APPROVED, February 19, 1803.

STATUTE II.

CHAP. VI.—*An Act for the relief of the sufferers by fire, in the town of Portsmouth.*

Feb. 19, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who, being indebted to the United States, for duties on merchandise, have given bond therefor, with one or more sureties, payable to the collector for the district of Portsmouth, and who have suffered a loss of property by the late conflagration at that place, shall be, and they hereby are allowed to take up, or have cancelled, all bonds heretofore given for duties as aforesaid, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of their former bonds respectively, payable in twelve months from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorized and directed, to give up or cancel, all such bonds upon the receipt of others as described in this act; which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: Provided however, that nothing in this act contained shall extend to bonds which had fallen due before the twenty-sixth day of December last.

Sufferers by fire at Portsmouth to have the indulgence of further time for discharging their custom-house bonds.

Proviso that this act shall not extend to bonds due before the 26th December, 1802.

APPROVED, February 19, 1803.

STATUTE II.

CHAP. VII.—*An Act to provide for the due execution of the laws of the United States, within the state of Ohio.*

Feb. 19, 1803.

WHEREAS, the people of the Eastern division of the territory northwest of the river Ohio, did, on the twenty-ninth day of November, one thousand eight hundred and two, form for themselves a constitution and state government, and did give to the said state the name of the "State of Ohio," in pursuance of an act of Congress, intitled "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," whereby the said state has become one of the United States of America; in order therefore to provide for the due execution of the laws of the United States within the said state of Ohio:

Act of April 30, 1802, ch. 40.

Laws of the United States to be carried into effect in the state of Ohio.

Act of April 30, 1802, ch. 40.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said state of Ohio, as elsewhere within the United States.

SEC. 2. *Be it further enacted,* That the said state shall be one district, and be called the Ohio district; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of government

All the laws of the United States not locally inapplicable to be in force and executed there.

Ohio to be one district.

District court to be held there.

in, to consist of one judge.

Sessions of the court, where to be held.

Its powers and jurisdiction.

Clerk to be appointed.

His place of residence, fees, &c.

Salary of the judge to be 1000 dollars.

1807, ch. 16.

District attorney to be appointed.

His compensation.

Marshal to be appointed.

His duties and compensation.

of the said state, three sessions annually, the first to commence on the first Monday in June next, and the two other sessions progressively on the like Monday of every fourth calendar month afterwards, and he shall in all things have and exercise the same jurisdiction and powers which are by law given to the judge of the Kentucky district: he shall appoint a clerk for the said district, who shall reside and keep the records of the court at the place of holding the same, and shall receive for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *Be it further enacted*, That there shall be allowed to the judge of the said district court, the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the treasury of the United States.

SEC. 4. *Be it further enacted*, That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States, two hundred dollars annually, as a full compensation for all extra services.

SEC. 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

APPROVED, February 19, 1803.

#### STATUTE II.

Feb. 26, 1803.

[Obsolete.]

Further appropriation for foreign intercourse.

President authorized to borrow the money.

The terms and time of reimbursement.

Surplus of duties on imports and tonnage pledged for the payment of interest and reimbursement of principal.

CHAP. VIII.—*An Act making further provision for the expenses attending the intercourse between the United States and foreign nations.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum of two millions of dollars, in addition to the provision heretofore made, be, and the same is hereby appropriated for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress, as soon as may be.

SEC. 2. *And be it further enacted*, That the President of the United States may, if he shall deem it necessary, and he hereby is authorized to borrow the whole, or any part of the said sum, at an interest not exceeding six per centum per annum, reimbursable before the year one thousand eight hundred and eleven: and it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

SEC. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them by law, shall be, and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal of all such monies as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

APPROVED, February 26, 1803.

## STATUTE II.

Feb. 28, 1803.

CHAP. IX.—*An Act supplementary to the "act concerning Consuls and Vice-Consuls, and for the further protection of American Seamen."*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs, a list, containing the names, places of birth and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States, at which he shall arrive on his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector, and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided*, that the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

SEC. 2. *And be it further enacted*, That it shall be the duty of every master or commander of a ship or vessel, belonging to citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, (if any there be at such port;) that in case of refusal or neglect of the said master or commander, to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port, where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is a supplement.

SEC. 3. *And be it further enacted*, That whenever a ship or vessel belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice-commercial agent, the list of his ship's company, certified as aforesaid; and to pay

Act of April 14, 1792, ch. 24.  
Act of May 1, 1810, ch. 44.  
Act of February 28, 1811, ch. 28.  
Act of March 3, 1817, ch. 40.

Masters of vessels to deliver lists to the collectors of the ports whence they go from the U. States of their ship's companies, containing descriptions of their persons, &c.

Certified copies to be delivered to the masters: fees to be paid for them.

Masters to enter into bonds, for what conditioned.

Provisions in favor of the captains.

Proofs of persons discharged in foreign ports, or persons dying to be exhibited to collectors.

Masters of vessels belonging to U. States arriving in foreign ports to deliver to the consuls, &c. there certain papers.

Penalty for not doing it.

Act of March 3, 1817, ch. 40.

Acts to be done upon the discharge of American seamen in foreign ports.

Lists of the ship's company to be furnished to the consul.

(a) See note to act of April 14, 1792, chap. 24, vol. i. p. 254.

Three months pay for every seaman discharged to be paid to the consul, two thirds of which to be paid by the consul to the seaman.

Residue to be retained by the consul to create a fund for the payment of the passages of seamen to the U. States.

Consuls, &c. to provide for destitute seamen, &c. subsistence and passages to the U. States, subject to the instructions of the Secretary of State.

Commanders of vessels required to take such on board if not more than two to every hundred tons.

On terms not exceeding ten dollars each.

Seamen, &c. to do duty if able.

Penalty on the refusal of the captain or master.

Act of February 28, 1811, ch. 28.

Seventh and eighth sections of the act of April 14, 1792, ch. 24, concerning consuls and vice-consuls repealed.

Secretary of State to reimburse the consuls, &c.

Consuls, &c. may receive fifty cents for a certificate of discharge and two and a half per cent. on paying and receiving the wages of discharged seamen in foreign ports.

to such consul, vice-consul, commercial agent, or vice-commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months pay, over and above the wages which may then be due to such mariner or seaman, two thirds thereof to be paid by such consul, or commercial agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port, and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

SEC. 4. *And be it further enacted*, That it shall be the duty of the consuls, vice-consuls, commercial agents, vice-commercial agents of the United States, from time to time, to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls, vice-consuls, commercial agents or vice-commercial agents respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and consul, or commercial agent. And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, that no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same on the request or order of the consul, vice-consul, commercial agent or vice-commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States in any court of competent jurisdiction. And the certificate of any such consul or commercial agent, given under his hand and official seal, shall be *prima facie* evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

SEC. 5. *And be it further enacted*, That the seventh and eighth section of the act, intituled "An act concerning consuls and vice-consuls," be and the same are hereby repealed; and that the Secretary of State be authorized to reimburse the consuls, vice-consuls, commercial agents or vice-commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

SEC. 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice-consul, commercial agent and vice-commercial agent of the United States, to take and receive for every certificate of discharge of any seaman or mariner in a foreign port fifty cents; and for commission on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

SEC. 7. *And be it further enacted*, That if any consul, vice-consul, commercial agent, or vice-commercial agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any

court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

SEC. 8. *And be it further enacted*, That if any consul, vice-consul, commercial agent or vice-commercial agent, shall grant a passport or other paper certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

SEC. 9. *And be it further enacted*, That all powers of attorney executed after the thirtieth day of June next in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent or vice-commercial agent, if any there be at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

APPROVED, February 28, 1803.

Consuls, &c. giving false certificates subject to fine and imprisonment.

If for false passports, &c. subject to fines.

Powers of attorney, &c. executed in foreign countries to be verified by consuls, &c. who may receive fifty cents on each.

Repealed  
March 27, 1804.

STATUTE II.

Feb. 28, 1803.

CHAP. X.—*An Act to prevent the importation of certain persons into certain states, where, by the laws thereof, their admission is prohibited.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any state which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of colour, and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited, as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of colour aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided always*, that nothing contained in this act shall be construed to prohibit the admission of Indians.

Prohibited importation of persons of colour subject to a fine of one thousand dollars for each, after April 1, 1803.

Penalties.

Persons may be held to bail against whom suits are brought for penalties.

No vessel containing prohibited persons of colour admitted to an entry.

Vessel, &c. to be forfeited if any prohibited person of colour be landed therefrom.

A moiety of the forfeiture to the informer.

SEC. 2. *And be it further enacted*, That no ship or vessel arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of colour, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any state prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one half of the nett proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

(a) See notes to act of March 22, 1794, chap. 11, vol. i. p. 347; see also, act of May 10, 1800, chap. 51; act of February 28, 1803, chap. 10; act of March 2, 1807, chap. 22; act of April 20, 1818, chap. 83; act of May 15, 1820, chap. 112, sec. 4, 5.

Collectors and other officers to be governed by the laws of the states prohibiting persons of colour.

Vigilance enjoined to execute the law.

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing, of the several states prohibiting the admission or importation of any negro, mulatto, or other person of colour, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said states, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

APPROVED, February 28, 1803.

#### STATUTE II.

Feb. 28, 1803.

[Obsolete.]

President authorized to put into service four vessels of sixteen guns each.

Appropriation for the above.

President authorized to put into service fifteen gun boats.

Appropriation for the above.

CHAP. XI.—*An Act to provide an additional armament for the protection of the seamen and commerce of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized and empowered to cause to be built, or to be purchased (if the exigencies of the service shall require it) four vessels of war, to carry not exceeding sixteen guns each; to be armed, manned and fitted out for the protection of the seamen and commerce of the United States in the Mediterranean and adjacent seas, and for other purposes, as the public service may require.

SEC. 2. *And be it further enacted*, That the sum of ninety-six thousand dollars be, and hereby is, appropriated for the purpose aforesaid, out of any monies in the treasury of the United States, not otherwise appropriated.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby authorized and empowered to cause to be built, a number not exceeding fifteen gun boats, to be armed, manned and fitted out, and employed for such purposes as in his opinion the public service may require; and that a sum not exceeding fifty thousand dollars be, and hereby is appropriated for this purpose out of any monies in the treasury of the United States not otherwise appropriated.

APPROVED, February 28, 1803.

#### STATUTE II.

Feb. 28, 1803.

[Obsolete.]

CHAP. XII.—*An Act for extending the external commerce of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated for the purpose of extending the external commerce of the United States, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 28, 1803.

#### STATUTE II.

Feb. 28, 1803.

[Obsolete.]

Two teachers of music added to the artilleryists.

1802, ch. 9.

A teacher of the French language, and a teacher of drawing appointed to the corps of engineers.

CHAP. XIII.—*An Act in addition to an act, entitled "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 there be added to the regiment of artilleryists, two teachers of music, whose pay, rations and clothing shall be the same as is by law allowed to the teachers of music in the regiments of infantry in the service of the United States.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to appoint one teacher of the French language, and one teacher of drawing, to be attached to the corps of engineers, whose compensation shall not exceed the pay and emolument of a captain in the line of the army.



SEC. 3. *And be it further enacted*, That the commanding officer of the corps of engineers, be authorized to enlist for a term, not less than three years, one artificer, and eighteen men, to aid in making practical experiments and for other purposes:—to receive the same pay, rations and clothing as are allowed to the artificers and privates, in the army of the United States; and the same bounty when enlisted for five years; and to be subject to the rules and articles of war.

Authority to enlist one artificer and eighteen men.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to allow to the paymaster of the army, the adjutant and inspector of the army, and the military agent at Philadelphia, such sums, not exceeding in the whole three thousand dollars, for clerk hire, as their respective duties may, in his opinion, reasonably require.

Clerk hire to certain officers of the army.

APPROVED, February 28, 1803.

#### STATUTE II.

CHAP. XIV.—*An Act for continuing in force a law, intituled "An act for establishing trading houses with the Indian tribes."*

Feb. 28, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a law passed on the eighteenth day of April, in the year of our Lord one thousand seven hundred and ninety-six, intituled "An act for establishing trading houses within the Indian tribes," and which law was revived and continued by another, passed on the thirtieth day of April, in the year of our Lord, one thousand eight hundred and two, shall be, and the same is hereby farther continued for the term of two years, from the fourth day of March next, and from thence until the end of the next session of Congress.

[Obsolete.]  
Act of April, 18, 1796, ch. 13. continued for two years from 4th March, 1803.

APPROVED February 28, 1803.

#### STATUTE II.

CHAP. XV.—*An Act in addition to an act, intituled "An act more effectually to provide for the National defence, by establishing an uniform Militia throughout the United States."*

March 2, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the adjutant-general of the militia in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act, to which this is an addition, to the President of the United States annually, on or before the first Monday in January in each year: and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant-generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress, on or before the first Monday of February, annually.

Act of May 8, 1792, ch. 33.  
Act of April 10, 1806, article 20.  
Act of April 18, 1814, ch. 76.  
Act of May 12, 1820, ch. 96.  
Act of March 2, 1821, ch. 12.  
Adjutant-general of the militia to make returns to the President annually.

SEC. 2. *And be it further enacted*, That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

Act of April 20, 1816, ch. 64.  
Abstracts of the returns to be laid before Congress.

SEC. 3. *And be it further enacted*, That in addition to the officers provided for by the said act, there shall be, to the militia of each state one quartermaster-general, to each brigade one quartermaster of brigade, and to each regiment one chaplain.

Citizens enrolled in the militia to be constantly provided with arms, &c.

Additional officers to the militia.

APPROVED, March 2, 1803.

## STATUTE II.

March 2, 1803.

Act of June 1,  
1796, ch. 45.

Unregistered  
vessels sailing  
with sea letters  
to be furnished  
with passports  
on paying ten  
dollars.

Unregistered  
vessels sailing  
to foreign coun-  
tries to pay the  
same on clear-  
ing as vessels of  
the U. States.

CHAP. XVI.—*An Act supplementary to the act intituled "An act providing pas-  
ports for the ships and vessels of the United States."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every unregistered ship or vessel owned by a citizen or citizens of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be, with a passport of the form prescribed and established by the act to which this is a supplement, for which the master shall pay to the collector ten dollars, and be subject to the rules and conditions prescribed in the said act, for ships and vessels of the United States.

SEC. 2. *And be it further enacted,* That there shall be paid on every such unregistered ship or vessel, sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the same sum at the time of clearing outwards, to be received and accounted for in the same manner as is by said act required in cases of ships and vessels of the United States.

APPROVED, March 2, 1803.

## STATUTE II.

March 2, 1803.

[Obsolete.]

Specific ap-  
propriations for  
the Navy of the  
United States.

1803, ch. 1.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and three, and for making good deficiencies for the same, in the year one thousand eight hundred and two, the following sums, including therein the sum of one hundred thousand dollars already appropriated by the "act making a partial appropriation for the naval service during the year one thousand eight hundred and three," be, and they hereby are respectively appropriated, that is to say :

For the pay and subsistence of the officers, and the pay of the seamen, two hundred and eighty-three thousand nine hundred and ninety-three dollars.

For provisions, one hundred and fifty-seven thousand three hundred and sixty dollars and twenty cents.

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

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

For the repairs of vessels, store rent, and other contingent expenses, one hundred and eighty-two thousand dollars.

For completing the contracts made for the timber, ordnance, and other materials for the seventy-four gun ships, including their transportation, &c., one hundred and fourteen thousand four hundred and twenty-five dollars.

For the expense of erection of sheds and navy yards, including docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, forty-eight thousand seven hundred and forty-one dollars and thirty-seven cents.

For the pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-four thousand and ninety-five dollars and sixty cents.

For clothing and military stores for the same, sixteen thousand two hundred and twenty-three dollars and eighty-three cents.

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

For quartermaster's and barrackmaster's stores, officers' travelling expenses, armorers and carpenters' bills, and other contingent expenses, nine thousand four hundred and sixty-one dollars.

To make good deficiencies in the appropriations for the navy of the United States, in the year one thousand eight hundred and two, that is to say :

For pay and subsistence of the officers, the pay of the seamen, provisions, repairs and expenses incurred in the year one thousand eight hundred and one, and which have been paid out of an appropriation made in the year one thousand eight hundred and two, including a deficiency for the service of the year one thousand eight hundred and two, one hundred and sixty-eight thousand four hundred and thirty-nine dollars and eighty-one cents.

For salaries of superintendents of navy yards, store-keepers, and clerks, store rent, hire of labourers, &c., on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, eight hundred and seventy-five dollars and sixty-eight cents.

For navy yards, docks and wharves, eleven thousand five hundred and thirty-five dollars and twenty-eight cents.

For medicines, medical services, and hospital stores for the marine corps, on account of expenses incurred in the year one thousand eight hundred and one, including a deficiency for the service of the year one thousand eight hundred and two, five hundred and ninety-six dollars and thirty-nine cents.

For marine barracks, on account of expenses incurred in the year one thousand eight hundred and one, four hundred and one dollars and ninety-three cents.

For the payment of a balance due the estate of John Habersham, late collector at Savannah, for naval materials ascertained at the treasury, for sundry payments made by him to John H. Morel, on the same account, including a commission on the said payments at one percent., sixteen thousand nine hundred and forty-eight dollars and thirty-seven cents.

SEC. 2. *And be it further enacted*, That the several sums of money herein specifically appropriated and amounting together to the sum of one million and ninety-eight thousand seven hundred and ninety-seven dollars and forty-six cents, shall be paid first out of the sum of one hundred thousand dollars already appropriated for the naval service during the year one thousand eight hundred and three, and secondly out of any monies in the treasury not otherwise appropriated.

APPROVED, March 2, 1803.

Specific appropriations for the Navy of the U. States.

Payment to the estate of John Habersham, for naval materials.

Whence the appropriations are to be drawn.

#### STATUTE II.

March 2, 1803.

CHAP. XVIII.—*An Act in addition to the act, intituled "An act concerning the registering and recording of ships and vessels of the United States," and to the act, intituled "An act to regulate the collection of duties on imports and tonnage."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person shall knowingly make, utter, or publish any false sea letter, Mediterranean passport, or certificate of registry, or shall knowingly avail himself of any such Mediterranean passport, sea letter, or certificate of registry, he shall forfeit and pay a sum not exceeding five thousand dollars, to be recovered by action of debt, in the name of the United States, in any court of competent jurisdiction; and if an officer of the United States, he shall for ever thereafter be rendered incapable of holding any office of trust or profit, under the authority of the United States.

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Act of July 31, 1789, ch. 5.  
Act of December 31, 1792, ch. 1.  
Act of March 2, 1799, ch. 22.

Penalty on forging sea letters, passports, &c. or using such.

Officers disqualified thereby.

Comptroller of the treasury to cause blank certificates of registry to be provided with secret marks.

Which are to be exchanged [gratis] for old certificates of registry after the 31st December, eighteen hundred and three.

A duly registered vessel sold out of the United States to a citizen, to have the benefit of a vessel of the U. States under certain provisions.

Power of the Secretary of the Treasury to remove disabilities, extended.

SEC. 2. *And be it further enacted*, That it shall be the duty of the comptroller of the treasury, to cause to be provided, blank certificates of registry, with such water and other secret marks as he may direct, which marks shall be made known only to the collectors and their deputies, and to the consuls or commercial agents of the United States; and from and after the thirty-first day of December next, no certificate of registry shall be issued, except such as shall have been provided and marked as aforesaid; and the ships or vessels of the United States, which shall have been duly registered as such, shall be entitled to new certificates of registry (gratis) in exchange for their old certificates of registry: and it shall be the duty of the respective collectors, on the departure of any such ship or vessel, after the said thirty-first day of December, from the district to which such ship or vessel shall belong, to issue a new certificate accordingly, and to retain and deface the former certificate.

SEC. 3. *And be it further enacted*, That when any ship or vessel, which has been, or which shall be registered pursuant to any law of the United States, shall, whilst such ship or vessel is without the limits of the United States, be sold or transferred in whole or in part to a citizen or citizens of the said States, such ship or vessel, on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a ship or vessel of the United States: *Provided*, that all the requisites of law, in order to the registry of ships or vessels, shall be complied with, and a new certificate of registry obtained for such ship or vessel, within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report upon her first arrival afterwards as aforesaid, agreeably to the thirtieth section of the act, passed on the second day of March, one thousand seven hundred and ninety-nine, intituled "An act to regulate the collection of duties on imports and tonnage." And it shall be lawful to pay to the collector of the district within which such ship or vessel may arrive as aforesaid, the duties imposed by law on the tonnage of such ship or vessel, at any time within three days from the time at which the master or other person having the charge or command of such ship or vessel, is required to make his final report as aforesaid, any thing to the contrary in any former law notwithstanding: *Provided always*, that nothing herein contained shall be construed to repeal, or in any wise change the provisions, restrictions or limitations of any former act or acts, excepting so far as the same shall be repugnant to the provisions of this act.

SEC. 4. *And be it further enacted*, That the power vested in the Secretary of the Treasury, to remove disabilities incurred under the act to which this is a supplement, and under the act, intituled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same," shall extend to the remission of any foreign duties, which shall have been or shall be incurred by reason of such disabilities.

APPROVED, March 2, 1803.

#### STATUTE II.

March 2, 1803.

[Obsolete.]

Specific appropriations.

CHAP. XIX.—*An Act making appropriations for the support of Government, for the year one thousand eight hundred and three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for

the support of lighthouses, beacons, buoys, and public piers; and for satisfying certain miscellaneous claims, the following sums be, and hereby are appropriated; that is to say:

Specific appropriations.

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimating for sixty-two days continuance in the present session, and for twenty-seven days in the first session of the eighth Congress, one hundred and twenty-five thousand three hundred and forty-eight dollars.

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

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 nine 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.

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, six thousand two hundred and fifty-three dollars and six cents.

For the 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.

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

For compensation of clerks employed 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 in keeping the books of the treasury in relation to the sales of lands at the several loan offices, two thousand dollars.

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

For defraying the expense incident to the stating and printing the

Specific ap-  
propriations.

public accounts for the year one thousand eight hundred and three, one thousand two hundred dollars.

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

For compensation to a superintendent employed to secure the buildings and records in the treasury department, during the present year, including the expense of two watchmen, and for the repair of fire-engines, buckets, and so forth, 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 of War, one thousand dollars.

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's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

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.

1799, ch. 40.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, including a compensation of five hundred and sixty-one dollars and fourteen cents to the clerk of the navy pension fund for the years one thousand eight hundred, one thousand eight hundred and one, and one thousand eight hundred and two, nine thousand six hundred and seventy-one dollars and fourteen cents.

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

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 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, ten thousand four hundred dollars.

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

1799, ch. 40.

For compensation to the Postmaster-General, assistant Postmaster-General, clerks and persons employed in the Postmaster-General's office, including a deficiency of three hundred and forty-five dollars in the last year's appropriation, and a sum of three thousand seven hundred and ninety-five 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, thirteen thousand five hundred dollars.

For expenses of fuel, candles, rent of a house for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, 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 of 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 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.

Specific appropriations.

For extra expenses occasioned by the removal of the loan office of Pennsylvania to Germantown, during the prevalence of the yellow fever in Philadelphia, in the summer of one thousand eight hundred and two, four hundred and ninety-four dollars.

For extra expenses occasioned by the removal of the office of purveyor of public supplies from Philadelphia, during the prevalence of the yellow fever, in the year one thousand eight hundred and two, one hundred and thirteen dollars and fifty cents.

For compensation to the surveyor-general and the clerks employed by him, and for expense of stationery and other contingencies of the surveyor-general's office, three thousand two hundred dollars.

For completing certain surveys of the lands of the United States, authorized by acts of Congress, including an allowance of five hundred dollars for transcribing plats of surveys near Vincennes, six thousand five hundred and forty-three dollars.

For compensation to the following officers of the mint, ten thousand six hundred dollars, that is to say—

To 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, coining, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand five hundred dollars.

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

For the compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief

Specific ap-  
propriations.

justice and two associate judges of the district of Columbia, and to the attorney-general, fifty-two thousand nine hundred dollars.

For the like compensations granted to the several district attorneys of the United States, two thousand eight hundred dollars.

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, east and west Tennessee, and Ohio, one thousand four hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties; and likewise, for defraying the expenses of prosecution for offences against the United States, and for safe keeping of prisoners, including an additional appropriation of three thousand seven hundred and two dollars and sixty-six cents, for completing the gaol in the city of Washington, forty-three thousand seven hundred and two dollars and sixty-six cents.

For the payment of sundry pensions granted by the late government, nine hundred 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, from the fifth of March, one thousand eight hundred and three, to the fourth of March, one thousand eight hundred and four, 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 other contingent expenses, fifty thousand nine hundred and seventy dollars and eighty-two cents.

For rebuilding the lighthouse on the eastern end of New Castle island, in addition to the sum heretofore appropriated for that object, five hundred dollars.

For the erection of the lighthouse on Smith's Point, in addition to the sum heretofore appropriated for that object, three hundred and fifty dollars.

For the payment of a balance due on contracts for building the lighthouse on Cape Hatteras, and beacon on Shell Castle island, and for a compensation to the persons who superintend and inspect the execution of the work, the balance of the former appropriation being carried to the credit of the surplus fund, one thousand dollars.

For the erection of a lighthouse on New Point Comfort, in addition to the sum heretofore appropriated for that purpose, three thousand five hundred dollars.

For erecting lighthouses and placing buoys in the sound between Long Island and the Main, in addition to the sum heretofore appropriated for that purpose, one thousand dollars.

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 the expenses of intercourse with foreign nations, seventy-five thousand five hundred and sixty-two 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 half the compensation of the fifth commissioner, the salary of the assessor to the commissioners, the half of ex-



penses of the board, and the contingent expenses of the commissioners of the United States, twenty-five thousand five hundred and sixty-six dollars and sixty-seven cents.

Specific ap-  
propriations.

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, relative to captures of the vessels of the United States, and of defending American causes elsewhere, twenty-nine thousand dollars.

For intercourse between the United States and Algiers, and other Barbary powers, one hundred thousand dollars.

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

SEC. 2. *And be it further enacted*, That for the purpose of obtaining further cessions of land from the Indian tribes, the sum of ten thousand dollars be, and the same is hereby appropriated.

SEC. 3. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any money which may be in the treasury, not otherwise appropriated.

1790, ch. 34.

APPROVED, March 2, 1803.

#### STATUTE II.

CHAP. XX.—*An Act, more effectually to provide for the organization of the Militia of the District of Columbia.*

March 3, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall and may be lawful for the President of the United States, whenever an increase of the militia of the territory, or other circumstance, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

Militia of Co-  
lumbia may be  
organized by the  
President of the  
U. States.

SEC. 2. *And be it further enacted*, That the President of the United States shall, when he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expense, as the commanding officer of the brigade, to which they belong, shall determine on and direct; and the said companies shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies: that no person belonging to any battalion company, shall, under colour of enlisting into any company, to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer company, according to law, and shall have produced a certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all

May appoint  
officers to caval-  
ry, artillery, &c.

Uniform how  
to be provided.

Conditions of  
enrolment.

Whence he  
cannot with-  
draw, under a  
penalty of ten  
dollars.

Legionary commanders—their duty.

Alterations in battalion and company districts, in what cases to be made.

Militia districts—how designated.

Commanding officers of companies shall regulate duty, and how.

Removal of militia men how to be notified.

Certificates of service provided.

Penalty on refusal of certificate.

Officers shall be sworn into office.

Oath.

Oath how certified.

Who shall be enrolled in the militia.

such cases to the first battalion court of inquiry, that shall sit thereafter. And the commanders of the respective legions shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached, and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

SEC. 3. *And be it further enacted*, That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

SEC. 4. *And be it further enacted*, That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of inquiry. The same regulations shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrolment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and any militia man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate the said militia man shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enrol him in the numerical class specified therein, and every militia man so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty; and if any captain or commanding officer of a company shall refuse to grant such certificate upon application to him made for that purpose, he shall for such refusal, incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

SEC. 5. *And be it further enacted*, That each and every officer appointed, or who may hereafter be appointed, and commissioned, in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county in which such officer resides) to wit: "I do swear that I will support the constitution of the United States, and faithfully discharge the duties of \_\_\_\_\_ in the \_\_\_\_\_ of the militia of the district of Columbia, to the best of my skill and judgment; so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

SEC. 6. *And be it further enacted*, That the commanding officers of companies shall enrol every able-bodied white male, between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States) resident within his district; and that in all cases of doubt, respecting the age of any person enrolled

or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of inquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such white male, as aforesaid, and all those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proved.

SEC. 7. *And be it further enacted*, That the President of the United States, upon complaint for misconduct, lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major-general or brigadier-general, and order a court martial to be composed of all the other general officers, field officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field officers. And any major-general or brigadier-general, for misconduct within their own knowledge, or upon complaint lodged in writing, by any commissioned officer, shall have power to arrest any lieutenant-colonel commandant, aid-de-camp, brigade inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court martial, for the trial of such lieutenant-colonel commandant, aid-de-camp, brigade inspector, to be composed of one brigadier-general, and as many lieutenant-colonel commandants, majors, and captains, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, when approved by the President of the United States. And any brigadier-general, lieutenant-colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade, shall order a brigade court martial, for the trial of such captain or subaltern, to be composed of one or more field officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court martial, (as the case may be) shall issue his summonses; and every person so summoned, failing to attend and to give evidence, shall be subject to, and may be tried by a court martial; and if an officer, may at the discretion of a court martial, be cashiered, or fined, not exceeding six months pay, as bylaw allowed; and if a non-commissioned officer, or soldier, or a person not enrolled, to be reported to the court of inquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding forty dollars.

SEC. 8. *And be it further enacted*, That there shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act, in such battalion; and such courts of inquiry shall be held in the months of May, August, and November, in each year, at some convenient place within the county, to consist of the commanding officer of the battalion, and the command-

Mode of proceeding against delinquents.

General courts martial, how constituted for superior officers.

Field officers and staff.

Their powers.

Captains and subalterns.

Brigade court martial.

Evidence, how to be obtained.

Penalties.

Courts of inquiry.

When and how held.

Oath of members.	ing officers of companies, which shall belong, or to be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards by any other officer of the court, to him. "I will truly and faithfully
Legionary courts of inquiry.	inquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favour, partiality, or affection, so help me God." The presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon, they shall proceed to hear and determine. And there shall, moreover, be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act, such courts of inquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of inquiry, in every year;
Extraordinary inquiry court.	and moreover, one legionary court extraordinary, shall be, in like manner appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for appointing a clerk, provost marshal, and collector, as herein after directed, and for other duties, by this act prescribed; the said legionary courts of inquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer, of every such court of inquiry, to return to the next legionary court of inquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; the said court may also exempt any militia man from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.
Duties of courts of inquiry.	
May remit fines and exempt from duty.	SEC. 9. <i>And be it further enacted</i> , That the respective legionary courts of inquiry, shall annually appoint by ballot, a clerk, and provost marshal, who shall attend the courts herein before directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular routine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by the clerk, on which list the collector's receipts shall be taken: the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry, and shall perform all other duties required by this act, and together with the provost marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.
Clerk and provost marshal, shall be appointed by ballot.	SEC. 10. <i>And be it further enacted</i> , That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the district of Columbia, and not then returned to the officers thereby authorized to collect the same, shall be returned to the first legionary court of inquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.
List of fines to be kept, and by whom.	SEC. 11. <i>And be it further enacted</i> , That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrolment, once in every month, except the months of January, February, March, May, October, and December, in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be
Fines incurred heretofore, how disposed of.	
Musters, and at what periods.	

fixed by the first legionary court of inquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of inquiry may think proper; and there shall be a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade, to which such battalions respectively belong, at such places as he may think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to be appointed by the commanding officer of the brigade, to which such legion belongs, at such place as he may think most convenient within the legionary district; which said company, battalion, and legionary musters, shall continue one day, and no longer; the time and place of such legionary, company, and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, companies, and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in his company, at least three days before such musters, respectively; the notices to be given by the commanding officers of brigades, legions, battalions, and companies shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeably to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act, nevertheless all notices publicly given by the commanding officers of companies, at their respective musters of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such musters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clock in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover, it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which, to be furnished them by the brigade inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions shall, at their respective legionary and battalion musters, (as the case may be) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of inquiry, appointed under this act to take cognizance of, and determine on them: and to each of the said returns, shall be annexed the following certificate, to wit: "I do certify, that the returns hereunto annexed, contain all the delinquencies which have occurred since my last return, having duly examined the same."

SEC. 12. *And be it further enacted*, That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant, from time to time; it shall be the duty of commanding officers of battalions, to make like returns to the commanding officers

Muster of inspection in May.

Legionary muster in October.

Muster to continue one day only.

Notice how given, and when.

Notices in writing to commanding officers.

Penalty on omitting to give notice.

Appearance at muster.

Forms to be observed in returns.

Returns to be certified.

Returns of companies, how and when made.

Returns of legions.

of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade inspector, within ten days thereafter.

Non-commissioned officers, appointment of.

SEC. 13. *And be it further enacted*, That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the commanding officer of his battalion: the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act; and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer, whom, on complaint made, and due notice given, he shall find guilty of misconduct, or neglect of duty.

Neglect of duty, penalty on.

Officers to meet for training once a year.

SEC. 14. *And be it further enacted*, That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade inspector; the days and places of meeting to be fixed on by the commanding officer of the brigade to which the legions belong; the officers thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of inquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

Training three days, eldest officer shall call the roll.

Penalty on non-attendance.

Misconduct of officers, how treated.

SEC. 15. *And be it further enacted*, That any officer who shall be guilty of disobedience, or other misbehaviour, when on duty, or shall at any time be guilty of any conduct, unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

Non-commissioned officers, how treated for misconduct.

SEC. 16. *And be it further enacted*, That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall moreover, be fined at the discretion of the court of inquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act.

Penalty.

Spectators or bystanders interrupting or insulting, liable to punishment.

SEC. 17. *And be it further enacted*, That if any bystander shall interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

Parade limits.

SEC. 18. *And be it further enacted*, That all commissioned officers

are required to appear in full uniform when on duty, and on failure, shall forfeit and pay five dollars for each offence, to be assessed and appropriated as other fines imposed by this act.

Sec. 19. *And be it further enacted*, That a brigade inspector, to act as brigade major, and be commissioned with the rank of major, shall be appointed by the President of the United States; and the lieutenant-colonel commandants are hereby authorized to appoint a legionary staff, to consist of one adjutant, one quartermaster, one paymaster, to be taken from the officers of the line, and one surgeon, one surgeon's mate, and also, one sergeant major, one quartermaster's sergeant, one drum major, and one fife major, which appointments shall be evidenced by warrants under the hand of the lieutenant-colonel commandant, and it shall be the duty of the brigade inspector, to attend the brigadier-general when required to receive and execute all orders necessary to carry into effect the provisions of this law, and to attend the annual training of the officers, and at the several legionary and battalion musters, and he shall inspect the several battalions belonging to his brigade, to their respective musters, and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets; and shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President of the United States, and upon refusal or neglect, he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade. And it shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this law, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia, and he, together with the brigade inspector, shall be allowed such compensation as the legionary courts of inquiry may, from time to time, think reasonable, to be paid out of the funds arising from fines.

Sec. 20. *And be it further enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz. By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary or battalion muster; to report delinquencies, to make returns of his legion, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into service any militia legally called for, three hundred dollars. By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due despatch, any detachment of men or officers as shall be required from time to time by the commanding officer of his legion, or any call from the President of the United States, one hundred and fifty dollars. By a captain for failing to take an oath, to attend any court, to enrol his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this act, he

Officers on duty shall be in uniform.

Penalty.

Brigade inspector.

Legionary staff.

Duties of brigade inspector.

Penalty on neglect of duty. Adjutant, his duty.

Penalty on neglect.

Delinquencies, forfeitures, and penalties on.

Commanders of corps.

Major's neglect.

Captain's neglect.

Subaltern's  
neglect.

Non-commis-  
sioned officer's  
neglect.

Penalties.

Fines of per-  
sons under age,  
how paid.

Legionary  
court of inquiry  
to appoint a col-  
lector, and  
when.

Allowance of  
six per cent.

Collector a  
defaulter, to be  
sued, and how.

shall forfeit and pay for each and every offence and neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the President of the United States, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars. By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each and every such offence he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry. By a non-commissioned officer or soldier, for failing to repair to his rendezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and moreover shall be enrolled in the class destined to perform the next tour of duty: all officers failing as before mentioned, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry. Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accounted as the law directs, the court of inquiry before whom the same shall be tried, may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment. Any private at or near the muster ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

SEC. 21. *And be it further enacted*, That the fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty, in any particular service, by law required of them, shall be paid by the parent, guardian or master.

SEC. 22. *And be it further enacted*, That the legionary court of inquiry shall, at their first meeting in each year, appoint by ballot, a collector, who shall proceed to collect all fines assessed by virtue of this act, as also, all fines incurred under the act of Congress, at their last session, empowering the President to organize the militia of the district of Columbia, not previously sent out for collection, upon a list thereof, certified by the clerk of the court of inquiry, and delivered to him in sixteen days after each legionary court of inquiry, who shall give his receipt therefor, and having deducted a commission of six per centum, shall account for, and pay the residue into the hands of the paymaster, in three months thereafter, and in case of default, to be recovered against the collector, by motion, in any court of record within said district, ten days notice of such motion being given to the collector, at the first legionary or regimental court of inquiry, after the time before limited, for accounting and paying to the paymaster as aforesaid, the fines collected by the collector, he shall make return, and report to said court of inquiry, of such fines as cannot be collected, by reason of the insolvency or want of effects of the delinquent or delinquents; and if the said collector shall fail to account for, and pay into the hands of the paymaster as aforesaid, in the time limited as aforesaid, all the residue of the fines by him collected as aforesaid, the whole amount of such fines, including his commission, shall be recovered against him, by motion, in any court of record within this district, ten days previous notice of such motion being given to said collector, and if such collector shall



fail to make return and report as aforesaid, of such fines as he shall be unable to collect by reason of the causes aforesaid, or shall make a false return and report of the same, the whole amount of the same shall be recovered of said collector, in like manner as if he had actually collected the same. And should any person so charged with fines, fail to make payment when called on, the collector is hereby authorized to make distress and sale therefor. The collector shall immediately after his appointment, and before he shall proceed to his collection, give bond and security for the faithful performance of his duty, in such penalty as the court of inquiry may think proper.

SEC. 23. *And be it further enacted*, That the fines thus paid into the hands of the paymaster by virtue of this act, shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction, and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary; to be adjudged and determined by the legionary courts of inquiry, and all accounts passed by the said court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the paymaster to pay the same; the paymaster shall keep a regular account of all monies received and disbursed by him on account of the legion, and shall once in every three months, render his accounts, and settle with the court of inquiry. The paymaster shall give bond and security, to be approved of by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as is herein prescribed in the case of a delinquent collector, and shall be allowed a commission of two and an half per centum on the several sums by him disbursed.

SEC. 24. *And be it further enacted*, That the President of the United States be authorized and empowered, on an invasion, or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such county, and in such a manner, whether by routine of duty or otherwise, as he may deem proper; and for the accommodation, equipment and support of the militia, so at any time to be called forth, the President of the United States may appoint such quartermasters, commissaries, and other staff, as to him shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the district of Columbia, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts martial shall be held as therein are directed, to be composed of militia officers only, for the trial of any person, in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the President of the United States shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States. If a sudden invasion shall be made into either county in this district, or in case of an insurrection in either county, the commanding officer of the militia of the district, or of such county, is hereby authorized and required to order out the whole or such part of the militia, as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like

Fines not paid, how recoverable.

Collector to give bond and security.

Fines to be a fund for salaries of officers, musicians, &c. also for furnishing the necessary equipage, &c.

Paymaster of the legion shall settle his accounts once in three months.

Shall give bond and security.

Two and an half per centum allowed on disbursements.

President authorized to call forth the militia on an invasion, &c.

And to appoint certain officers with pay.

Militia when called forth, how governed. Courts martial.

Pay and rations of the militia.

Power of the commanding officer of the district, in case of invasion or insurrection.

manner furnish the same; and in the event of any militia ordered out by the commanding officer of a county, or of the district as herein authorized, such officer shall immediately notify the same, and the cause thereof, to the commanding officer of the district, or to the President of the United States, as the case may require.

Arms, &c. always exempt from execution, and persons from civil arrests while in service.

Brigadier-generals may employ couriers.

Their compensation.

Non-commissioned officers and privates of battalions shall on duty appear in uniforms,

or be fined.

Courts of inquiry may bind young men and boys to learn military music.

Their fathers exempt from militia duties.

Courts of inquiry to provide for the musicians.

Compensation.

SEC. 25. *And be it further enacted*, That all arms, ammunition, and equipments of militia, shall be exempted from executions and distress at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

SEC. 26. *And be it further enacted*, That the brigadier-generals are hereby empowered and authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps, respecting the militia of the district of Columbia, who shall be exempt from all other militia duty, and shall receive such compensation, as the legionary court of inquiry, in which district such orders may from time to time be delivered, shall think proper, on his producing to the court a certificate of his having discharged the said services.

SEC. 27. *And be it further enacted*, That all non-commissioned officers and privates, belonging to battalion companies, shall appear while on duty, uniformly clothed, the colour and fashion of which uniforms to be determined on for the respective legions, by the first legionary courts of inquiry which shall be held, and to be approved of by the brigadier-general, provided the expense of the same, additional to that of usual, ordinary, and cheap clothing, does not exceed five dollars for each person; and every such non-commissioned officer, or drummer, or fifer, or private, appearing at any muster held after three months from the time that such uniforms shall have been determined on, and the order relative thereto shall have been published, in some newspaper within the legionary district, and not wearing the same, shall be fined five dollars for each offence; unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.

SEC. 28. *And be it further enacted*, That the respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions; and the father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter; and the several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and the properly instructing all such youths, to be paid from the fund arising from the fines imposed by this act; and the commanding officers of legions, shall cause the drummers and fifers and other musicians of their respective legions, to meet at the same times and places that commissioned officers are required to meet, for the purpose of being trained by the brigade inspector, or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person or persons as he may think proper and capable to instruct such drummers and fifers, and other musicians. The person so to be employed by the commanding officer of the legion, to be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless

an apprentice, shall be allowed during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

SEC. 29. *And be it further enacted*, That the Secretary of War shall cause a sufficient number of copies of this law, together with the act of Congress, more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; and the act of Congress for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and the articles of war; to be printed and distributed throughout the territory of Columbia, so that every general and field officer therein, and every brigade inspector, and captain, be furnished with one copy each.

APPROVED, March 3, 1803.

Each commissioned officer to be furnished with the articles of war and militia law.

#### STATUTE II.

March 3, 1803.

CHAP. XXI.—*An Act in addition to, and in modification of, the propositions contained in the act intitled "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 following several tracts of land in the state of Ohio, be, and the same are hereby appropriated for the use of schools in that state, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent or purpose whatever, that is to say:

*First*—The following quarter townships in that tract commonly called the "United States military tract," for the use of schools within the same, viz. the first quarter of the third township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

*Secondly*—The following quarter townships in the same tract for the use of schools in that tract commonly called the Connecticut reserve, viz. the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

*Thirdly*—So much of that tract, commonly called the "Virginia military reservation," as will amount to one thirty-sixth part of the whole tract, for the use of schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract after the warrants issued from the state of Virginia shall have been

Act of April 30, 1802, ch. 40.

Tracts of land appropriated for the use of schools.

Quarter townships in the Connecticut reserve for the use of schools.

Part of the Virginia reservation for the use of schools.

1807, ch. 21.

Number sixteen in every township in all lands in the state of Ohio, reserved for the use of schools.

Appropriation for public roads in the state of Ohio from the receipts from public lands.

Annual account to be transmitted to the Treasury.

Conditions.

Sections for schools in lieu of others to be selected by the Secretary of the Treasury.

Appropriation for establishing an academy, to be located by the legislature of Ohio.

Proviso.

Further provision for an academy.

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satisfied; it being however understood, that the donation is not to exceed the whole amount of the above-mentioned residue of such unlocated lands, even if it shall fall short of one thirty-sixth part of the said tract.

*Fourthly*—One thirty-sixth part of all the lands of the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section No. sixteen, in each township, if the said lands shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lots.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public monies of the several land-offices shall be settled, pay three per cent. of the nett proceeds of the lands of the United States, lying within the state of Ohio, which since the thirtieth day of June last have been, or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature of the said state to receive the same, which sums thus paid, shall be applied to the laying out, opening and making roads within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the state as the legislature thereof shall direct: and it is hereby declared, that the payments thus to be made, as well as the several appropriations for schools made by the preceding section, are in conformity with, and in consideration of the conditions agreed on by the state of Ohio, by the ordinance of the convention of the said state, bearing date the twenty-ninth day of November last.

SEC. 3. *And be it further enacted*, That the sections of land heretofore promised for the use of schools, in lieu of such of the sections, No. 16, as have been otherwise disposed of, shall be selected by the Secretary of the Treasury, out of the unappropriated reserved sections in the most contiguous townships.

SEC. 4. *And be it further enacted*, That one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land-office of Cincinnati, be, and the same is hereby vested in the legislature of the state of Ohio, for the purpose of establishing an academy, in lieu of the township already granted for the same purpose, by virtue of the act intituled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates: *Provided, however*, that the same shall revert to the United States, if, within five years after the passing of this act, a township shall have been secured for the said purpose, within the boundary of the patent granted by virtue of the above-mentioned act, to John Cleves Symmes, and his associates.

SEC. 5. *And be it further enacted*, That the attorney-general for the time being, be directed and authorized to locate and accept from the said John Cleves Symmes, and his associates, any one complete township within the boundaries of the said patent, so as to secure the same for the purpose of establishing an academy, in conformity to the provisions of the said patent, and in case of non-compliance, to take, or direct to be taken, such measures as will compel an execution of the trust: *Provided, however*, that John Cleves Symmes and his associates shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple, upon payment into the treasury of the United

States, of fifteen thousand three hundred and sixty dollars, with interest from the date of the above-mentioned patent, to the day of such payment.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXIII.—*An Act concerning the insurance of buildings, goods and furniture, in the county of Alexandria, in the territory of Columbia.*

March 3, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the two incorporated bodies of the state of Virginia, the one known by the name of "The Mutual Assurance Society against fire on buildings, in the state of Virginia;" the other called "A Mutual Insurance Company against fire, on goods and furniture, in the state of Virginia," or either of them hereafter making insurances on buildings, goods or furniture, situated in the county of Alexandria, in the district of Columbia, according to the laws, rules and regulations, by which the said societies are or may be respectively governed in their insurances in that state, may have the same right and mode of recovery, in the circuit court of the county of Alexandria, in the district of Columbia, against any person so insuring his building, furniture, or property, as the case may be, situated in the county aforesaid, with either of the said societies, which might have been had against him or her, if the person so insuring was resident, and the building, furniture, or property, so insured, was situated in the state of Virginia.

Jurisdiction to the circuit court of the county of Alexandria, in suits by certain insurance companies.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXIV.—*An Act making appropriations for the Military establishment of the United States, in the year one thousand eight hundred and three.*

March 3, 1803.

[Obsolete.]

Specific appropriations.

*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 three; for the Indian department, 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, two hundred and ninety-nine thousand one hundred and twenty-four dollars.

For forage, four thousand and fifty-six dollars.

For the subsistence of the officers of the army and the corps of engineers, twenty-nine thousand and eighty-six dollars and eighty-five cents.

For the subsistence of non-commissioned officers and privates, one hundred and fifty-four thousand five hundred and forty dollars and seventy-five cents.

For clothing, fifty-six thousand nine hundred and sixty dollars.

For bounties and premiums, eight thousand dollars.

For the medical and hospital department, ten thousand dollars.

For camp equipage, fuel, tools, and transportation, and contingent expenses, fifty-eight thousand dollars.

For fortifications, arsenals, magazines and armories, one hundred and nine thousand six hundred and ninety-six dollars and eighty-eight cents.

For the Indian department, seventy-three thousand five hundred dollars.

For purchasing maps, plans, books and instruments for the department of war and the military academy, two thousand dollars.

For postage on letters on public service to and from the offices of

Specific ap-  
propriations.

the adjutant and inspector and paymaster of the army, four thousand five hundred dollars.

SEC. 2. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, including any unexpended balance of former appropriations for the same object, be, and the same hereby is appropriated for defraying the expense of any treaty or treaties which may be held with the Indians: *Provided*, that the compensation to be allowed to any commissioner appointed or who may be appointed, for negotiating such treaties shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day during the actual service of such commissioner.

SEC. 3. *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, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXV.—*An Act for erecting a Lighthouse at the entrance of Penobscot Bay, or any other place in its vicinity, that may be deemed preferable by the Secretary of the Treasury.*

A lighthouse  
to be erected on  
Whitehead, Pe-  
nobscot bay.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That as soon as a cession shall be made by the state of Massachusetts to the United States, of the jurisdiction over the land proper for the purpose, the Secretary of the Treasury be, and he is hereby authorized to purchase so much land as may be necessary, and provide by contract, to be approved by the President of the United States, for building a lighthouse on Whitehead at the entrance of Penobscot bay, or any place in its vicinity, that may be deemed preferable by the Secretary of the Treasury, and to furnish the same with all necessary supplies; and also, to agree for the salaries or wages of the persons who may be appointed by the President for the superintendence and care of the same; and that the President be authorized to make the said appointments.

Appropriation.

SEC. 2. *And be it further enacted*, That there be appropriated and paid out of the monies arising from imports and tonnage, the sum of seven thousand dollars for the purpose of erecting the lighthouse as aforesaid.

APPROVED, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXVI.—*An Act to make Beaufort and Passamaquoddy, ports of entry and delivery; to make Easton and Tiverton, ports of delivery; and to authorize the establishment of a new collection district on Lake Ontario.*

District of  
Beaufort formed  
from Newbern,  
North Carolina.

Beaufort port  
of entry.  
Collector ap-  
pointed.

1799, ch. 22,  
sec. 12.

Salary.

Easton, Ma-  
ryland, and Ti-

*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 Newbern, in North Carolina, to be called the district of Beaufort, which shall include the town of Beaufort, and all the water and shore north and east of the said town, to Harbor Island, and all the water and shore south and west of the said town, to Dog Island, inclusive. And the town of Beaufort shall be the sole port of entry and delivery for the said district; and a collector for the said port shall be appointed, to reside and keep his office at the said town of Beaufort, who shall be entitled to receive, in addition to the fees and other emoluments established by law, the annual salary of two hundred dollars.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of June, Easton, in the district of Oxford, in the state

of Maryland, and Tiverton, in the district of Newport, and state of Rhode Island, shall be ports of delivery, and a surveyor shall be appointed to each; each of whom shall be entitled to receive, in addition to the fees and emoluments already allowed by law, a salary of two hundred dollars per annum.

SEC. 3. *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 Lake Ontario, one other port of entry and delivery on the said lake, or on the waters or rivers emptying therein, and to appoint a collector of the customs, to reside and keep an office thereat.

SEC. 4. *And be it further enacted*, That from and after the said thirtieth day of June next, such place within the district of Passamaquoddy, in the state of Massachusetts, as the Secretary of the Treasury may direct, shall be a port of entry and delivery, (at which place the collector shall reside) as well for foreign as for vessels of the United States.

APPROVED, March 3, 1803.

verton, Rhode Island, ports of delivery.

Surveyor to each.  
Salaries.

Additional port of entry and delivery, on Lake Ontario.  
1799, ch. 22, sec. 5.  
With a collector.

Port of entry and delivery in Passamaquoddy, Massachusetts.

## STATUTE II.

March 3, 1803.

CHAP. XXVII.—*An Act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person or persons, and the legal representatives of any person or persons, who were resident in the Mississippi territory on the twenty-seventh day of October, in the year one thousand seven hundred and ninety-five, and who had prior to that day obtained, either from the British government of West Florida or from the Spanish government, any warrant or order of survey for lands lying within the said territory, to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided, however*, that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date either the head of a family, or above the age of twenty-one years.

SEC. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person who, being either the head of a family, or of twenty-one years of age, did on that day of the year seventeen hundred and ninety-seven, when the Mississippi territory was finally evacuated by the Spanish troops, actually inhabit and cultivate a tract of land in the said territory, not claimed by virtue either of the preceding section, or of any British grant, or of the articles of agreement and cession between the United States and the state of Georgia, the said tract of land thus inhabited and cultivated, shall be granted: *Provided, however*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres: *And provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territory by virtue of any British or Spanish grant, or order of survey.

SEC. 3. *And be it further enacted*, That every person, and the legal representatives of every person, who being the head of a family, or above the age of twenty-one years, doth at the time of passing this act, inhabit and cultivate a tract of land in the said territory, not claimed by virtue of the preceding sections of this act, or of any British grant, or of the

Residents in the Mississippi territory, confirmed in their claims.

Proviso.

Grants to inhabitants where the territory was evacuated by the Spaniards.

Limitations.

Residents entitled to a preference as purchasers.

(a) Act of March 27, 1804, chap. 61; act of March 2, 1805, chap. 24; act of April 21, 1806, chap. 46; act of March 3, 1807, chap. 46; act of January 19, 1808, chap. 10; act of March 3, 1815, chap. 87, sec. 4; act of May 8, 1822, chap. 128, sec. 4; act of March 2, 1833, chap. 85.

Without interest on instalments.

Two land-offices in the Mississippi Territory.

Register and receiver of public money in each.  
Security.

Claimants and residents to state their claims before the thirty-first of March, one thousand eight hundred and four.

To be recorded.

Neglect thereof to bar their claims.

Commissioners appointed to settle the claims.

Their oath or affirmation.

articles of agreement and cession above-mentioned, shall be entitled to a preference in becoming the purchaser from the United States, of such tract of land, at the price at which the other lands of the United States in the said territory, are by this act directed to be sold; and payment may be made therefor in the same manner, and under the same conditions, as directed by this act for such other lands: *Provided, however*, that no interest shall be charged upon any of the instalments until they respectively become payable.

SEC. 4. *And be it further enacted*, That for the disposal of the lands of the United States within the Mississippi territory, two land-offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the President of the United States, for the lands lying west of "Pearl river," sometimes called "half-way river;" and one at such place in the county of Washington, as shall be designated by the President of the United States, for the lands lying east of Pearl river: and for each of the said offices, a register and receiver of public monies shall be appointed, who shall give security in the same manner, and in the same sums, and whose duties and authority shall in every respect be the same in relation to the lands which shall be disposed of at their offices, as are by law provided in relation to the registers and the receivers of public monies in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river.

SEC. 5. *And be it further enacted*, That every person claiming lands by virtue of any British grant, or of the three first sections of this act, or of the articles of agreement and cession between the United States and the state of Georgia, shall, before the last day of March in the year one thousand eight hundred and four, deliver to the register of the land-office, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and shall also, on or before that day, deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim, and the same shall be recorded by the said register, in books to be kept for that purpose, on receiving from the parties at the rate of twelve and a half cents, for every hundred words contained in such written evidence of their claim; and if such person shall neglect to deliver such notice in writing, of his claim, together with a plot as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the above-mentioned articles of agreement, or from the three first sections of this act, shall become void, and for ever thereafter be barred; nor shall any grant, order of survey, deed, conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court in the United States, against any grant derived from the United States.

SEC. 6. *And be it further enacted*, That the register of the land-office in Adams county, and two other persons who shall be appointed by the President of the United States alone, shall for the lands lying west of Pearl river, and the register of the land-office of Washington county, together with two other persons who shall be appointed by the President of the United States alone, shall for the lands lying east of Pearl river, respectively be commissioners, for the purpose of ascertaining the rights of persons claiming the benefit of the articles of agreement and cession between the United States and the state of Georgia, or of the three first sections of this act; and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties im-



posed upon me, by an act of Congress, intituled 'An act regulating the grants of land and providing for the disposal of the lands of the United States south of the state of Tennessee,' to the best of my skill and judgment." And it shall be the duty of the said commissioners to meet in the county of Adams, and in Washington county aforesaid, respectively, on or before the first day of December next, and they shall not adjourn to any other place, or for a longer time than three days, until the first day of April, one thousand eight hundred and four, and until they shall have completed the business of their appointment. And each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination, so far as relates to any rights derived from the articles of agreement above mentioned, or from the three first sections of this act, shall be final; and for the safe keeping of the papers and evidence produced and recording their proceedings, the said boards, respectively, shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, perfect and correct minutes of the proceedings, decisions, meetings and adjournments of the boards, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards, shall be transmitted to, and lodged in the office of the Secretary of State; and on or before such clerk's entering on the duties of his office, he shall take and subscribe the following oath or affirmation, to wit: "I

Duties.

Powers.  
The determination of the board to be final.

Appointment of clerks.

Duties.

Papers, &c. on dissolution of the boards to be lodged in the Secretary of State's office.

Oath or affirmation of the clerk.

Titles, when to be granted, and how,—under the Georgia cession.

A certificate to be given.

Under the Bourbon act of the state of Georgia.

Certificate to be returned before January 1, 1805, which shall entitle the party to a patent.

Right of pre-emption.

do solemnly swear (or affirm as the case may be) that I will truly and faithfully enter and record all minutes, proceedings and decisions of the board of commissioners for the county of \_\_\_\_\_ appointed under and by virtue of an act of the United States, intituled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee,' and well and faithfully do and perform all other acts and things in the said act pointed out as the duty of a clerk of the said board," which oath shall be entered on the minutes of the board; and when it shall appear to them that the claimant is entitled to a tract of land under the articles of agreement and cession with Georgia aforesaid, in virtue of a British or Spanish grant legally and fully executed, they shall give a certificate thereof, describing the tract of land and the grant, and stating that the claimant is confirmed in his title thereto by virtue of the said articles; which certificate, being recorded by the register of the land-office, whose duty it shall be to record the same in a book to be kept by him for that purpose, shall amount to a relinquishment for ever, on the part of the United States to any claim whatever to such tract of land: and when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of a settlement under the Bourbon act of Georgia, recognized in the said articles of agreement and cession, or of either of the two first sections of this act, they shall give a certificate thereof, stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land by virtue of this act, which certificate being duly entered with the register of the land-office, on or before the first day of January, eighteen hundred and five, shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by this act for the other lands of the United States, without the party paying any thing therefor, except the surveying expenses and the fees of office. And when it shall appear to the said commissioners that the claimant is entitled to a right of pre-emption by virtue of the third section of this act, they shall give a certificate thereof, directed to the register of the land-office; which certificate being duly entered with the register of the land-office, on or

Proviso that receipts for purchase money be produced.

Proviso.  
Reference to be made to adverse claims.

Clerk to receive two dollars for every certificate.

Commissioners shall report to the Secretary of the Treasury.

Report to be laid before Congress.

Unconfirmed claims provided for.

Proviso, that no claims shall be embraced by the appropriation in this act which have not been presented before the first of January, 1804.

before the first day of January, eighteen hundred and five, shall entitle the party to become a purchaser of such tract of land: *Provided*, that he shall, prior to the first day of January, eighteen hundred and six, also produce a receipt from the treasurer of the United States, or from the receiver of public monies, for at least one fourth part of the purchase money, and also for the payment of the surveying expenses; and the party shall, upon payment in full of the purchase money, on which, if any of the three last payments shall be made in advance, he shall be allowed the same discount allowed in similar cases by this act, be entitled to receive a patent, which shall issue in like manner, and on payment of the same fees as are provided by this act for the other lands of the United States; but if such person shall neglect to enter his certificate, on or before the first day of January, eighteen hundred and five, or to make such first payment as above provided; his right of pre-emption shall cease and become void: *Provided also, and it is further enacted*, that whenever a tract of land to which any person might be entitled by virtue of the three first sections of this act, shall also be claimed by the holder of a British patent, legally and fully executed, and duly recorded in conformity to the provisions of this act, who is not confirmed in his claim by the articles of agreement above mentioned, the commissioners shall, in the certificate granted to the person claiming the land by virtue of this act, state the existence of the adverse claims, in which case the party shall not be entitled to a patent, unless he shall have obtained in his favour a judicial decision in a court having jurisdiction therein, and for every certificate so granted by the boards respectively, the clerk of the board granting the same, shall be entitled to demand and receive of the party to whom the same is granted, the sum of two dollars.

SEC. 7. *And be it further enacted*, That the commissioners aforesaid shall, on or before the first day of December, one thousand eight hundred and four, make to the Secretary of the Treasury, a full report of all the British grants legally and fully executed, which have been duly recorded in conformity to the provisions of this act, the title of which is not confirmed to the holders thereof, by the articles of agreement above mentioned, stating the present situation of the lands, the date of such grants, the conditions annexed thereto, and how far the same have been fulfilled, together with such other remarks thereon as they may think proper; which report shall be laid before Congress at their next session, and the lands contained in such grants shall not be otherwise disposed of, until the end of one year after that time.

SEC. 8. *And be it further enacted*, That so much of the five millions of acres reserved for that purpose by the articles of agreement above mentioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced by the two first sections of this act, or which may be derived from British grants for lands which have not been regranted by the Spanish government, be, and the same is hereby appropriated for that purpose; and so much of the residue of the said five millions of acres or of the nett proceeds thereof as may be necessary for that purpose, shall be, and is hereby appropriated, for the purpose of satisfying, quieting and compensating, for such other claims to the lands of the United States south of the state of Tennessee, not recognized in the above-mentioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia, which Congress may hereafter think fit to provide for; provided, however, that no other claims shall be embraced by this appropriation, but those, the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same, who shall pay to the person employed by the Secretary of State for recording the same, at the rate of twelve and an

half cents for every hundred words contained in each document thus recorded; nor shall any grant, deed, conveyance, or other written evidence of any claim to the said lands, derived, or pretended to be derived from the state of Georgia, and not recognized by the above mentioned articles of agreement, ever after be admitted or considered as evidence in any of the courts of the United States, unless it shall have been exhibited, and recorded, in the manner and within the time above mentioned; and provided also, that nothing herein contained, shall be construed to recognize or affect the claims of any person or persons, to any of the lands above mentioned; and provided also, that no certificate shall be granted for lands lying east of the Tombigby river, nor for lands situated without the boundary lines established by treaty between the United States and the Choctaws, made the seventeenth day of October, in the year eighteen hundred and two.

SEC. 9. *And be it further enacted*, That the Secretary of State, the Secretary of the Treasury and the Attorney-General for the time being, be, and are hereby authorized and empowered to receive such propositions of compromise and settlement, as may be offered by the several companies, or persons claiming public lands in the territory of the United States, lying south of the state of Tennessee, and west of the state of Georgia; and report their opinion thereon to Congress at their next session.

SEC. 10. *And be it further enacted*, That a surveyor of the lands of the United States, south of the state of Tennessee, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands above mentioned, to which the titles of the Indian tribes have been extinguished, to be surveyed and divided in the manner hereafter directed, and to do and perform all such other acts, in relation to the said lands, as the surveyor-general is authorized and directed to do in relation to the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky.

SEC. 11. *And be it further enacted*, That the lands for which certificates of any description whatever, shall have been granted by the commissioners in pursuance of the provisions of this act, shall, as soon as may be, be surveyed under the direction of the surveyor of the lands of the United States above mentioned, in conformity to the true tenor and intent of such certificates; and the said surveyor shall also cause all the other lands of the United States, in the Mississippi territory, to which the Indian title has been extinguished, to be surveyed as far as practicable, into townships, and subdivided into half sections, in the manner provided for the surveying of the lands of the United States, situate northwest of the river Ohio, and above the mouth of the Kentucky river, and shall transmit to the registers of the land-offices respectively, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury; and he shall also, with the approbation of the said secretary, fix the compensation of the deputy surveyors, chain carriers, and axe men: *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 provided*, that the expense of surveying those tracts of land, to which the title of the claimants is confirmed by the articles of agreement, or by the two first sections of this act, and those tracts claimed under British grants, a return of which is to be made to Congress, shall not be advanced by the United States, but shall be paid to the deputy surveyor by the parties claiming the same; and that in relation to all the land sold by the United States, the purchaser shall make the same payment for surveying expenses, which is directed by law to be made for lands sold north of the river Ohio.

SEC. 12. *And be it further enacted*, That all the lands aforesaid, not

Fees on recording.

No grant, deed or conveyance from the state of Georgia to be evidence unless recorded.

Claims not recognized.

Authority given to receive propositions of compromise.

Land surveyor south of Tennessee appointed, who shall engage deputies.

Duties.

Further duties of the surveyor.

Other lands in the Mississippi territory to be surveyed.

Expenses of surveying.

1800, ch. 55.

The lands  
aforesaid unap-  
propriated to be  
sold.

Under the di-  
rections of the  
governor, sur-  
veyor and re-  
gister.

Sales to re-  
main open for  
three weeks—  
then private  
sales, by whom,

and on what  
terms.

Proviso.  
Lands not to  
be sold for less  
than two dollars  
per acre.

Patent fees.

Proviso.

Fees of the  
registers of the  
land-offices, and  
receivers of  
public monies.

Salary of the  
surveyor,

and of his two  
clerks.

Compensation  
of the commis-  
sioners,

and of their  
clerks.

Pay of the su-  
perintendents.

Commissions  
of the surveyor,  
registers of the  
land-offices, and  
receivers of  
public monies.

otherwise disposed of, or excepted by virtue of the preceding sections of this act, shall, with the exception of the section number sixteen, which shall be reserved in each township for the support of schools within the same, with the exception also of thirty-six sections to be located in one body by the Secretary of the Treasury for the use of Jefferson College, and also with the exception of such town lots not exceeding two in the town of Natchez, and of such an outlet adjoining the same, not exceeding thirty acres, as may be the property of the United States, to be located by the governor of the Mississippi territory, for the use of the said college, be offered for sale to the highest bidder, under the direction of the governor of the Mississippi territory, of the surveyor of the lands of the United States, above mentioned, and of the register of the land-office at the places respectively, where the land-offices are kept, and on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open at each place for three weeks and no longer; and all lands, other than the section number sixteen, remaining unsold at the closing of the public sales, may be disposed of at private sale by the registers of the respective land-offices in the same manner, under the same regulations, for the same price, and on the same terms and conditions as is provided by law, for the sale of the lands of the United States, north of the river Ohio, by an act, intituled "An act to amend the act intituled, An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river:" *Provided always*, that the lands which may be sold at public sale by virtue of this act, shall not be sold for less than two dollars per acre, and shall in every other respect be sold on the same terms and conditions as was provided for the lands sold at public sale, by the last-recited act. And patents shall be obtained for all lands granted or sold in the Mississippi territory in the same manner and on payment of the same fees as is provided for lands sold north of the river Ohio, by the said last-recited act: *Provided, however*, that evidences of the public debt of the United States shall not be received in payment for the purchase of said lands.

SEC. 13. *And be it further enacted*, That the registers of the land-offices, and the receivers of public monies, appointed in pursuance of this act, shall receive the same fees and compensation as the registers and receivers of the land-offices north of the river Ohio, and the registers shall also be entitled to receive twenty-five cents for entering each certificate granted by the commissioners above mentioned. The surveyor of the lands of the United States, appointed in pursuance of this act, shall receive an annual compensation of fifteen hundred dollars, and shall be allowed not exceeding two clerks, whose whole compensation shall not exceed one thousand dollars per annum. The commissioners appointed to ascertain the rights of persons claiming the benefit of the articles of agreement above mentioned, and of this act shall receive each a compensation of two thousand dollars for the whole of their services, the registers of the land-offices excepted, who shall receive only five hundred dollars each, for their services as commissioners; the clerks of the boards of commissioners a compensation not exceeding seven hundred and fifty dollars each; and the superintendents of the public sales shall receive six dollars each, for each day's attendance on the said sales.

SEC. 14. *And be it further enacted*, That the President of the United States shall have full power to appoint and commission the surveyor, registers of the land-offices, and receivers of public monies above mentioned, in the recess of Congress, and their commissions shall continue in force until the end of the session of Congress next ensuing such appointment.

SEC. 15. *And be it further enacted*, That a sum not exceeding twenty

thousand dollars be, and the same is hereby appropriated for the purpose of carrying this act into effect; which sum shall be paid out of any unappropriated monies in the treasury.

Appropriation for the execution of this act.

Appropriation of the monies arising from the above sales.

SEC. 16. *And be it further enacted*, That the nett proceeds of the lands which may be sold by virtue of this act, after deducting the surveying expenses and other expenses incident to the sale thereof, shall, and the same are hereby appropriated in the first place, towards paying to the state of Georgia a sum of one million two hundred and fifty thousand dollars, in pursuance of the articles of agreement and cession entered into between the United States and that state; and the Secretary of the Treasury is hereby authorized and directed to pay accordingly, and from time to time, as the same shall be received in the treasury of the United States, so much of the said nett proceeds as will amount to the said sum of one million two hundred and fifty thousand dollars.

SEC. 17. *And be it further enacted*, That all navigable rivers within the territory of the United States, south of the state of Tennessee, shall be deemed to be and remain public highways.

Navigable rivers south of Tennessee to remain public.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXVIII.—*An Act concerning the Salt Springs on the waters of the Wabash river.*

March 3, 1803.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of procuring articles necessary to the establishment of salt works, at the springs near the Wabash river, which have been ceded to the United States, by certain Indian tribes, the sum of three thousand dollars be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, and under the direction of the President of the United States, who is hereby authorized to cause the said springs to be worked at the expense of the United States; or, if he shall deem it more proper, to lease the same for a term not exceeding three years, on such conditions as will insure the working the same most extensively, and to the most advantage to the United States.

Salt works to be established on the Wabash river.

1807, ch. 46.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXIX.—*An Act concerning the City of Washington.*

March 3, 1803.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the superintendent of the city of Washington shall be, and he hereby is allowed as a compensation for his services, a salary of one thousand two hundred dollars, annually.

[Obsolete.]

Salary of the superintendent.

SEC. 2. *And be it further enacted*, That the surveyor of the city shall receive as a compensation for his services, an allowance of three dollars for every day during which he shall be actually employed.

Allowance to the surveyor.

SEC. 3. *And be it further enacted*, That the following sums be, and the same hereby are appropriated for defraying the expense in relation to the said officers, that is to say:

Sums appropriated.

For the salary of the superintendent for the year one thousand eight hundred and three, including an allowance at the same rate for six months of the preceding year, one thousand eight hundred dollars.

For clerk hire in his office, five hundred dollars.

For the wages of the surveyor, one thousand dollars.

For a messenger to both offices, and also to attend the surveyor in the field, two hundred dollars.

For fuel, stationery and other contingent expenses of both offices, two hundred dollars.

To be paid out  
of the city funds.

Appropriation  
from the trea-  
sury.

SEC. 4. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of any monies in the hands of the said superintendent arising out of the city funds.

SEC. 5. *And be it further enacted*, That a sum not exceeding fifty thousand dollars shall be, and is hereby appropriated, to be applied under the direction of the President of the United States, in such repairs or alterations in the Capitol and other public buildings as may be necessary for the accommodation of Congress in their future sessions, and also for keeping in repair the highway between the Capitol and other public buildings; which sum shall be paid out of any money in the treasury of the United States not otherwise appropriated.

APPROVED, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXX.—*An Act to revive and continue in force, 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," 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 first section of 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," approved the twenty-sixth of April, eighteen hundred and two, be, and the same is hereby revived and continued in force until the first day of April next.

Act of April  
26, 1802, ch. 30,  
revived and  
continued in  
force four  
weeks.

Act of March  
19, 1804, ch. 26.  
Act of March  
27, 1804, ch. 61.  
Secretary of  
War to issue  
land warrants;  
when and to  
whom.

1802, ch. 30.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he hereby is authorized, from and after the first day of April next, to issue warrants for military bounty lands to the two hundred and fifty-four persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same to the Secretary of War, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, intituled "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."

Where to be  
located.

1800, ch. 13.

SEC. 3. *And be it further enacted*, That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only, on any unlocated parts of the fifty quarter townships and the fractional quarter townships which had been reserved for original holders, by virtue of the fifth 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."

Land warrants  
to General La  
Fayette.

1804, ch. 61,  
sec. 14.

Unappropri-  
ated lands within  
the military  
tract; how to  
be surveyed.

SEC. 4. *And be it further enacted*, That the Secretary of War be, and he is hereby authorized to issue land warrants to Major General La Fayette, for eleven thousand five hundred twenty acres, which shall, at his option, be located, surveyed and patented, in conformity with the provisions of 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," or which may be received acre for acre, in payment for any of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river.

SEC. 5. *And be it further enacted*, That all the unappropriated lands within the military tract, shall be surveyed into half sections, in the manner directed by the act intituled "An act to amend the act intituled An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river;" and that so much of the said lands as lie west of the eleventh

Part to be at-

range within the said tract, shall be attached to, and made a part of the district of Chillicothe, and be offered for sale at that place, under the same regulations that other lands are within the said district.

SEC. 6. *And be it further enacted*, That the lands within the said eleventh range, and east of it, within the said military tract, and all the lands north of the Ohio company's purchase, west of the seven first ranges, and east of the district of Chillicothe, shall be offered for sale at Zanesville, under the direction of a register of the land-office and receiver of public monies to be appointed for that purpose, who shall reside at that place, and shall perform the same duties and be allowed the same emoluments as are prescribed for and allowed to registers and receivers of the land-offices by law.

SEC. 7. *And be it further enacted*, That all persons who have obtained certificates for the right of pre-emption to lands by virtue of two acts, the one 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 of the United States northwest of the Ohio," and the other "An act to extend and continue the provisions of the said act, passed on the first day of May, eighteen hundred and two," and who have not made the first payment therefor, before the first day of January last, shall be allowed until the tenth day of April next to complete the same; and that all persons who have become purchasers of land by virtue of the aforesaid acts, be, and they are hereby allowed until the first day of January, eighteen hundred and five, to make the second instalment; until the first day of January, eighteen hundred and six, to make their third instalment; and until the first day of January, eighteen hundred and seven, to make their fourth and last instalment; any thing in the acts aforesaid, to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That where any warrants granted by the state of Virginia, for military services, have been surveyed on the northwest side of the river Ohio, between the Sciota and the little Miami rivers, and the said warrants, or the plats and certificates of survey made thereon, have been lost or destroyed, the persons entitled to the said land may obtain a patent therefor, by producing a certified duplicate of the warrant from the land-office of Virginia, or of the plat and certificate of survey from the office of the surveyor in which the same is recorded, and giving satisfactory proof to the Secretary of War, by his affidavit or otherwise, of the loss or destruction of said warrant, or plat and certificate of survey.

APPROVED, March 3, 1803.

tached to the district of Chillicothe; and for sale.

Certain tracts for sale.

Where to be offered.

Register and receiver appointed.

Duties and compensation.

Possessors of rights of pre-emption under John Cleves Symmes and others allowed further time of payment.

1801, ch. 23.

1802, ch. 44.

Land patents how to be obtained when the military warrants are lost or destroyed.

STATUTE II.

March 3, 1803.

CHAP. XXXI.—*An Act for the relief of Insolvent Debtors within the District of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any debtor who now is, or may hereafter be, in actual confinement in jail, in the district of Columbia, at the suit of any creditor, may apply by petition in writing, to any one of the judges of the circuit court of the district of Columbia, and offer to deliver up, for the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof, on oath or affirmation, together with a list of his creditors, as far as he can ascertain them, shall be annexed to and exhibited with his petition; and thereupon the said judge shall direct notice of such application to be published in some of the public newspapers, for such time as he may think proper, which notice shall likewise require the attendance of the creditors at the courthouse of the county, in which the

Debtors confined in the jail of the district of Columbia may petition for relief.

In what manner.

Notice to be published in the public newspapers.

Oath or affirmation of an insolvent debtor.

Trustee appointed.

Who shall give bond and security.

A certified copy of the bond to be evidence.

In case of death or refusal to act, another appointed.

The petitioning debtor discharged on executing a deed or deeds to the trustee, and delivering his property with his books and papers.

Proviso, that no person who has been guilty of a breach of the laws and imprisoned therefor shall be discharged from such imprisonment.

Wearing apparel, bedding and tools of trade allowed.

Property of the debtor how sold.

petitioning debtor is confined, and at such time as the said judge may appoint; and it shall be the duty of the said judge, and of the clerk, of the county, to attend at the time and place appointed; and on the appearance of the creditors, either in person or by attorney, agreeably to the notification, or on their neglect to appear, the said judge shall administer to the debtor the following oath: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm,) that I will deliver up, convey and transfer, for the use of my creditors, all my property that I have any title to or claim any interest in, whether in possession, remainder or reversion, and all claims, rights and credits that I have or am in any manner entitled to; and that I have not at any time given, sold, conveyed, lessened or disposed of for the use or benefit of myself, or any other person or persons, any part of my money or other property, claims, rights or credits, thereby to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit, benefit or advantage thereby," and the said judge shall thereupon appoint such person, as a majority of the creditors in value, their agents or attorneys then present, shall recommend, to be a trustee, for the benefit of the creditors of the petitioning debtor; or in case of non-attendance of the creditors, or of their not making a recommendation, the said justice shall name such person as he shall think proper, to be a trustee as aforesaid.

SEC. 2. *And be it further enacted*, That before the said trustee shall proceed to act, he shall give bond to the United States in such penalty and with such security as the said judge shall approve, conditioned for the faithful performance of his trust, which shall be recorded in the clerk's office of the county in which the proceedings are had; and a certified copy thereof shall be received as evidence in any court of law in the United States; and the said bond may be sued in the name of the United States, for the use of any person or persons who may conceive him or themselves aggrieved by the negligence or misconduct of the trustee. And in case of the death or refusal to act of any trustee, the said judge may appoint another in his place, who shall give bond in manner as aforesaid.

SEC. 3. *And be it further enacted*, That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his property, real, personal and mixed, and all his claims, rights and credits, agreeably to the oath or affirmation of the said debtor, and on delivering all his said property which he shall have in his possession, together with his books, papers and evidences of debts of every kind, to the said trustee, and the said trustee's certifying the same to the said judge in writing, it shall be lawful for the said judge to make an order to the marshal, jailer or keeper of the prison, in which said debtor is then confined, commanding that the said debtor shall be thenceforth discharged from his imprisonment; and he shall be immediately discharged, and the said order shall be a sufficient warrant therefor: *Provided*, that no person who has been guilty of a breach of the laws, and who has been imprisoned for or on account of the same, shall be discharged from imprisonment: *And provided likewise*, that any property which the debtor may afterwards acquire, (except the necessary wearing apparel and bedding for his family, and his tools, if a mechanic or manufacturer,) shall be liable to the payment of his debts, any thing herein to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the said judge may allow such petitioning debtor and his family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

SEC. 5. *And be it further enacted*, That the said judge may direct the trustee to sell and convey the property of the petitioning debtor, at



such time, and on such terms and conditions as he shall deem most to the advantage of the creditors, and the product thereof, after satisfying all incumbrances and liens, shall be divided among the creditors in proportion to their respective claims: and no process against the real or personal property of the debtor shall have any effect or operation, except process of execution, and attachments in the nature of executions, which shall have been put into the hands of the marshal antecedent to the application.

Product thereof how divided.

What process only can take effect.

SEC. 6. *And be it further enacted*, That every trustee may sue for, in his own name, any property or chose in action assigned to him by virtue of this act.

Trustee may sue in his own name.

SEC. 7. *And be it further enacted*, That if any creditor, at any time within two years after the application of such debtor, shall allege in writing, to the circuit court of the district of Columbia, or at any other court of the United States, within whose jurisdiction such debtor may be found, that such debtor had at the time of his application as aforesaid, directly or indirectly conveyed, lessened or disposed of any part of his property, rights or credits, with intent to defraud his creditors, or had at any one time within twelve months next preceding said application, lost by gaming more than three hundred dollars, or had assigned or conveyed any part of his property, rights or credits, with intent to give a preference to any creditor or creditors, or any surety, the said court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his appearance before them, or on his neglect to appear, after proof that notice has been served, the said court shall, within a reasonable time, examine the debtor or any other person, upon interrogatories on oath, touching the substance of the said allegations, or may direct an issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he shall be precluded from any benefit under this act; and in case such debtor, or any other, testifying either for or against him, shall at any time thereafter be convicted of falsely, wilfully and corruptly swearing or affirming to any matter or thing in virtue of this act, he shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any other person testifying for him, he shall be for ever precluded from any benefit under this act.

Fraud or deceit towards creditors.

Debtor gaming to a certain extent.

To be precluded from the benefit of this act.

False testimony or corrupt swearing or affirming.

How punished.

Trustee allowed a commission.

Trustee may be superseded for misconduct.

Exhibition of claims to the trustee.

Contested claims how settled.

SEC. 8. *And be it further enacted*, That every judge charged with the execution of this act, may, in the respective cases which may be brought before him, allow the trustee a commission not exceeding eight per centum for his trouble, on the amount of debts paid by him; and if any complaint shall be made to the said judge of the misconduct of any trustee by any creditor, or by the debtor, the said judge may call such trustee before them, and inquire into the cause of complaint, and may make such rules and orders as he may think proper for the accomplishment of the object of the trust, and may in his discretion remove such trustee and appoint another in his place.

SEC. 9. *And be it further enacted*, That the acting judge may by order, limit and appoint a time for creditors to bring in and exhibit their claims to the trustee, and if the said trustee should think proper to contest any claim exhibited against the debtor, it shall be his duty to report the same to the judge having cognizance of the case, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury, such issues as shall be proper to settle the points in contest, or may appoint two indifferent persons to act as arbitrators between the parties, with a power, if they differ, to choose an umpire, and a decision thus made shall be final between the parties; and the said justice may

Provision for  
contested  
claims.

Collusion for-  
feits the debt.

Debtor arrest-  
ed after being  
relieved, how to  
be discharged,  
and in what  
cases.

The judge  
shall lodge with  
the clerk of the  
county the

certificate of  
discharge.

Copy of the  
recorded certifi-  
cate evidence in  
law.

Unfinished  
acts of a judge  
how completed.

What papers  
are to be record-  
ed by the county  
clerk.

Copies of the  
record legal evi-  
dence.

Clerk's fees,  
how payable.

Limitation to  
the effect of this  
discharge.

Circuit court  
shall determine  
the allowance  
of prisoners in  
civil suits.

Who shall not  
be detained un-

order any part of the debtor's estate to be set apart, and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a debt is due, shall collude with a debtor to gain an undue preference, or for the concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parol, or in writing, to give false colour to his claim, such creditor shall lose the whole of his debt.

SEC. 10. *And be it [further] enacted*, That if any debtor who shall have been relieved under this act, shall be arrested or imprisoned on any process sued out on any judgment or decree, obtained against him for any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned or returnable, or any judge thereof, shall discharge such debtor; and if any such debtor shall be arrested or imprisoned on any process for the recovery of any debt, damages, or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor out of custody, on his common appearance being entered, without special bail: *Provided*, and it is the true intent and meaning of this act, that no discharge whatever under this act shall be construed or taken as a discharge of any other person from any debt, contract or engagement of any kind or nature soever.

SEC. 11. *And be it further enacted*, That when the acting judge shall, as above prescribed, give to the marshal an order for the discharge of a debtor, it shall be the duty of the said judge to lodge with the clerk of the county in which the discharge shall take place, a certificate in the following words, to wit. "I do hereby certify, that I have this day ordered the marshal of the district of Columbia, to discharge from imprisonment A. B. an insolvent debtor, agreeably to the act of the Congress of the United States, intitled 'An act for the relief of insolvent debtors within the district of Columbia,'" which said certificate shall be recorded by the said clerk, and a copy thereof under seal, shall be received in evidence, in any court of law in the United States.

SEC. 12. *And be it further enacted*, That if any judge before whom the operation of this act in any particular case shall have been commenced, shall die, resign his office or become disqualified, the proceedings may be completed by any other judge of the said court, in the same manner as if they had been originally commenced before him.

SEC. 13. *And be it further enacted*, That the application of the debtor, the appointment of a trustee, the deed from the debtor to the trustee, the several claims exhibited to the trustee, and the amount of sales of the debtor's property shall be transmitted to and recorded by the clerk of the county in which the debtor was confined at the time of his application; copies of which, under seal, shall be received as evidence in any court of law in the United States, and the clerk shall receive the same fees as are fixed by law for the like services in other cases, to be paid by the trustee out of the first proceeds of the debtor's estate that may come into his hands.

SEC. 14. *And be it further enacted*, That no discharge of an insolvent debtor under this act shall have greater effect in any particular state than if such debtor had been discharged under the insolvent debtor's law of any other state.

SEC. 15. *And be it further enacted*, That the circuit court of the district of Columbia shall, by a general order to be entered on the records of the said court, fix the daily allowance for the support and maintenance of prisoners in execution for debt or damages in civil suits, which allowance the said court may, by a like general order, increase or diminish from time to time, as circumstances may require. And no person taken in execution for debt or damages in a civil suit, shall be

detained in prison therefor, unless the creditor, his agent or attorney, shall, after demand thereof by the marshal, pay or give such security as he may require, to pay such daily allowance, and the prison fees: *Provided*, that a release from prison for want of such payment or security, shall not discharge the debt; but the body of the debtor shall never be again taken in execution therefor.

less provided for—  
With prison fees.  
Proviso.

SEC. 16. *And be it further enacted*, That the said court may cause to be marked and laid out, reasonable bounds of the prisons in the said district, to be recorded in the same court; and from time to time, may renew, enlarge, or diminish the same. And every prisoner not committed for treason or felony, giving such security to keep within the said bounds, as any judge of the said court shall approve, shall have liberty to walk therein, out of the prison, for the preservation of his health; and keeping continually within the said bounds, shall be adjudged in law a true prisoner.

Prison bounds in the district.

Liberty of the prisoners under approved security.

SEC. 17. *And be it further enacted*, That the provisions of this act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the United States, nor to alter, lessen, or impair the right of the United States, to be first satisfied out of the estates of persons indebted to them; nor to any debtor who has not resided in the district of Columbia one year next preceding his said application.

Public debtors and non-residents a year, excluded the provisions of this act.

APPROVED, March 3, 1803.

STATUTE II.

CHAP. XXXII.—*An Act directing a detachment from the Militia of the United States, and for erecting certain Arsenals.*

March 3, 1803.

[Repealed.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized, whenever he shall judge it expedient, to require of the executives of such of the states as he may deem expedient, and from their local situation shall be most convenient, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning a detachment of militia not exceeding eighty thousand, officers included.

Act of April 18, 1806, ch. 32, sec 7.

President authorized to order eighty thousand militia in readiness.

Act of March 30, 1808, ch. 33.

SEC. 2. *Be it further enacted*, That the President may, if he judges it expedient, authorize the executives of the several states, to accept as part of the detachment aforesaid, any corps of volunteers; who shall engage to continue in service for such time, not exceeding twelve months, and perform such services as shall be prescribed by law.

Volunteers for a year included.

1812, ch. 55.

SEC. 3. *Be it further enacted*, That the detachments of militia and volunteer corps as aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

Appointment of officers.

SEC. 4. *Be it further enacted*, That one million five hundred thousand dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted; for the purchase of ordnance and other military stores; and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States; to be applied under the direction of the President, out of any money in the treasury, not otherwise appropriated.

Specific appropriations.

SEC. 5. *And be it further enacted*, That twenty-five thousand dollars be appropriated for erecting, at such place or places on the western waters, as the President may judge most proper, one or more arsenals; and that the President cause the same to be furnished with such arms, ammunition and military stores as he may deem necessary.

APPROVED, March 3, 1803.

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## STATUTE II.

March 2, 1803.

CHAP. XXXIII.—*An Act to alter the time of holding the court of the United States in Kentucky district.*Altered by act  
of 1806, ch. 13.

*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 April next, the sessions of the court of the United States for Kentucky district shall commence on the first Mondays in March, July, and November in every year; any law to the contrary notwithstanding.

1807, ch. 16.

SEC. 2. *And be it further enacted,* That all suits, process, and proceedings of what nature or kind soever, pending in, or made returnable to the said court, shall, after the said first day of April next, be continued over until the next court to be held in conformity to this act.

APPROVED, March 2, 1803.

## STATUTE II.

March 3, 1803.

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

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

APPROVED, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXXV.—*An Act in addition to the act intituled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia."*Act of Febru-  
ary 18, 1801,  
ch. 5.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Samuel Rogers, one of the claimants under the act intituled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," shall be entitled to two thousand two hundred and forty acres of land, to be located in the manner and within the boundaries of the tract designated by the act to which this act is a supplement, and shall receive a patent for the same in the manner directed by the said last-mentioned act.

APPROVED, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXXVI.—*An Act to prolong the continuance of the Mint at Philadelphia.*[Obsolete.]  
Act of April  
1, 1808, ch. 41.  
1812, ch. 2.

*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 concerning the mint," approved March 3d, 1801, is hereby continued in force and operation for the term of five years after the fourth day of March next.

APPROVED, March 3, 1803.

## STATUTE II.

March 3, 1803.

CHAP. XXXVII.—*An Act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war.*Act of April  
10, 1806, ch. 25.  
Act of March  
3, 1819, ch. 79.  
Act of May 1,  
1820, ch. 51.  
Act of May 15,  
1820, ch. 108.Persons enti-  
tled to be placed  
on the pension  
list.

Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any commissioned officer, non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, by wounds received during the revolutionary war, and who did not desert the said service, shall be entitled to be placed on the pension list of the United States during life: *Provided,* that, in substantiating the claims thereto, the rules and regulations following, shall be complied with:

First. All evidence shall be taken on oath or affirmation before the

judge of the district in which such invalid resides, or before some person specially authorized by commission from the said judge.

Secondly. The evidence relative to any claimant, must prove decisive disability to have been the effect of known wounds received while in the actual line of his duty, in the service of the United States, during the revolutionary war: that this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company in which such claimant served, or two other credible witnesses to the same effect, setting forth the time and place of such known wound.

Thirdly. Every claimant shall be examined on oath or affirmation, by some respectable physician or surgeon, to be authorized by commission from the said judge, who shall report in writing his opinion, upon oath or affirmation, of the nature of said disability, and in what degree it prevents the claimant from obtaining his livelihood.

Fourthly. Every claimant must produce evidence of his having continued in the service of the United States, to the conclusion of the war in seventeen hundred and eighty-three, or being left out of the service in consequence of his disability, or in consequence of some derangement of the army, and of the mode of life or employment he has since followed, and of the original existence and continuance of his disability.

Fifthly. Every claimant must show satisfactory cause to the said judge of the district, why he did not apply for a pension in conformity to laws heretofore passed, before the expiration of the limitation thereof.

SEC. 2. *And be it further enacted*, That the said judge of the district or person by him commissioned as aforesaid, shall give to each claimant a transcript of the evidence and proceedings had, respecting his claim; and shall also transmit a list of such claims, accompanied by the evidence herein directed, to the secretary of the department of war, in order that the same may be examined, and if correct, agreeably to the intent and meaning of this act, the said applicants are thenceforth to be placed on the pension list of the United States: *Provided*, that in no case a pension shall commence before the first day of January, eighteen hundred and three, except so far as to offset the commutation of half pay received by such officer, in which case the proper officer is to calculate the pension from the first day of January, seventeen hundred and eighty-four.

SEC. 3. *And be it further enacted*, That the pensions allowed by this act shall be estimated in the manner following, that is to say: a full pension to a commissioned officer shall be considered the one half of his monthly pay as by law established, and the proportions less than a full pension shall be the like proportions of half pay. And a full pension to a non-commissioned officer, private soldier, or seaman, shall be five dollars per month, and the proportions less than a full pension, shall be the like proportions of five dollars per month, but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

SEC. 4. *And be it further enacted*, That the pensioners becoming such in virtue of this act, shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States, in such cases provided.

APPROVED, March 3, 1803.

Evidence, before whom to be taken.

Nature of the evidence.

Nature of the disability.

Requisite time of service.

Cause of deferring the application to be stated.

Copies of the evidence, &c. to be given to the claimants.

Who are to be placed on the pension list. *Providio.*

Estimation of the pensions.

Pensioners to be paid in the manner of former ones.

STATUTE II.

CHAP. XXXIX.—*An Act authorizing the transfer of the duties of Supervisor to any other office.*

March 3, 1803.

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

[Obsolete.]

Duties of supervisor to be

attached by the President to any other officer of the government.

Commissions to be allowed to the officer performing the duties of supervisor.

United States be, and he hereby is authorized to attach the duties of the office of supervisor in any district to any other officer of the government of the United States, within such district, who shall give bond for the performance of the duties imposed on him by this act, in the same manner and under the same penalties, as were heretofore provided in the case of supervisors.

SEC. 2. *And be it further enacted*, That for the discharge of the duties of supervisor, which may be thus attached to another office, by virtue of this act, there shall be allowed to the officer exercising the same, the commissions to which the supervisor is now entitled by law, together with such sum for clerk hire, not exceeding the allowance fixed by law for the supervisor, and such salary not exceeding two hundred and fifty dollars per annum, as the President of the United States shall deem a sufficient compensation.

APPROVED, March 3, 1803.

#### STATUTE II.

March 3, 1803.

Act of 1802, ch. 31. Act of March 9, 1808, ch. 29.

The circuit court shall consist of the justice of the supreme court residing in the circuit, and the district judge where the court sits.

In the third circuit it shall consist of the senior associate justice, &c.

Appeals from final judgments when the value in dispute exceeds fifty dollars from the district court to the circuit court.

Appeals from the circuit court to the supreme court where the matter in dispute exceeds 2000 dollars.

Proceedings to be transmitted to the supreme court.

No new evidence to be received in the supreme court, except in admiralty and prize causes.

19th and 22d sections of the act of 24th Sept. 1789, ch. 20, so far as affected by this act, repealed.

CHAP. XL.—*An Act in addition to an act intituled "An act to amend the judicial system 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 circuit court of the second circuit shall consist of the justice of the supreme court residing within the third circuit, and the district judge of the district where such court shall be holden.

In the third 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.

SEC. 2. *And be it further enacted*, That from all final judgments or decrees in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars, shall be allowed to the circuit court next to be holden in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees rendered or to be rendered in any circuit court, or in any district court acting as a circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States, and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal, except in admiralty and prize causes, and that such appeals shall be subject to the same rules, regulations and restrictions as are prescribed in law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required to receive, hear and determine such appeals. And that so much of the nineteenth and twenty-second sections of the act of Congress, intituled "An act to establish the judicial courts of the United States," passed on the twenty-fourth day of September, one thousand seven hundred and eighty-nine, as comes within the purview of this act, shall be and the same is hereby repealed.

APPROVED, March 3, 1803.