

ACTS OF THE EIGHTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventeenth day of October, 1803, and ended on the twenty-seventh day of March, 1804.

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States and President of the Senate; JOHN BROWN, President of the Senate pro tempore, from the 31st of October to the 19th of December, 1803, and from the 26th of January to the 25th of February, 1804; JESSE FRANKLIN, President of the Senate pro tempore, from the 14th of March, 1804; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last; and for the temporary government thereof.*

Oct. 31, 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 United States be, and he is hereby authorized to take possession of, and occupy the territory ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary: and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

Louisiana to be taken possession of by the President of the U. States.

Authority of the U. States in Louisiana established.

Act of March 3, 1803, ch. 32. Appropriations.

All the military, civil and judicial powers exercised by the officers of the existing government to be exercised as the President may direct for the protection of the inhabitants.

Act of March 26, 1804, ch. 33. Act of February 15, 1811, ch. 14. Act of April 8, 1812, ch. 50.

SEC. 2. *And be it further enacted,* That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion.

APPROVED, October 31, 1803.

STATUTE I.

Nov. 10, 1803.

CHAP. II.—*An Act authorizing the creation of a stock, to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic; and making provision for the payment of the same.*

[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 carry-

The Secretary of the Treasury authorized to cause to be constituted stock for eleven million two hundred and fifty thousand dollars.

Terms of creation and delivery.

The certificates of stock to be delivered to the government of France.

Credits of stock to be transferable on the books of the treasury.

Period of redemption may be shortened.

Interest payable in Europe.

Rate of exchange, dollars at 4s. 6d. and 2½ guilders.

Interest provided for out of monies in the treasury.

Act of April 29, 1802, ch. 32. Seven hundred thousand dollars to be added to the sinking fund.

Commissioners of the sinking fund to redeem the stock.

ing into effect the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, the Secretary of the Treasury be, and he is hereby authorized, to cause to be constituted, certificates of stock, signed by the register of the treasury, in favour of the French Republic, or of its assignees, for the sum of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per centum per annum, from the time when possession of Louisiana shall have been obtained, in conformity with the treaty of the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, and in other respects conformable with the tenor of the convention aforesaid; and the President of the United States is authorized to cause the said certificates of stock to be delivered to the government of France, or to such person or persons as shall be authorized to receive them, in three months at most, after the exchange of the ratifications of the treaty aforesaid, and after Louisiana shall be taken possession of in the name of the government of the United States; and credit, or credits, to the proprietors thereof, shall thereupon be entered and given on the books of the treasury, in like manner as for the present domestic funded debt, which said credits or stock shall thereafter be transferable only on the books of the treasury of the United States, by the proprietor or proprietors of such stock, his, her or their attorney: and the faith of the United States is hereby pledged for the payment of the interest, and for the reimbursement of the principal of the said stock, in conformity with the provisions of the said convention: *Provided however*, that the Secretary of the Treasury may, with the approbation of the President of the United States, consent to discharge the said stock in four equal annual instalments, and also shorten the periods fixed by the convention for its reimbursement: *And provided also*, that every proprietor of the said stock may, until otherwise directed by law, on surrendering his certificate of such stock, receive another to the same amount, and bearing an interest of six per centum per annum, payable quarter-yearly at the treasury of the United States.

SEC. 2. *And be it further enacted*, That the annual interest accruing on the said stock, which may, in conformity with the convention aforesaid, be payable in Europe, shall be paid at the rate of four shillings and sixpence sterling for each dollar, if payable in London, and at the rate of two guilders and one half of a guilder, current money of Holland, for each dollar, if payable in Amsterdam.

SEC. 3. *And be it further enacted*, That a sum equal to what will be necessary to pay the interest which may accrue on the said stock to the end of the present year, be, and the same is hereby appropriated for that purpose, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That from and after the end of the present year, (in addition to the annual sum of seven millions three hundred thousand dollars yearly appropriated to the sinking fund, by virtue of the act, intituled "An act making provision for the redemption of the whole of the public debt of the United States,") a further annual sum of seven hundred thousand dollars, to be paid out of the duties on merchandise and tonnage, be, and the same hereby is, yearly appropriated to the said fund, making in the whole, an annual sum of eight millions of dollars, which shall be vested in the commissioners of the sinking fund in the same manner, shall be applied by them for the same purposes, and shall be, and continue appropriated, until the whole of the present debt of the United States, inclusively of the stock created by virtue of this act, shall be reimbursed and redeemed, under the same limitations as have been provided by the first section of the above-mentioned act, respecting the annual appropriation of seven millions three hundred thousand dollars, made by the same.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury shall cause the said further sum of seven hundred thousand dollars to be paid to the commissioners of the sinking fund, in the same manner as was directed by the above-mentioned act respecting the annual appropriation of seven millions three hundred thousand dollars; and it shall be the duty of the commissioners of the sinking fund to cause to be applied and paid out of the said fund, yearly, and every year, at the treasury of the United States, such sum and sums as may be annually wanted to discharge the annual interest and charges accruing on the stock created by virtue of this act, and the several instalments, or parts of principal of the said stock, as the same shall become due and may be discharged, in conformity to the terms of the convention aforesaid, and of this act.

APPROVED, November 10, 1803.

Secretary of the Treasury to pay to commissioners, who shall apply the money to discharge of debt.

STATUTE I.

Nov. 10, 1803.

CHAP. III.—*An Act making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic.*

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding three millions seven hundred and fifty thousand dollars, (inclusive of a sum of two millions of dollars, appropriated by the act of the twenty-sixth day of February, one thousand eight hundred and three, intituled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations,") to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated, for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which has been assumed by the government of the United States, by virtue of a convention made the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, respecting the said claims.

Three millions seven hundred and fifty thousand dollars appropriated to pay citizens of the U. States.

Act of February 26, 1803, ch. 8.

Treaty with France for the cession of Louisiana.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall cause to be paid, at the treasury of the United States, in conformity to the convention aforesaid, the amount of such claims, above-mentioned, as, under the provisions of the said convention, shall be awarded to the respective claimants; which payments shall be made on the orders of the minister plenipotentiary of the United States for the time being, to the French Republic, in conformity with the convention aforesaid, and the said minister shall be charged on the treasury books with the whole amount of such payments, until he shall have exhibited satisfactory proof to the accounting officers of the treasury, that his orders, thus paid, have been issued in conformity with the provisions of the said convention.

Claims to be paid at the treasury of the U. States.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to borrow, on the credit of the United States, to be applied to the purposes authorized by this act, a sum not exceeding one million seven hundred and fifty thousand dollars, at a rate of interest, not exceeding six per centum per annum; reimbursable out of the appropriation made by virtue of the first section of this act, at the pleasure of the United States, or at such period, not exceeding five years from the time of obtaining the loan, as may be stipulated by contract; and it shall be lawful for the Bank of the United States to lend the same.

President of the U. States to borrow not exceeding one million seven hundred and fifty thousand dollars.

SEC. 4. *And be it further enacted*, That so much of the duties on merchandise and tonnage as may be necessary, be, and the same hereby

One million seven hundred

and fifty thousand dollars at six per cent. interest chargeable on customs.

Expenses of investigation of claims how provided.

Not to exceed four thousand four hundred and fifty dollars per annum, beside secretary and agent's salaries.

STATUTE I.

Nov. 16, 1803.

[Obsolete.]

Expenses of treaty with Great Britain of 1794, provision for.

Funds how to be provided.

STATUTE I.

Nov. 25, 1803.

[Obsolete.]

Act of April 5, 1800, ch. 21. Drawback on goods shipped to New Orleans abolished.

STATUTE I.

Dec. 19, 1803.

Bankrupt act of April 4, 1800, repealed.

Act of April 4, 1800, ch. 19.

What commissions may yet be acted on.

Act of April 29, 1802, sect. 14, ch. 31.

is appropriated for the purpose of paying the interest which shall accrue on the said loan.

SEC. 5. *And be it further enacted*, That for defraying the expense incident to the investigation of the claims above mentioned, there be appropriated a sum not exceeding eighteen thousand five hundred and seventy-five dollars, to be paid out of any monies in the treasury not otherwise appropriated: *Provided*, that the compensation to be made to any of the commissioners appointed, or to be appointed, in pursuance of the above-mentioned convention, shall not exceed the rate of four thousand four hundred and fifty dollars per annum; that the compensation of their secretary shall not exceed the rate of two thousand two hundred and twenty-five dollars per annum; and that the compensation of the agent shall not exceed the rate of one thousand dollars per annum.

APPROVED, November 10, 1803.

CHAP. IV.—*An Act making an appropriation for carrying into effect the seventh article of the treaty of amity, commerce and navigation, between the United States and his Britannic Majesty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding fifty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated for the purpose of carrying into effect the seventh article of the treaty concluded at London, on the nineteenth day of November, seventeen hundred and ninety-four, between the United States of America and his Britannic Majesty.

SEC. 2. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized to allow an interest, not exceeding the rate of six per centum per annum, on one third part of the amount of any award made in pursuance of the aforesaid article, and presented at the treasury previous to the passing of this act, to be calculated from the time when such award shall have been presented.

APPROVED, November 16, 1803.

CHAP. V.—*An Act to repeal the act, intituled "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend 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 the act passed on the fifth day of April, one thousand eight hundred, intituled "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act, intituled An act to regulate the collection of duties on imports and tonnage," be, and the same hereby is repealed.

APPROVED, November 25, 1803.

CHAP. VI.—*An Act to repeal an act, intituled "An act to establish an uniform system of Bankruptcy throughout the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress passed on the fourth day of April, one thousand eight hundred, intituled "An act to establish an uniform system of bankruptcy throughout the United States," shall be, and the same is hereby repealed. *Provided nevertheless*, that the repeal of the said act shall in no wise affect the execution of any commission of bankruptcy which may have been issued prior to the passing of this act, but every such commission may and shall be proceeded on and fully executed as though this act had not passed.

APPROVED, December 19, 1803.

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

STATUTE I.
Jan. 31, 1804.

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 four, the following sums be, and the same hereby are, respectively appropriated, that is to say :

Navy appro-
priations.

For the pay and subsistence of the officers, and the pay of the seamen, two hundred and thirty-four thousand, three hundred and twenty-eight dollars.

Pay.

For provisions, one hundred and twenty-five thousand, five hundred and eighteen dollars, and seventy-two cents.

Provision.

For medicine, instruments, hospital stores and all expenses on account of the sick, four thousand eight hundred and seventy-five dollars.

Medical aid.

For repairs of vessels, store rent, and other contingent expenses, one hundred and forty-four thousand dollars.

Repairs.

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

Ordnance.

For the expense of navy yards, docks and other improvements, the pay of superintendents, store-keepers, clerks and labourers, fifty-two thousand dollars.

Docks.

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

Marine corps.

For clothing for the same, twelve thousand eight hundred and fifty-two dollars and seventy-six cents.

Clothing.

For military stores for the same, four hundred and fifty-two dollars.

Military
stores.

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

Medical aid.

For quartermasters and barrack-masters' stores, officers' travelling expenses, armorers and carpenters' bills, fuel, and other contingent expenses, eight thousand eight hundred and forty-seven dollars.

Barracks, &c.

For completing the marine barracks at the city of Washington, three thousand five hundred and eighty-four dollars and seventy-two cents.

Completion of
the marine bar-
racks at Wash-
ington.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid, first, out of any balance remaining unexpended of former appropriations, for the support of the navy, and secondly, out of any monies in the treasury not otherwise appropriated.

Funds to pay.

APPROVED, January 31, 1804.

STATUTE I.

CHAP. XI.—*An Act making appropriations for the support of the Military establishment of the United States, in the year one thousand eight hundred and four.*(a)

Feb. 10, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expense

Military ap-
propriation.

(a) The acts relating to the army of the United States, passed before February 10, 1804, were :

Act of September 29,	1789, chap. 25.	Repealed.	Vol. i. page	95.
Act of April 30,	1790, chap. 10.	Repealed.	" "	119.
Act of March 3,	1791, chap. 23.	Repealed.	" "	222.
Act of March 5,	1792, chap. 9.	Obsolete.	" "	241.
Act of May 8,	1794, chap. 24.	Obsolete.	" "	366.
Act of June 7,	1794, chap. 52.	Obsolete.	" "	390.
Act of March 3,	1795, chap. 44.	Obsolete.	" "	430.
Act of May 30,	1796, chap. 39.	Expired.	" "	483.
Act of March 3,	1797, chap. 16.	Repealed.	" "	507.
Act of April 27,	1798, chap. 33.	Obsolete.	" "	552.
Act of May 28,	1798, chap. 47.	Repealed.	" "	558.
Act of June 22,	1798, chap. 57.	Obsolete.	" "	569.
Act of March 2,	1799, chap. 31.	Obsolete.	" "	725.
Act of March 3,	1799, chap. 48.	Obsolete.	" "	749.

of the military establishment of the United States, for the year one thousand eight hundred and four, for the Indian department, and for the expense of fortifications, arsenals, magazines and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

Pay.	For the pay of the army of the United States, three hundred and one thousand four hundred and seventy-six dollars.
Forage.	For forage, four thousand and fifty-six dollars.
Subsistence.	For the subsistence of the officers of the army and corps of engineers, twenty-eight thousand and eighty-two dollars and eighty-three cents, and one half of a cent. For the subsistence of non-commissioned officers, musicians and privates, one hundred and sixty-three thousand eight hundred and thirty-nine dollars and thirty-seven cents, and one half of a cent.
Clothing.	For clothing, eighty thousand dollars.
Bounties and premiums.	For bounties and premiums, fourteen thousand dollars.
Medical.	For the medical and hospital department, ten thousand dollars.
Field equipage.	For camp equipage, fuel, tools, expense of transportation and other contingent expenses of the war department, seventy-one thousand dollars.
Fortifications and armories.	For fortifications, arsenals, magazines, and armories, one hundred and nine thousand eight hundred and ninety-six dollars and eighty-eight cents.
Maps, &c.	For purchasing maps, plans, books, and instruments for the war department and military academy, one thousand dollars.
Indian Department.	For the Indian department, seventy-five thousand five hundred dollars.
Funds how provided.	SEC. 2. <i>And be it further enacted</i> , That the several appropriations, herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the military establishment, and secondly, out of any monies in the treasury not otherwise appropriated.

APPROVED, February 10, 1804.

STATUTE I.

Feb. 20, 1804.	CHAP. XII.— <i>An Act continuing for a limited time, the salaries of the officers of government therein mentioned.</i> (a)
Salaries of Civil List.	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i>, That from and after the last day of December, one thousand eight hundred and three, the following annual compensations, and no other, be, and they are hereby granted to the officers herein enumerated, respectively, that is to say:</p> <p>To the Secretary of State, five thousand dollars. The Secretary of the Treasury, five thousand dollars. The Secretary of War, four thousand five hundred dollars. The Secretary of the Navy, four thousand five hundred dollars. The Attorney-General, three thousand dollars.(b) The Comptroller of the Treasury, three thousand five hundred dollars. The Treasurer, three thousand dollars. The Auditor of the Treasury, three thousand dollars. The Register of the Treasury, two thousand four hundred dollars. The Accountant of the War department, two thousand dollars. The Accountant of the Navy department, two thousand dollars. The Postmaster-General, three thousand dollars.(c) and The Assistant Postmaster-General, one thousand seven hundred dollars; which sums shall be respectively paid quarter-yearly, at the treasury of the United States.</p> <p>SEC. 2. <i>And be it further enacted</i>, That this act shall continue in force for three years, and from thence until the end of the next session of Congress thereafter, and no longer.</p> <p>APPROVED, February 20, 1804.</p>
Secretary of State.	
Secretary of the Treasury.	
Secretary at War.	
Secretary of the Navy.	
Attorney-General.	
Comptroller of the Treasury.	
Treasurer.	
Auditor of the Treasury.	
Register of the Treasury.	
Accountant of the War department.	
Accountant of the Navy department.	
Postmaster-General.	
Assistant Postmaster-General.	
Limited to three years.	

(a) See vol. i. 67.

(b) See vol. i. 72, 497, 730.

(c) See vol. i. 235, 358.

CHAP. XIII.—*An Act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, 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 same duties which by law now are, or hereafter may be laid on goods, wares, and merchandise imported into the United States, on the tonnage of vessels, and on the passports and clearances of vessels, shall be laid and collected on goods, wares, and merchandise imported into the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic; and on vessels arriving in, or departing from the said territories: and the following acts, that is to say, the act, intituled,

“An act to establish the treasury department.”

“An act concerning the registering and recording of ships and vessels.”

“An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries.”

“An act to regulate the collection of duties on imports and tonnage.”

“An act to establish the compensations of officers employed in the collection of the duties on imports and tonnage, and for other purposes.”

“An act for the more effectual recovery of debts due from individuals to the United States.”

“An act to provide more effectually for the settlement of accounts between the United States and receivers of public money.”

“An act to authorize the sale and conveyance of lands in certain cases, by the marshals of the United States, and to confirm former sales;” and

“An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned.”

“An act to establish a mint and to regulate the coins of the United States.”

“An act regulating foreign coins, and for other purposes.”

And the act supplementary to, and amendatory of the two last-mentioned acts, or so much of the said acts as is now in force, and also so much of any other act or acts of the United States as is now in force, or may be hereafter enacted, for laying any duties on imports, tonnage, seamen or shipping, for regulating and securing the collection of the same, and for regulating the compensations of the officers employed in the collection of the same; for granting and regulating drawbacks, bounties and allowances in lieu of drawbacks; concerning the registering, recording, enrolling and licensing of ships and vessels; to provide for the settlement of accounts between the United States and individuals; for the recovery of debts due to the United States; and for remitting forfeitures, penalties and disabilities, shall extend to, and have full force and effect in the above-mentioned territories: *Provided however, and it is hereby further enacted, That ships or vessels, which on the twentieth day of December last, were owned by persons then residing in the above mentioned territories, and who, either were citizens of the United States, or had resided in the said territories, during five years next preceding, shall be entitled to the benefits and privileges of ships or vessels of the United States, whilst they shall continue to be wholly owned by such persons, or by citizens of the United States: Provided nevertheless, that the persons claiming such privileges for their ships or vessels, shall in every other respect, comply with the provisions of the acts for registering, recording, enrolling and licensing of ships or vessels, and who, if not citizens of the United States, shall have previously taken an oath of*

Duties on imports and tonnage in Louisiana as in other states.

What laws shall be in force there.

Act of Sept. 2, 1789, ch. 12.

Act of Dec. 31, 1792, ch. 1.

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

Act of March 2, 1793, ch. 22.

Act of March 3, 1797, ch. 9.

Act of March 3, 1795, ch. 48.

Act of March 3, 1797, ch. 20.

Act of May 7, 1800, ch. 45.

Act of 1797, ch. 13.

Act of April 2, 1792, ch. 16.

Act of Feb. 9, 1793, ch. 5.

All acts or of such parts now in force, or which may be enacted for laying duties on imports and tonnage, seamen or shipping for the collection of duties, regulating drawbacks and enrolling vessels to be in force.

Vessels of that territory entitled to same benefit as of U. States which were owned on the 20th December, 1803, &c.

But shall register and take oath of allegiance.

allegiance to the United States, which oath the collector of the port is hereby authorized to administer.

Other acts extended to Louisiana.

Act concerning the Bank of the U. States; and an act for the regulation of seamen and for protecting the exportation of goods not inspected, extended to Louisiana.

Commercial regulations inconsistent with the provisions of the second section repealed.

Fees, &c. usually paid for pilotage, wharfage, &c. not affected.

Territory annexed to the District of Mississippi.

New Orleans the sole port of entry.

Officers to be appointed by the President of the U. States.

Act of 1799, ch. 22.

Repeal of any laws which establish a district on the river Mississippi south of the Tennessee river.

District of Natchez, officer there.

SEC. 2. *And be it further enacted*, That so much of any act or acts of the United States, now in force, or which may be hereafter enacted, concerning the Bank of the United States, and for the punishment of frauds committed on the same; for the relief of sick and disabled seamen; for the protection of American seamen; for the government and regulation of seamen in the merchant service; and for preventing the exportation of goods not duly inspected; shall extend to and have full force and effect in the above-mentioned territories.

SEC. 3. *And be it further enacted*, That so much of any law or laws, laying any duties on the importation into the United States of goods, wares and merchandise from the said territories (or allowing drawbacks on the importation of the same from the United States to the said territories), or respecting the commercial intercourse between the United States and the said territories, or between the several parts of the United States through the said territories, which is inconsistent with the provisions of the preceding section, be, and the same hereby is repealed; and all duties on the exportation of goods, wares and merchandise from the said territories, as well as all duties on the importation of goods, wares and merchandise into the said territories, on the transfer of ships or vessels, and on the tonnage of vessels, other than those laid by virtue of the laws of the United States, shall, from the time when this act shall commence to be in force, cease and determine: *Provided however*, that nothing herein contained, shall be construed to affect the fees and other charges usually paid in the said territories on account of pilotage, wharfage, or the right of anchoring by the levy of the city of New Orleans, which several fees and charges shall, until otherwise directed, continue to be paid and applied to the same purposes as heretofore.

SEC. 4. *And be it further enacted*, That, to the end that the laws providing for the collection of the duties imposed, by law, on goods, wares and merchandise, imported into the United States, and on the tonnage of ships and vessels, and the laws respecting the revenue and navigation of the United States, may be carried into effect within the said territories, the territories ceded to the United States by the treaty above mentioned, and also all the navigable waters, rivers, creeks, bays, and inlets, lying within the United States, which empty into the Gulf of Mexico, east of the river Mississippi, shall be annexed to the Mississippi district, and shall, together with the same, constitute one district, to be called the "District of Mississippi." The city of New Orleans shall be the sole port of entry in the said district, and the town of Bayou St. John shall be a port of delivery, a collector, naval officer, and surveyor shall be appointed to reside at New Orleans, and a surveyor shall be appointed to reside at the port of Bayou St. John; and the President of the United States is hereby authorized to appoint, not exceeding three surveyors, to reside at such other places, within the said district, as he shall deem expedient, and to constitute each, or either of such places ports of delivery only. And so much of any law or laws, as establishes a district on the river Mississippi, south of the river Tennessee, is hereby repealed, except as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties, and forfeitures, which shall have been incurred before the commencement of the operation of this act.

SEC. 5. *And be it further enacted*, That the shores and waters of the town of Natchez, shall be one district, to be called the district of Natchez, and a collector shall be appointed who shall reside at Natchez, which shall be the only port of entry or delivery within the said district, of any goods, wares and merchandise, not the growth or manufacture of the

United States: *Provided nevertheless*, that it shall be the duty of every master or commander of any ship or vessel destined for the said port of Natchez, to stop at New Orleans, and there deliver to the collector of said port a manifest of the cargo on board such ship or vessel agreeably to law, on penalty of five thousand dollars. And it shall be the duty of said collector to transmit a certified copy of such manifest to the collector of the said port of Natchez, and to direct an inspector to go on board such ship or vessel, and proceed therewith to the port of Natchez, and there report such ship or vessel to the collector of said port of Natchez, immediately after his arrival, when the duty of said inspector shall cease.

SEC. 6. *And be it further enacted*, That foreign ships or vessels shall be admitted to unlade at the port of New Orleans, and at no other port within the district of Mississippi; and ships or vessels belonging to citizens of the United States, coming directly from France or Spain, or any of their colonies, shall not be admitted to unlade at any port within the district of Mississippi, other than New Orleans: and ships or vessels arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at the port of New Orleans, and at no other port within the district of Mississippi: *Provided however*, that nothing in this act contained, shall authorize the allowing of drawbacks on the exportation of any goods, wares and merchandise from the said port of New Orleans, other than on those which shall have been imported directly into the same, from a foreign port or place.

SEC. 7. *And be it further enacted*, That the master or commander of every ship or vessel, bound to a port of delivery only, other than the port of Bayou St. John, in the district of Mississippi, shall first come to at the port of New Orleans with his ship or vessel, and there make report and entry, in writing, and pay, or secure to be paid, all legal duties, port fees, and charges, in manner provided by law, before such ship or vessel shall proceed to her port of delivery; and any ship or vessel, bound to the port of Bayou St. John, may first proceed to the said port, and afterwards make report and entry at the port of New Orleans, within the time by law limited; and the master of every ship or vessel, arriving from a foreign port or place, or having goods on board of which the duties have not been paid or secured, and bound to any port within the district of Mississippi, (other than New Orleans, or Bayou St. John,) shall take an inspector on board at New Orleans, before proceeding to such port; and if any master of a ship or vessel shall proceed to such port of delivery, contrary to the directions aforesaid, he shall forfeit and pay five hundred dollars, to be recovered in any court of competent jurisdiction, with the costs of suit.

SEC. 8. *And be it further enacted*, That during the term of twelve years, to commence three months after the exchange of the ratifications of the above-mentioned treaty shall have been notified, at Paris, to the French government, French ships or vessels, coming directly from France, or any of her colonies, laden only with the produce or manufactures of France, or any of her said colonies; and Spanish ships or vessels, coming directly from Spain, or any of her colonies, laden only with the produce or manufactures of Spain, or any of her said colonies, shall be admitted into the port of New Orleans, and into all other ports of entry which may hereafter be established by law, within the territories ceded to the United States by the above-mentioned treaty, in the same manner as ships or vessels of the United States, coming directly from France or Spain, or any of their colonies, and without being subject to any other, or higher duty on the said produce or manufacture, than by law now is, or shall, at the time, be payable, by citizens of the United States on similar articles, imported from France or Spain, or any of their colonies, in vessels of the United States, into the said port of New Orleans, or other ports of entry in the territories above mentioned;

Ships to stop at New Orleans, and deliver a manifest of their cargo.

1807, ch. 14.

Foreign vessels to unlade only at New Orleans.

Drawbacks at N. Orleans how regulated.

Repealed.

Ships bound for other ports must stop at New Orleans, and make entry.

Under a penalty of five hundred dollars.

French and Spanish ships privileged in ports of Louisiana for twelve years, from the exchange of ratifications of Louisiana treaty.

To pay only like duties with ships of the U. States.

or to any other, or higher tonnage duty, than by law now is, or shall at the time be, laid on the tonnage of vessels of the United States coming from France, or Spain, or from any of their colonies, to the said port of New Orleans, or other ports of entry within the territories above mentioned.

Collector to give bond.

SEC. 9. *And be it further enacted*, That the collector of the district of Mississippi, shall give bond for the true and faithful discharge of his duties, in the sum of fifteen thousand dollars, and shall be allowed in addition to the fees and emoluments of his office, in lieu of all other commissions, one and a half per cent. on all monies by him received, on account of the duties arising from goods, wares and merchandise imported into the said district, and on the tonnage of ships and vessels; and the naval officers and surveyors of the said district shall, respectively, receive an annual compensation of two hundred and fifty dollars, in addition to their other fees and emoluments.

Emoluments.

Naval officer and surveyor's compensation.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to cause to be built and equipped, one revenue cutter in addition to those heretofore authorized by law, which cutter may be officered, manned and employed, in the same manner, and the expense thereof shall be paid out of the same fund, as is provided for defraying the expense of the revenue cutters heretofore authorized by law.

Additional revenue cutter to be built.
1799, ch. 22, sec. 97.

Mobile may be made a separate district.

SEC. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, whenever he shall deem it expedient, to erect the shores, waters and inlets of the bay and river Mobile, and of the other rivers, creeks, inlets and bays emptying into the Gulf of Mexico, east of the said river Mobile, and west thereof to the Pascaguola inclusive, into a separate district, and to establish such place within the same, as he shall deem expedient, to be the port of entry and delivery for such district; and to designate such other places, within the same district, not exceeding two, to be ports of delivery only. Whenever such separate district shall be erected, a collector shall be appointed, to reside at the port of entry; and a surveyor shall likewise be appointed, to reside at each of the ports of delivery which may be established. And such collector and surveyor shall be entitled to receive, in addition to their other fees and emoluments, an annual salary of two hundred and fifty dollars. And the said collector shall give bond for the faithful discharge of the duties of his office, in the sum of five thousand dollars.

Two ports of delivery in Mobile.

Officers may be appointed.

Act in force 24th March, 1804.

SEC. 12. *And be it further enacted*, That this act shall commence thirty days after the passing thereof.

APPROVED, February 24, 1804.

STATUTE I.

Feb. 24, 1804.

CHAP. XIV.—*An Act supplementary to an act intituled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia."*(a)

Act of May 3, 1802, ch. 53.

Period of incorporation of Washington, enlarged to fifteen years.

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 to incorporate the inhabitants of the city of Washington, in the District of Columbia," except so much of the same as is inconsistent with the provisions of this act, be, and the same is hereby continued in force for and during the term of fifteen years, from the end of the next session of Congress.

City councils, of what numbers they are to consist and how to be elected.

SEC. 2. *And be it further enacted*, That the council of the city of Washington, from and after the period for which the members of the present council have been elected, shall consist of two chambers, each of which shall be composed of nine members, to be chosen by distinct ballots, according to the directions of the act to which this is a supplement; a majority of each chamber shall constitute a quorum to do

(a) See note to act of May 3, 1802, ch. 53.

business: in case vacancies shall occur in the council, the chamber in which the same may happen, shall supply the same by an election, by ballot, from the three persons next highest on the list, to those elected at the preceding election; and a majority of the whole number of the chamber in which such vacancy may happen, shall be necessary to make an election.

Sec. 3. *And be it further enacted*, That the council shall have power to establish and regulate the inspection of flour, tobacco, and salted provisions, the gauging of casks and liquors, the storage of gunpowder, and all naval and military stores, not the property of the United States, to regulate the weight and quality of bread; to tax and license hawkers and pedlers, to restrain or prohibit tippling houses, lotteries, and all kinds of gaming; to superintend the health of the city, to preserve the navigation of the Potomac and Anacosta rivers, adjoining the city; to erect, repair, and regulate public wharves, and to deepen docks and basins; to provide for the establishment and superintendence of public schools; to license and regulate, exclusively, hackney coaches, ordinary keepers, retailers and ferries; to provide for the appointment of inspectors, constables and such other officers as may be necessary to execute the laws of the corporation; and to give such compensation to the mayor of the city as they may deem fit.

Powers of the councils enlarged.

Sec. 4. *And be it further enacted*, That the levy court of the county of Washington shall not hereafter possess the power of imposing any tax on the inhabitants of the city of Washington.

Power of levy court abolished.

APPROVED, February 24, 1804.

STATUTE I.

CHAP. XV.—*An Act to amend the Charter of Alexandria.*

Feb. 25, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town of Alexandria shall be, and is hereby divided into two districts, by a line running east and west, at an equal distance between King and Prince streets, beginning at the river Potomac and extending to the western boundary of said town; and all that part of the town which is situate north of the said dividing line, shall be called the northern district, and all that part of the town which is situate south of the said dividing line, shall be called the southern district of the town of Alexandria; and where any house or lot shall be situate partly in each district, it shall be considered as lying in that district where the greater part of said house or lot is situate, and shall be assessed accordingly; each of the districts aforesaid shall be divided into two electoral wards, by a line passing from north to south through the middle of Pitt street, to be called the first, second, third and fourth ward; none of the taxes on the valuation of real property, which shall hereafter be collected in the northern district, shall be expended in the regulating, or filling up, or paving, or repairing of the streets, or sinking of wells, or building of bridges in the southern district; nor shall the taxes on the valuation of real property, which shall hereafter be collected in the southern district, be expended in the regulating, or filling up, or paving, or repairing the streets, or sinking of wells, or building of bridges in the northern district: but all the monies to be expended upon the aforesaid improvements in either district, shall be raised by an assessment on the valuation of real property in each district respectively, at the times and in the manner the said common council shall order and direct. It shall be the duty of the assessors and other public officers to keep the accounts of each district separate and distinct in regard to the assessments for the aforesaid local purposes, and all other taxes, which are now or shall hereafter be assessed or levied, upon the valuation of real property or other subjects, together with the fines and also the rents issuing from the property belonging to the corporation and all their other

Act of May 13, 1826, ch. 45.

Charter of Alexandria altered.

Town divided into wards.

How taxes are to be applied.

How taxes to be raised.

resources, shall constitute a general fund, to be appropriated as the common council shall direct.

Who shall
vote.

SEC. 2. *Be it further enacted*, That every free white male citizen of full age, who shall be bona fide seised of a freehold estate in the town of Alexandria, or who shall have resided in the town aforesaid for the space of one year, and have been a housekeeper therein for the space of three months next preceding the day of the election, and who shall have been within that time charged with any tax upon the public books, and shall have paid such tax, shall be qualified to vote for members to serve in the common council of the said town, and no other person shall exercise the right of suffrage; and the persons qualified, as aforesaid, to vote, shall meet at some convenient place in the ward in which they respectively reside, and elect by ballot four persons for the representatives of such ward in the common council, out of the free white male citizens who shall have arrived to the age of twenty-one years, and shall have resided in the town of Alexandria three years, and in the ward for which he shall be elected, for the space of three months immediately preceding the election, and shall moreover be seised of an estate of freehold in the said ward, and be a housekeeper therein. And that the said election shall be held on the first Tuesday of March, in every year, by three commissioners to be appointed in each ward for that purpose by the mayor and commonalty for the ensuing election, and afterwards by the common council, which appointment shall be at least ten days before the day of each election, except in regard to the first election to be held under this act. The election for the ensuing year shall be held at such place, in each ward, as shall be fixed on by the mayor and commonalty, and thereafter shall be held at such place as shall be appointed by the common council, of which public notice shall be given.

Who shall
not vote.

Election to be
held first Tues-
day in March an-
nually.

Meeting of
councils fixed.

SEC. 3. *Be it further enacted*, That the members of the common council, elected as aforesaid, or any twelve of them, shall, within seven days after their election in each year, assemble themselves at the court-house, or any other place which shall be hereafter fixed for their meeting, and shall choose one of their body to be president of the said common council, to whom shall be administered, by any justice of the peace in the county of Alexandria, an oath or affirmation for the faithful discharge of the duties of his office; whereupon the president of the said common council shall administer the oath of office to the other members of the said council, and shall have, while the council is in session, the same power which is at present exercised by the mayor, upon the like occasion; and he shall convene the council whenever in the opinion of four of the members expressed to him in writing, or whenever in his opinion the good of the town may require it: and the authority of the said common council shall continue one year from the day of their election, and until others are chosen and qualified in their stead, and no longer. That the common council so elected, and those thereafter to be elected, and their successors, shall be and hereby are made a body politic and corporate, by the name of the Common Council of Alexandria; and by the said name shall have perpetual succession, with capacity to purchase, possess and enjoy lands and tenements, and goods and chattels, either in fee or lesser estate therein, and the same to give, grant, let, sell, assign or transfer; and to plead and be impleaded, prosecute and defend all causes, complaints, actions real, personal or mixed, and to have one common seal, and perpetual succession. And all the estate, rights, and credits, now vested in the mayor and commonalty of the town of Alexandria, shall be vested in the said common council, when elected, and may be recovered in their name for the use of the said town, and in like manner all claims and demands against the mayor and commonalty of Alexandria, prior to the operation of the present act, may be prosecuted and recovered against the aforesaid common council; and process

Common
council to
choose a presi-
dent from its
own body.
His powers
and duty.

The length of
time limited for
the authority of
the council.

The common
council created
a body politic,
&c.

Its powers
and authorities.

All the es-
tate, rights and
credits of the
mayor and com-
monalty vested
in the common
council.

served upon the president of the common council, shall be deemed sufficient.

SEC. 4. *Be it further enacted*, That the jurisdiction of the said common council shall extend to the limits heretofore prescribed by law, and exercised by the mayor and commonalty. The concurrence of a majority of the whole number of members elected into the common council, shall be necessary for the passing of any law, order, or resolution, or for repealing, altering, or revoking the same.

Extent of the common council's jurisdiction.

The concurrence of a majority of all the members necessary to the passing of a law, &c. &c.

Powers of the council defined.

SEC. 5. *Be it further enacted*, That the said common council shall have power to erect and repair workhouses, houses of correction, and other public buildings, for the benefit of the said town; to pave, make and repair the streets and highways; to make all laws which they shall conceive requisite for the preservation of the health of the inhabitants, and for the regulation of the morals and police of the said town, and to enforce the observance of their said laws, by reasonable penalties and forfeitures, to be levied upon the goods and chattels of the offender; and they shall have power to raise money by taxes, for the use and benefit of the said town: *Provided*, that such laws shall not be repugnant to, or inconsistent with the laws and constitution of the United States. The said common council shall, whenever they deem it proper, have power to open, extend, regulate, pave, and improve the streets, within the limits of the said town: *Provided*, they make to the person or persons who may be injured by such extension, just and adequate compensation out of the funds of the corporation, to be ascertained by the verdict of an impartial jury, in like manner as has been usual in other cases, where private property has been condemned for public use. They shall have power to hold and keep within the said town, market days in every week, and from time to time, to appoint a clerk of the market, who shall do and perform all things belonging to the office of clerk of the market within the said town, according to the rules and regulations which they shall prescribe. They shall have power to pass all laws not inconsistent with the laws of the United States, which they may conceive requisite for the prevention and removal of nuisances, and to appoint a superintendent of police, commissioners, and surveyors of the streets, constables, collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, who shall be paid for their services a reasonable compensation, and whose duties and powers shall be prescribed in such manner as the common council shall deem fit for carrying into execution the powers hereby granted.

Proviso.

Proviso.

Powers of the common council.

SEC. 6. *Be it further enacted*, That the jurisdiction of the said common council shall extend over the harbor of Alexandria, and over vessels of every description which may arrive and be in the harbor, or be at anchor in any part of the river Potomac below Pearson's island, and within the district of Columbia, for the purpose of preventing and removing all nuisances, and such other subjects or things being on board any such vessel, as may be prejudicial to the health of the town, and for no other purpose. And also, their jurisdiction shall extend over the house lately built in the vicinity of the town for the accommodation of the poor and others, and over the ten acres of ground thereto belonging, and over all persons who may be sent or placed there by the consent or authority of the common council, and on their way to and from the same, until they be regularly discharged: *Provided*, that paupers and other persons shall not be considered as having thereby gained a residence in the county, so as to become chargeable thereto.

Further definition of the powers of the common council.

SEC. 7. *Be it further enacted*, That the common council shall, annually, at their first meeting after their own election and qualification, choose by ballot a fit and able man, having the qualifications herein after directed, to be mayor of the town, which choice shall be made by a majority of the whole number of members of the said common council,

A mayor to be annually chosen by a vote of the common council.

The president of the council to decide the election in case the council is equally divided.

The time for which the mayor shall hold his office.

To take an oath of office.

His powers and duties.

To receive a compensation for his services.

His qualifications.

Provision in case of the refusal, &c. &c. of the mayor to serve.

Common council to have vacancies in their own body supplied, and how.

In the temporary absence, &c. &c. of the mayor, the president of the council to supply his place.

Mayor to sign the bills of which he approves, or to return those to the council of which he does not approve, with his objections in writing.

How passed.

Copies of the acts of the council to be printed.

Oath of the commissioners for holding the elections prescribed.

unless the whole number of members be equally divided between two persons, in which case one of those two persons shall be immediately, by the vote of the president of the council, elected. The mayor shall hold his office for one year, from the time of his election, and until a successor is chosen and qualified in his stead. At the expiration of which period he may be re-elected for two years thereafter in succession, and no longer until he shall have been out of office for one year. He shall, before he enters upon the duties of his office, take an oath or affirmation, in the presence of the council, faithfully to execute his said office, which shall be recorded in their book of proceedings. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the common council, who, on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures thereupon, as shall be just and lawful. He shall have power to convene the common council when, in his opinion, the good of the community may require it, and he shall lay before the council, from time to time, in writing, such alterations in the laws of the corporation, as he shall deem necessary or proper. He shall have and exercise all the powers of a justice of the peace within the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the common council, which shall not be increased or diminished during the period for which he shall have been elected. Any person shall be eligible to the office of mayor, who is a white male citizen of the United States, who shall have attained to the age of thirty years, and shall be the bona fide owner of a freehold estate in the said town, and shall have been a resident in the town of Alexandria five years immediately preceding his election, and no other person shall be eligible to the said office.

SEC. 8. *Be it further enacted*, That in case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability or removal, the common council shall elect another in his place to serve the remainder of the year. The common council shall have power to supply vacancies in their own body, by causing elections to be made in manner herein before directed, out of the citizens qualified to fill the said office in the ward in which such vacancies shall have happened; and may, in the absence of the president, elect a president pro tempore. In case of the temporary inability or absence of the mayor, the president of the common council shall perform all the duties of the mayor, that may be required to be performed during his absence or inability, and in case of vacancy in the said office, he shall perform the duties thereof, until a new election shall be made.

SEC. 9. *And be it further enacted*, That the acts of the common council shall be signed by the president of the common council, and shall be presented to the mayor for his approbation, who, if he objects thereto, shall, within three days after it shall be presented to him for his assent, return it to the common council with his objections in writing, and if a majority of the whole council shall be of opinion that the law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law, and he shall sign the same; but if the mayor shall not return his objections to the same, within three days, to the said council, it shall become a law, and shall be signed by him. The clerk of the council shall record, in a book to be kept by him for that purpose, all the laws, orders and resolutions which shall be passed, as aforesaid, and deliver a copy of them to the public printer, to be printed for the information of the people.

SEC. 10. *Be it further enacted*, That the commissioners to superintend the election in each ward, shall, before they receive any vote, take, severally, the following oath or affirmation, to be administered by the mayor, or any justice of the peace: "I, A. B. do solemnly swear, or

affirm (as the case may be), that I will truly and faithfully receive and return the votes of such persons as are by law entitled to vote for members of council in ward No.

and that I will not knowingly receive or return the vote of any who is not legally entitled to the same, so help me God ;” the said election shall be closed on the day it is begun, and the poll shall be kept open till sunset and no longer. The said commissioners in each ward, or a majority of them shall, on the next day after the election, make a list of all the votes received at said election ; and the four persons having the greatest number of votes, shall be duly elected ; and in all cases of an equality of votes, the commissioners shall decide, and shall make a return of the persons so elected, under their hands and seals, to the mayor, who shall cause the same to be published in the newspapers of the town ; the said commissioners shall also send a duplicate return, under their hands and seals, of the persons elected, to the clerk of the common council, who shall preserve and record the same ; the said common council shall judge of the legality of the election of any person who shall be returned as a member thereof, and shall have full power to pass all laws to enable them to come to a just decision upon a contested election : they shall have power to compel the attendance of the members of the council by reasonable penalties, and to pass all laws for the orderly and regular conduct of business : they may punish any member for disorderly behaviour, and with consent of three fourths of the whole council, expel a member.

SEC. 11. *Be it further enacted*, That whenever taxes upon real property, or other claims charged upon real property within the town, shall be due, and owing to the common council, and the proprietor shall fail to discharge the same, the said common council, after giving the party reasonable notice when he resides in the town, sixty days notice when he resides out of the town, and in the United States, and after six months publication in the newspapers when he resides out of the United States, shall be empowered to recover the said taxes or debts, by motion in the court of Alexandria county : *And provided*, it shall appear to the satisfaction of the court that such taxes or claims are justly due, judgment shall be granted, and an execution shall issue thereupon, with the costs of suit, against the goods and chattels of the defaulter, if any can be found within the town ; if not, that the whole property upon which the tax or claim is due, shall by order of the court, be leased out at public auction for the shortest term of years that may be offered, on condition that the lessee pay the arrearages, and also the future taxes accruing during the term, and be at liberty to remove all his improvements at the expiration of the lease : *Provided always*, that the common council may prosecute any other remedy, by action, for the recovery of the said taxes and claims which is now possessed or allowed.

SEC. 12. *And be it further enacted*, That so much of any act or acts of the general assembly of Virginia, as comes within the purview of this act, shall be, and the same is hereby repealed : *Provided*, that nothing herein contained shall be construed to impair or destroy any right or remedy which the mayor and commonalty of Alexandria now possess or enjoy to or concerning any debts, claims or demands against any person or persons whatsoever ; or to repeal any of the laws and ordinances of the mayor and commonalty of the said town now in force, which are not inconsistent with this act.

APPROVED, February 25, 1804.

Duties and powers of the commissioners.

Common council to judge of the legality of elections.

May make laws and rules for its own order and government.

How the taxes of absentees shall be collected.

Proviso.

Proviso.

Interfering acts of the Virginia assembly repealed.

STATUTE I.

CHAP. XVII.—*An Act relating to the recording, registering and enrolling of ships or vessels in the district of Orleans.*

Feb. 25, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any ship or vessel

Vessels belonging to citizens of the United States, residing therein, or to persons inhabiting the territory ceded to the United States by France, entitled to the benefits of vessels of the United States.

Proviso, that the collector may make alterations in the form of the oaths, &c., to make them applicable to this law.

Oath of applicant.

Inhabitants of the ceded territory residents thereof the 30th April, 1803, entitled, on certain conditions, to all the privileges, &c. of owning ships, &c. of the United States.

STATUTE I.

March 3, 1804.

possessed of and sailing under a Spanish or French register, and belonging, on the twentieth day of December, one thousand eight hundred and three, and continuing to belong wholly to any citizen or citizens of the United States, then residing within the territories ceded to the United States, by the treaty of the thirtieth of April one thousand eight hundred and three, between the United States and the French Republic, or to any person or persons being, on the said thirtieth day of April, an inhabitant or inhabitants of the said ceded territories, and who continue to reside therein, and of which the master is a citizen of the United States, or an inhabitant as aforesaid, may be registered, enrolled and licensed in the manner prescribed by law; and being so registered, enrolled or licensed, shall be denominated and deemed a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States to ships or vessels thereof. *Provided*, that it shall be lawful for the collector to whom application shall be made for a certificate of registry, enrolment or license for such ship or vessel by any citizen or inhabitant as aforesaid, to make such variations in the forms of the oaths, certificates, and licenses, as shall render them applicable to the cases herein intended to be provided for: *And provided also*, that every such inhabitant applying as aforesaid, shall, prior to his being entitled to receive such certificate of registry, enrolment, or license, deposit with the collector, the register and other papers under which such ship or vessel had been navigated; and also take and subscribe, before the collector (who is hereby authorized to administer the same) the following oath: I, A. B., do swear (or affirm) that I will be faithful and bear true allegiance to the United States of America, and that I do entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the king of Spain and the French Republic.

SEC. 2. *And be it further enacted*, That the inhabitants of the said ceded territory who were residents thereof on the thirtieth day of April, one thousand eight hundred and three, who shall take the oath aforesaid, and who continue to reside therein, or citizens of the United States residents of said ceded territory, shall be entitled to all the benefits and privileges of owning ships or vessels of the United States, to all intents and purposes, as if they were resident citizens of the United States.

APPROVED, February 25, 1804.

CHAP. XVIII.—*An Act for the relief of certain military pensioners in the state of South Carolina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the persons to whom military pensions have been heretofore granted and paid by the state of South Carolina, in pursuance of the resolves of the United States in congress assembled, for the payment of pensions to the invalids who were wounded and disabled during the late war with Great Britain, and who have not been placed on the books, in the office of the Secretary for the department of War, shall be, and the same hereby are directed to be placed on said books, and their said pensions shall be hereafter paid by the United States, in the same manner as to other pensioners of the United States, out of the funds already appropriated for that purpose.

SEC. 2. *And be it further enacted*, That in placing the names of pensioners on the books, pursuant to the directions contained in the foregoing section, the Secretary of War shall be guided by a certificate from the state of South Carolina, when the same shall be delivered to him, under the proper authentications, which certificate shall specify the names of pensioners and sums of pension; and likewise, that they

Certain military pensioners of South Carolina to be placed on the books of the war office, and paid as other pensioners.

A certificate from the state of South Carolina required for entitling any person to the benefit of this

have not been paid since March the fourth, one thousand seven hundred and eighty-nine, by said state; which certificate shall be recorded in the books of the department of war, and the original kept on file. And each officer, non-commissioned officer, and soldier, whose name shall be placed on the said list as a pensioner, in conformity to the provisions of this act, or in case of the death of any such officer, non-commissioned officer, or soldier, his heirs or legal representatives shall receive a sum equal to the arrears of his pension, which shall have accrued from and after the fourth day of March, one thousand seven hundred and eighty-nine, until the passage of this act, or until the death of such pensioner, as aforesaid, as the case may be; which arrearages shall be ascertained and certified by the register of the treasury in the same manner, and under the same restrictions as are contained in the act passed the eleventh day of August, one thousand seven hundred and ninety, intituled "An act for the relief of the persons therein mentioned or described:" *Provided*, that the commutation of half-pay which may have been received by any commissioned officer entitled to a pension, as aforesaid, shall first be returned by such officer into the treasury of the United States, or shall be deducted from the arrears of pension directed to be paid by this act.

APPROVED, March 3, 1804.

act: certificate to be recorded at the war office.

The amount payable to the several claimants, and the principles of settlement.

1790, ch. 45.

Proviso.

STATUTE I.

CHAP. XIX.—*An Act to allow drawbacks of duties, on goods, wares and merchandise transported by land, in the cases therein mentioned.*(a)

March 3, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares and merchandise duly imported into either of the districts of Boston and Charlestown, Salem and Beverly, Newburyport, Ipswich or Marblehead, in the state of Massachusetts, which shall be transported by inland conveyance along the turnpike or other main road into another of the said districts, and be therefrom exported to any foreign port or place, shall be entitled to the benefit of a drawback of the duties upon such exportation, under the same provisions, regulations, restrictions and limitations, as if the goods, wares and merchandise were transported coastwise from one to another of the said districts, and also upon the conditions specified in the seventy-ninth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage."

Goods imported into certain ports and transported by inland conveyance to others, and thence exported, entitled to drawbacks.

Act of March 2, 1799, ch. 22.

SEC. 2. And be it further enacted, That all goods, wares and merchandise duly imported into the district of Delaware, may be transported to the same places, in the same manner, and on the same conditions with goods, wares and merchandise duly imported into the districts of Philadelphia, New York or Baltimore; and shall, in like manner, be entitled to the benefit of a drawback of the duties thereon, upon exportation to any foreign port or place, agreeably to the provisions contained in the seventy-ninth section of an act, intituled "An act to regulate the collection of duties on imports and tonnage:" and that all goods, wares and merchandise, which being duly imported into the districts of Philadelphia, New York or Baltimore, shall be exported from the district of Delaware, shall also be entitled to the benefit of a drawback of the duties on the same, in the same manner, and on the same conditions which are prescribed by the said seventy-ninth section of the act aforesaid, for goods, wares and merchandise, which being duly imported into Baltimore or New York, shall be exported from Philadelphia.

Goods imported into the district of Delaware entitled to drawbacks as in cases of exportation, from Philadelphia, &c.

Act of March 2, 1799, ch. 22, sec. 79, vol. i. 686.

APPROVED, March 3, 1804.

(a) See as to Drawbacks, vol. i. p. 680, 687.

STATUTE I.

March 3, 1804.

[Obsolete.]

Act of July 14, 1798, ch. 70.
Act of March 1, 1805, ch. 20.

Collectors of the direct tax to send transcripts of their sales of land for non-payment of tax to the supervisors or other officers acting in their stead.

Contents of the transcripts.

And to pay over to the same officers any monies received by them under such sales, and belonging to original proprietors.

Forfeiture for failure to comply by collector.

Provision in case of the collector's neglect to comply with the first section.

Lists to be furnished by collectors.

February 28, 1799, ch. 20.

And penalties upon the officers upon whom the duty devolves in that case for their neglect of it.

Supervisors, &c. to keep open the original assessment books, and to

CHAP. XX.—*An Act further to amend the act intituled "An act to lay and collect a direct tax within the United States."*(a)

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 collectors of the direct tax, under whose direction, or by whom any tract of land may have been sold for non-payment of such tax, and where the time limited by law for the redemption of such lands, shall not have expired before the passing of this act, to transmit within three months after the passing of this act, correct transcripts of the lists of all the tracts of land or lots, which have been sold, either in whole or in part, for non-payment of the said tax before the passing of this act, to the supervisor or to the officers to whom the duties of supervisor may have been transferred, or in case there be no such person, to the marshal of the district within which such lands may lie; and the said collectors shall likewise transmit to the same officer, within three months after the completion of any sale made subsequent to the passing of this act, similar transcripts of the lists of all the tracts of land or lots which shall, after the passing of this act, be sold, either in whole or in part, for non-payment of the said tax, which several transcripts shall, in every case, specify the tract or lot sold, in whole or in part, the quantity of land which has been sold; the time when sold; the amount of tax, charges and costs for which it was sold, and the amount paid by, and the name of the purchaser; and shall also designate all those tracts or lots which shall have been redeemed by the original proprietors, or for their benefit, in conformity with the provisions for that purpose heretofore enacted: and it shall also be the duty of the said collectors to pay over, within the time aforesaid, to the officer to whom the above mentioned transcripts may have been transmitted, the amount of all the monies paid to them by or for the benefit of any original proprietor of lands or lots sold for non-payment of the tax, and subsequent to such sale redeemed in conformity with law, by or for such proprietor, which shall not at the time of transmitting the said transcripts, have been repaid by such collector to the purchaser of such land or lots. And any collector failing to comply with the provisions of this section, or with any of them, shall forfeit and pay the sum of one thousand dollars with costs of suit.

SEC. 2. *And be it further enacted,* That if any collector shall fail to transmit the transcripts required by the first section of this act, within the time aforesaid, it shall be the duty of the supervisor, officer acting as supervisor, or marshal, as the case may be, of the district within which the collection district of such collector may be, to prepare within six months after the passing of this act, from the lists or such other documents as may be in his possession, a similar transcript of the list of lands which such collector had by virtue of the second section of the act, intituled "An act to amend an act, intituled An act to lay and collect a direct tax within the United States," been authorized to sell for non-payment of the said tax; which list shall likewise specify in every case, the tract or lot described in the original assessment, and the amount of tax, charges and costs for which it was liable to be sold; and any supervisor, officer acting as supervisor, or marshal, as the case may be, failing to comply with the provisions of this section shall forfeit and pay the sum of five hundred dollars with costs of suit.

SEC. 3. *And be it further enacted,* That it shall be the duty of the supervisors, officers acting as supervisors, or marshals, as the case may be, to exhibit the before mentioned transcripts, whether transmitted by the collector, or prepared by themselves; and also, to keep open the

(a) Notes to act of July 9, 1798, chap. 70, vol. i. 580.

original assessment lists, and whenever required within the time limited by law for the redemption of lands, or lots, thus sold, to any person wishing to ascertain whether any tract of land or lot has been sold for non-payment of the tax, to receive, within the same period, from any person tendering the same, the amount of the tax, charges and costs for which any such tract of land or lot has been sold, with the interest which shall have accrued on the same as fixed by law, and execute a receipt for the same; which payment, by whomsoever made, shall always be considered to be made for the benefit of the original proprietor; and to pay over, at any time, within the same period, when applied for, the monies and interest received from, or for any original proprietors, who shall have availed themselves of the right of redeeming their lands, agreeably to law, to the person who may have purchased the tract of land or lot, so redeemed, when the same was sold for non-payment of the tax, or to the representative of such person.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said supervisor, person acting as supervisor, or marshal, as the case may be, to file, at the end of two years after the completion of the sales of lands sold within their district, for non-payment of the direct tax, with the clerk of the district court within whose district such lands may lie, correct transcripts, similar to those prescribed by the first section of this act, of the lands or lots sold in whole, or in part, for non-payment of the direct tax, and which shall not have been redeemed by, or for, the original proprietor within the said two years; and also to pay into the clerk's office of the said court, for the use of the purchaser or his representatives, any monies remaining in their hands which shall have been paid by such original proprietors, as shall have availed themselves of the right of redemption: and it shall also be the duty of the said supervisors, officers acting as supervisors, or marshals, as the case may be, when any collector shall have failed to transmit to them, or any of them, the transcripts of the lists of lands sold for non-payment of the tax, as required by the first section of this act, to file with the clerk of the said district court the receipts given by such collector, either for the purchase money of lands or lots, thus sold, to the purchasers, or for the redemption of the same, to original proprietors which shall have been delivered by the purchasers, or original proprietors, as the case may be, of lands, or lots, thus sold, to the said supervisors, officers acting as supervisors, or marshals, in the manner, and within the time prescribed by this act.

SEC. 5. *And be it further enacted*, That the several marshals, for the time being, of the said district courts shall alone have the authority in all cases where the time limited by law for the redemption of lands sold, shall not have expired before the passing of this act; and they are hereby authorized and required to execute deeds for so much of the said lands and lots as shall have been sold to satisfy the amount of the direct tax, charges and costs due thereon, and which shall not have been redeemed by or for the original proprietor, within the time limited by law, to the purchasers of such lands or lots, or their legal representatives: *Provided however, and it is further enacted*, That no such deed shall be executed except for lands or lots contained in the transcripts filed with the clerk of the proper district court, in conformity with the preceding section, or unless the purchaser of any tract of land or lot, sold for non-payment of the tax, shall have filed within three months after the passing of this act, or within three months after such sale, with the supervisor, officer acting as supervisor or marshal, as the case may be, a receipt from the collector for the purchase money, dated within thirty days subsequent to such sale, and specifying distinctly, the original description of the land assessed and the quantity sold: *And provided also*, that no such deed shall, in any case, be executed for any land purchased by or for a collector of the direct tax, and not contained in the

receive, and to pay over to purchasers the amount paid by them for property sold on account of taxes.

Limitation of time in which proprietors in this way may redeem their land.

Supervisors, &c. to lodge transcripts of lands sold for non-payment of tax in the clerks' offices of their districts:

and to pay into the said offices the money received from the original proprietors, to redeem their lands for the purchasers.

Duty of the supervisors, &c. in case of the failure of the collectors to furnish the transcripts prescribed by the first section.

Marshals in certain cases to execute deeds for lands sold, and not redeemed.

No deed to be executed except for lands or lots in the transcripts.

Proviso.

transcript filed with the clerk of the district court; nor for any land, although not returned as redeemed by the collector, which shall appear by a certificate, or receipt of the said collector, filed with the supervisor, or officer acting as supervisor or marshal, as the case may be, before the completion of two years after the sale of such land, and filed by such officer with the clerk of the court, in conformity with the preceding section, to have been redeemed by or for the original proprietor by payment of the tax, charges, costs and interest to the said collector previous to the time limited by the first section of this act, for the transmission of transcripts by the collectors of the direct tax.

Collectors to be answerable to purchasers for any excess paid by them over the lands they receive: lands to be conveyed ascertained by the ratio of tax and land sold.

SEC. 6. *And be [it] further enacted*, That where any lot or tract of land shall have been sold before the passing of this act, for non-payment of the direct tax, and for a larger sum than the amount of such tax, with the legal charges and costs, the collector of the said tax shall be accountable to the purchaser for the excess of money paid by such purchaser beyond the amount of such tax, charges, and costs: and deeds shall be executed in favour of such purchasers, only for so much of the land as shall bear the same ratio to the whole quantity of land sold, as the amount of the tax, charges and costs bear to the sum for which the land was sold: and whenever a deed shall be executed for a part only of any tract of land, not described previous to the sale, such part shall be laid off at the expense of the purchaser, under the direction of the district court, and in conformity with the instructions given to the collector, by the supervisor, or officer acting as supervisor, respecting the sales of lands sold for non-payment of the direct tax: *Provided*, that hereafter it shall not be lawful for any collector of the said tax, to sell more of any lot or tract of land than will pay the amount of such tax, with the legal charges and costs.

Proviso.

Fees for services under this act.

SEC. 7. *And be it further enacted*, That for the services prescribed by this act, the following fees shall be allowed and paid by the parties respectively, that is to say:

To every supervisor for examining the transcripts of land sold, twenty-five cents: for receiving payment of the tax, charges and costs for which any tract of land, or lot, may have been sold in whole, or in part, fifty cents; and for filing a certificate or receipt of the collector, deposited by the purchaser, or original proprietor, six cents.

To the marshal of the court, one dollar for preparing and executing a deed.

APPROVED, March 3, 1804.

STATUTE I.

March 14, 1804.

CHAP. XXI.—*An Act making appropriations for the support of government, for the year one thousand eight hundred and four.*

[Obsolete.]
For what purposes appropriations made.

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 the same hereby are respectively appropriated; that is to say:

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

For the expense of firewood, stationery, printing, and all other contingent expenses of both houses, including the expense of printing the

President's message of the twenty-third of December, one thousand eight hundred and two, with the accompanying documents, thirty-two thousand seven hundred dollars. Specific appropriations.

For the purchase of books for the use of both houses of Congress, the balance of the former appropriation being carried to the credit of the surplus fund, two thousand seven hundred and three dollars and five cents.

For furniture for the House of Representatives, being an expense incurred in the year one thousand eight hundred and three, twelve hundred dollars.

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

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

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

For printing and distributing copies of the laws of the first session of the eighth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, including those engaged on the business belonging to the late office of the commissioner of the revenue, fourteen thousand and ninety-two dollars and eighty-seven cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand 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, printing, and incidental and contingent expenses in the comptroller's office, eight hundred dollars.

For defraying the expense of preparing new certificates of registry for ships and vessels, in conformity with the law of the second of March, one thousand eight hundred and three, four thousand five hundred dollars. 1803, ch. 18.

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

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

For expense of stationery and printing, (including books for the public stock and for the arrangement of the marine papers) two thousand eight hundred dollars.

For the expense of printing and transmitting the certificates of the six per cent. stock, created by virtue of the act of the tenth of November, one thousand eight hundred and three, one thousand five hundred dollars.

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

For compensation of the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States,

Specific ap-
propriations.

northwest of the river Ohio, and in keeping the books of the treasury, in relation to the sales of lands at the several land-offices, two thousand dollars.

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

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

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

For compensation to a superintendent employed to secure the buildings and records of the treasury, during the year one thousand eight hundred and four, including the expense of two watchmen, and for the repair of two fire engines, and other incidental expenses, one thousand one hundred dollars.

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

For the expenses of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, including certain contingent expenses incurred in the year one thousand eight hundred and one, one thousand one hundred and fifty dollars and two cents.

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 to clerks employed in the paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

1799, ch. 40.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, including a sum of twelve hundred dollars for compensation 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, store rent and fuel for the said office, four thousand eight hundred dollars.

For extra expenses incurred by the removal of the office of purveyor of public supplies from Philadelphia to Germantown, in the year one thousand eight hundred and three, two hundred and three dollars.

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

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

1799, ch. 40.

For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars, for 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 and ten 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 sum of four thousand five 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 nine hundred and fifty-five dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c., exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department; 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 three hundred and thirty-three dollars and thirteen cents.

For compensation to the clerks of the several 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 extra expenses occasioned by the removal of the loan office of Pennsylvania to Germantown, during the summer of one thousand eight hundred and three, three hundred and forty-nine dollars.

For defraying the expense of clerk hire in the office of the commissioner of loans of 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.

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

For compensation to the officers of the mint:—

The director, two thousand dollars.

The treasurer, one thousand two hundred dollars.

The assayer, one thousand five hundred dollars.

The chief coiner, one thousand five hundred dollars.

The melter and refiner, one thousand five hundred dollars.

The engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

And two, at five hundred dollars each.

For the wages of persons employed at the different branches of melting, coining, carpenters, millwrights and smiths' 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 the 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, including a sum of eighty-two dollars, for the compensation of one of the judges, which has been carried to the credit of the surplus fund, five thousand two hundred and thirty-two 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 compensation granted by law to the chief justice, associate judges

Specific ap-
propriations.

and district judges of the United States, including the chief justice and two associate judges of the district of Columbia, and to the attorney-general, and including also one thousand dollars for the compensation of the district judge of Ohio, for the year one thousand eight hundred and three, fifty-four thousand nine hundred dollars.

For the like compensation 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, Ohio, east and west Tennessee, 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, forty thousand dollars.

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

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

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and four, to the fourth of March, one thousand eight hundred and five, ninety-eight thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys and public piers, and stakeage of channels, bars and shoals, and certain contingent expenses, fifty-five thousand nine hundred and fifty-one dollars and thirty-three cents.

For the erection of a lighthouse on New Point Comfort, five thousand dollars; being the amount of a former appropriation carried to the credit of the surplus fund.

For the payment of balances due on the contracts for erecting the lighthouses on Old Point Comfort, and Smith's Point, and for the inspection of the work, the balance of the former appropriations being carried to the credit of the surplus fund, two thousand dollars.

For erecting a lighthouse on Gull's Island, in the sound between Long Island and the Main, in addition to the sum heretofore appropriated for that purpose, three thousand five hundred dollars.

For defraying the expenses incident to the purchase or erection of certain warehouses and wharves, under the act respecting quarantine and health laws, in addition to the sums heretofore appropriated for that purpose, five thousand dollars: and so much of the sums received on account of storage for merchandise deposited in the public warehouses under said act, as may be necessary, is hereby appropriated to the erection and repairs of the warehouses, and to carry the said act into effect.

1798, ch. 70. For defraying the expenses incident to the valuation of lands and houses, and enumeration of slaves within the United States, as directed by the act of the ninth of July, one thousand seven hundred and ninety-eight; the balance of former appropriations having been carried to the credit of the surplus fund, three thousand dollars.

1803, ch. 27. For the purpose of carrying into effect the act of the third of March, one thousand eight hundred and three, in relation to the lands south of the state of Tennessee, in addition to the sum therein appropriated, ten 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, accord-

ing to the usage thereof, to require payment in specie, four thousand dollars.

Specific appropriations.

For furniture for the President's house, being the balance of a former appropriation, carried to the credit of the surplus fund, one hundred and forty-five dollars and seventeen cents.

For expenses of intercourse with foreign nations, including the compensation of the consuls at the several Barbary powers, forty-six thousand five hundred and fifty dollars.

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

For carrying into effect the treaty between the United States and the king of Spain, the balance of former appropriations having been carried to the credit of the surplus fund, thirty-two thousand seven hundred and forty-seven dollars and thirty-six cents.

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

For salaries of the agents in Paris and Madrid, for prosecuting claims in relation to captures, three thousand three hundred and fifty dollars.

For satisfying a balance due to John Habersham, late agent for supplying the troops in Georgia, nine thousand and fifty-five dollars and seventeen cents.

For the relief of sick or disabled American seamen at New Orleans, in addition to the appropriations heretofore made for that purpose, one thousand dollars.

For discharging such sums as may, on settlement of their accounts, by the accounting officers of the treasury, be found due to persons whose property was taken for the use of the militia employed on the expedition to suppress the former insurrection in the western counties of Pennsylvania, one thousand dollars.

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

Out of what fund payable.

1790, ch. 34.

SEC. 3. *And be it further enacted*, That the sum which shall be found due on a settlement of the accounts of the militia who served on an expedition commanded by Major Thomas Johnson, against the Indians, in the year one thousand seven hundred and ninety-four, be paid out of any monies in the treasury, not otherwise appropriated; the appropriation made by the act of the thirteenth of May, one thousand eight hundred, having been carried to the credit of the surplus fund.

Sum found due to Thomas Johnson to be paid to him, and out of what fund.

APPROVED, March 14, 1804.

STATUTE I.

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

March 16, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given and declared to an act of the general assembly of Virginia, intituled "An act for improving the navigation of James river," which act was passed on the twenty-third day of January, in the year one thousand eight hundred and four.

Assent of Congress to act of Virginia for improving the navigation of James river.

APPROVED, March 16, 1804.

STATUTE I.

March 16, 1804.

Act of April 7, 1798, ch. 26.
Act of Feb. 18, 1801, ch. 5.
Act of March 3, 1803, ch. 35.
Act of Feb. 24, 1810, ch. 12.
Act of April 23, 1812, ch. 63.

Former act revived and continued in force.

STATUTE I.

March 16, 1804.

[Obsolete.] Appropriations made for carrying the convention into effect.

For salaries of commissioners.

Proviso.

For the salary of an agent.

President authorized to make the appointments of commissioners and an agent, and to grant them commissions.

Act to take effect from the exchange of ratifications.

STATUTE I.

March 16, 1804.

When a sufficient quantity of land at the point shall be conveyed to the United States, the President shall fix upon the site for a lighthouse.

CHAP. XXIII.—*An Act to revive and continue in force, an act intituled "An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," approved on the seventh of April, one thousand seven hundred and ninety-eight, shall be, and the same is hereby revived and continued in force for the term of two years from the passage of this act, and no longer.

APPROVED, March 16, 1804.

CHAP. XXIV.—*An Act making an appropriation for carrying into effect the convention concluded between the United States and the King of Spain, on the eleventh day of August, one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expense which may arise in carrying into effect the convention concluded between the United States and the king of Spain, on the eleventh day of August, one thousand eight hundred and two, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby are appropriated, that is to say :

For the salaries of the commissioners, including half the compensation of the fifth commissioner, half the expenses of the board, and the contingent expenses of the commissioners of the United States, twelve thousand seven hundred and sixty dollars: *Provided,* that the compensation to be allowed to any of the commissioners, who may be appointed in pursuance of the said convention, shall not exceed the rate of four thousand four hundred and forty-four dollars per annum.

For the salary of an agent, whom the President of the United States is hereby authorized to appoint, for the purpose of supporting the claims of citizens of the United States, before the board of commissioners, and to whom a compensation, not exceeding the rate of three thousand dollars per annum, may be allowed, three thousand dollars.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he hereby is authorized to make the appointment of the said commissioners and agent, during the recess of the Senate, and to grant to the persons thus appointed, commissions which shall remain in force until the end of the next session of Congress, and no longer.

SEC. 3. *And be it further enacted,* That this act shall take effect and be in force, from and after the day when the exchange of ratifications of the said convention shall be made.

APPROVED, March 16, 1804.

CHAP. XXV.—*An Act to provide for Lighthouses and buoys in the cases therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as the proprietor of the south end or point of St. Simon's island in the state of Georgia, shall convey, by good and sufficient titles, unto the United States, so much land on the south end of the said island, as the President of the United States shall deem sufficient and most proper for the site and accommodation of a lighthouse; and the jurisdiction of the land, so to be conveyed, shall have been ceded to the United States, by the state of

Georgia, it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President of the United States, for building a lighthouse thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same. And the President is hereby authorized to make the said appointments.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury under the direction of the President, be authorized and required to cause to be placed a buoy or buoys at such place or places on or near the bar of St. Simon's, as may conduce to the safe pilotage of vessels to and from the ports of Brunswick and Frederica.

SEC. 3. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to cause to be rebuilt, in such manner as he may deem expedient, the lighthouse at Clark's point within the town of New Bedford, in the state of Massachusetts.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and required to cause a sufficient lighthouse to be erected on Fivemile point, so called, near the entrance of the harbor of New Haven, in the state of Connecticut, and to appoint a keeper, and otherwise provide for such lighthouse at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse, can be obtained at a reasonable price, and the legislature of Connecticut shall cede the jurisdiction over the same to the United States.

SEC. 5. *And be it further enacted*, That there be appropriated for the purpose of defraying the charges and expenses to be incurred in executing the two first sections of this act, the sum of seven thousand dollars;—for rebuilding the lighthouse as aforesaid at Clark's point, a sum not exceeding two thousand five hundred dollars; and for the erection of a lighthouse at the Fivemile point aforesaid, a sum not exceeding two thousand five hundred dollars; which sums shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, March 16, 1804.

The Secretary of the Treasury shall make arrangements for building one, &c. The President to appoint a keeper, &c.

Secretary of the Treasury to have buoys placed near the bar of St. Simon's.

The Secretary of the Treasury to cause to be rebuilt, the lighthouse at Clark's point.

Secretary of the Treasury required to cause a lighthouse to be built at Fivemile point, &c. *Proviso*.

Appropriations for carrying this act into effect.

Lighthouse at Clark's point.

Lighthouse at Fivemile point, Georgia.

STATUTE I.

March 19, 1804.

CHAP. XXVI.—*An Act granting further time for locating military land warrants, and for other purposes.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act 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," approved the twenty-sixth day of April, eighteen hundred and two, be, and the same is hereby revived and continued in force, until the first day of April, one thousand eight hundred and five: *Provided, however*, that the holders or proprietors of warrants or registered certificates, shall and may locate the same, 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:." *And provided also*, that no holder or proprietor of warrants or registered certificates, shall be permitted to locate the same by virtue of this act, unless the Secretary of War shall have made an endorsement on such warrant or registered certificate, certifying that no

Former act revived and continued in force till the first April, one thousand eight hundred and five.

Act of March 1800. Act of March 23, 1804, ch. 33.

Limitation as to the location of warrants.

1802, ch. 30. June 1, 1796, ch. 46.

Proviso.

The Secretary of War to endorse the war-

(a) See notes to vol. i. 464, and act of March 23, 1804, vol. 2. 274.

warrant or certificate that no warrant has been issued for the same in virtue of the act of March 3, 1803, ch. 33.

Act of March 1, 1800.

warrant has been issued for the same claim to military bounty land, and by virtue of the second section of the act, intituled "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," approved the third day of March, eighteen hundred and three.

APPROVED, March 19, 1804.

STATUTE I.

March 19, 1804.

CHAP. XXVII.—*An Act providing for the expenses of the Civil Government of Louisiana.*

[Obsolete.]
Monies received for duties or taxes in Louisiana to be accounted for and paid into the treasury, as other monies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the monies which have been, or which shall be received by any officer of the United States, on account of duties or taxes within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, eighteen hundred and three, shall be paid into the treasury, and accounted for in the same manner as other public monies.

Appropriations for defraying the expenses incurred in taking possession of, and holding Louisiana till a new government thereof shall be established.

SEC. 2. *And be it further enacted,* That for the purpose of making a reasonable compensation to the person or persons, in whom the powers of civil government, heretofore exercised by the officers of the said territories under the Spanish and French governments, have been vested by the President of the United States, and also for defraying the other civil expenses of the said territories, from the time when possession of the same was obtained by the United States, to the time when a form of government shall, under the authority of Congress, be established therein, a sum not exceeding twenty thousand dollars, to be expended under the direction of the President of the United States, and to be accounted for as other public monies, shall be, and the same hereby is appropriated, to be paid out of any monies in the treasury, not otherwise appropriated.

To be expended under the direction of the President of the United States.

APPROVED, March 19, 1804.

STATUTE I.

March 19, 1804.

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

[Obsolete.]
Bonds given for duties, where the obligors have sustained losses by the fire, to be cancelled, and new ones with further indulgence to the debtors, to be taken by the collector.

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 Norfolk and Portsmouth, and who have suffered a loss of property by the late conflagration at the town of Norfolk, 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 collector new bonds, with one or more sureties to the satisfaction of the 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 nineteenth day of February last.

APPROVED, March 19, 1804.

STATUTE I.

March 19, 1804.

CHAP. XXIX.—*An Act making an appropriation for defraying the expenses incurred in inquiring into the official conduct of Samuel Chase, and Richard Peters, and in conducting the impeachment against John Pickering.*

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 dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for the payment of such expenses as may have been or hereafter may be incurred in prosecuting the inquiry into the official conduct of Samuel Chase, and Richard Peters, and in conducting the impeachment against John Pickering.

Appropriations for carrying on the impeachments against Samuel Chase and John Pickering.

SEC. 2. *And be it further enacted,* That to every witness summoned to attend the Senate in support of the said impeachment, there shall be allowed for every day's attendance, the sum of three dollars, and at the rate of twelve and a half cents per mile, in coming from and returning to his place of abode, for travelling expenses.

Fees to the witnesses.

SEC. 3. *And be it further enacted,* That any other expense certified by the chairman of any committee appointed to conduct the said inquiry or impeachment, to have been authorized by him, shall also be allowed and paid.

Any other expense authorized by the chairman of the committee to be allowed and paid.

APPROVED, March 19, 1804.

STATUTE I.

March 23, 1804.

CHAP. XXXI.—*An Act altering the sessions of the District Courts of the United States for the districts of Virginia, Rhode Island, and for the district of West Tennessee.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the district court for the district of Virginia, directed by law to be held in the town of Norfolk, shall be hereafter held and commence on the fifteenth day of June, and on the fifteenth day of December, in every year; and that the sessions of the said court, directed by law to be held in the city of Richmond, shall be held and commence on the nineteenth day of May, and on the nineteenth day of November, in every year. (a)

Sessions of the district court of Virginia altered.

Court at Norfolk to commence June and December 15th, 1805, at Richmond, May and November 19th.

SEC. 2. *And be it further enacted,* That when either of the said days shall happen to be a Sunday, the sessions of the said court shall commence on the following day.

If either of the days Sunday, the court to commence on the following day.

SEC. 3. *And be it further enacted,* That all writs and process which have been issued, and all recognizances returnable, and all suits and other pleadings which have been continued, to the said district court, directed by law to be holden in Norfolk, on the third Tuesday in March next, shall be returned and held continued to the fifteenth day of June next; and in like manner, all writs and process which [have] been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court, directed by law to be holden in the city of Richmond, on the third Tuesday in June next, shall be returned, and held continued to the nineteenth day of May next.

Writs and process continued over accordingly.

SEC. 4. *And be it further enacted,* That from and after the first day of April next, the session of the district court for the district of Rhode Island, shall commence at Newport, on the second Tuesday in May, and third Tuesday in October; at Providence, the first Tuesday in August, and the first Tuesday in February, annually; any law to the contrary notwithstanding.

Sessions of the district court of Rhode Island altered.

SEC. 5. *And be it further enacted,* That all suits, process, and proceedings, of what nature or kind soever, pending in, or made returnable

Writs and process continued

(a) By the act of March 24, 1819, the sessions of the court are to be held at Richmond on the 1st day of April, and the 15th day of October, and at Norfolk on the 1st day of May, and the 1st day of November.

over accordingly.

Sessions of the district court of West Tennessee altered.

Process continued over accordingly.

See act of February 24, 1807, sec. 4, ch. 15.

to 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.

SEC. 6. *And be it further enacted*, That the sessions of the district court for the district of West Tennessee, directed by law to be held in the town of Nashville, shall be hereafter held and commence on the Thursday next succeeding the fourth Mondays of May and November, in every year; and that all writs and process which have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court, directed by law to be held at Nashville, on the fourth Monday of May next, shall be returned and held continued to the Thursday next succeeding said fourth Monday.

APPROVED, March 23, 1804.

STATUTE. I.

March 23, 1804.

[Obsolete.]

Act of February 18, 1791, ch. 10.

Bank of the U. States authorized to establish offices of discount and deposit.

CHAP. XXXII.—*An Act supplementary to the act, intituled "An act to incorporate the subscribers to the Bank 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 and directors of the Bank of the United States shall be, and they are hereby authorized to establish offices of discount and deposit in any part of the territories or dependencies of the United States, in the manner, and on the terms prescribed by the act to which this is a supplement.

APPROVED, March 23, 1804.

STATUTE I.

March 23, 1804.

Boundary line now under the direction of the surveyor-general established.

Proviso, that within two years the state of Virginia recognize the line.

Officers and soldiers to complete their locations in three years within the reserved territory.

Officers and soldiers whose bounty land shall have been located on that part of the territory to which the Indian title

CHAP. XXXIII.—*An Act to ascertain the boundary of the lands reserved by the state of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the line run under the direction of the surveyor-general of the United States, from the source of the Little Miami, towards the source of the Scioto, and which binds on the east, the surveys of the lands of the United States, shall, together with its course continued to the Scioto river, be considered and held as the westerly boundary line, north of the source of the Little Miami, of the territory reserved by the state of Virginia, between the Little Miami and Scioto rivers, for the use of the officers and soldiers of the continental line of that state: *Provided*, that the state of Virginia shall, within two years after the passing of this act, recognize such line as the boundary of the said territory.

SEC. 2. *And be it further enacted*, That all the officers and soldiers, or their legal representatives who are entitled to bounty lands within the above-mentioned reserved territory, shall complete their locations within three years after the passing of this act, and every such officer and soldier, or his legal representative, whose bounty land has or shall have been located within that part of the said territory, to which the Indian title has been extinguished, shall make return of his or their surveys to the secretary of the department of war, within five years after the passing of this act, and shall also exhibit and file with the said secretary, and within the same time, the original warrant or warrants under which he claims, or a certified copy thereof, under the seal of the office where the

(a) Act of March 2, 1807, chap. 21; act of April 30, 1810, chap. 35; act of April 11, 1818, chap. 43; act of April 18, 1818, chap. 62; act of February 24, 1819, chap. 40; act of April 20, 1822, chap. 29; act of March 3, 1823, chap. 38; act of May 18, 1824, chap. 88; act of May 4, 1826, chap. 34; act of March 2, 1827, chap. 35; act of May 23, 1828, chap. 71; act of February 25, 1831, chap. 34; act of July 3, 1832, chap. 163; act of July 24, 1832, chap. 205; act of January 27, 1835, chap. 6; act of July 7, 1838, chap. 166; act of September 4, 1841, chap. 16.

said warrants are legally kept; which warrant, or certified copy thereof, shall be sufficient evidence that the grantee therein named, or the person under whom such grantee claims, was originally entitled to such bounty land: and every person entitled to said lands and thus applying, shall thereupon be entitled to receive a patent in the manner prescribed by law.

SEC. 3. *And be it further enacted*, That such part of the above mentioned reserved territory as shall not have been located, and those tracts of land, within that part of the said territory to which the Indian title has been extinguished, the surveys whereof shall not have been returned to the Secretary of War, within the time and times prescribed by this act, shall thenceforth be released from any claim or claims for such bounty lands, and shall be disposed of in conformity with the provisions of the act, intituled "An act in addition to, and modification of, the propositions contained in the act, intituled An act to enable the people of the eastern division of the territory, northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes."

APPROVED, March 23, 1804.

has been extinguished to make returns, &c. to the Secretary of War in five years.

Papers returned to be evidence entitling the claimants to patents.

1803, ch. 21.
Act of April 16, 1816, ch. 49.
Act of April 11, 1818, ch. 43.
Act of Feb. 24, 1819, ch. 40.

Unlocated portion of the reserved territory in five years to be released from claims and disposed of, &c.

STATUTE I.

CHAP. XXXIV.—*An Act further to alter and establish certain post roads, and for other purposes.*(a)

March 26, 1804.

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

Post roads discontinued.

In North Carolina.—From Woodstock to Hyde Courthouse; from Halifax to Tarborough; and from Tarborough to Louisburg.

North Carolina.

In Virginia.—From Lexington, by Amherst Springs, to Cabelsborough; from Pendleton Courthouse to Bath Courthouse; and from Alexandria to Piscataway, in Maryland.

Virginia.

In Kentucky.—From Hartford, by Vienna, to Muhlenburg Courthouse.

Kentucky.

In Ohio.—From Zanesville to Marietta, and from Cincinnati to Detroit.

Ohio.

In Maryland.—From Westminster to Taneytown; from Emmitsburg to Fairfield, in Pennsylvania; from Elkton to Sassafraz; from Bridgetown to Greenborough, and from Brookville to Taneytown.

Maryland.

In Pennsylvania.—From Pittsburg to Meedsville.

Pennsylvania.
Massachusetts.

In Massachusetts.—From Worcester to Providence, in Rhode Island.

In Vermont.—From Newbury, by Barry, to Montpelier.

Vermont.
New York.

In New York.—From the town of Chester, in Washington county, to Plattsburg.

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

Post roads established.

In Georgia.—From Athens to Walkinsville.

Georgia.

In South Carolina.—From Orangeburg, by Barnwell Courthouse, Tredways, and Town creek mills to Campbetton; from Statesburg to Columbia.

South Carolina.

In North Carolina.—From Warrenton, by Ransom's bridge and Enfield, to Tarborough; and to return, by Nash Courthouse, Silp's store and Ransom's bridge, to Warrenton; from Halifax to Enfield; from Scotland Neck, by Granbury's Cross-roads, to Windsor; and from Newbern to the town of Beaufort; from Raleigh, by Nutall's store, to Merritsville.

North Carolina.

(a) Act to regulate the Post-office department, May 1, 1810, chap. 37; act of March 3, 1825, chap. 64; act of July 2, 1836, chap. 270. Act of March 3, 1845, chap. 43.

- Virginia. *In Virginia.*—From Fredericksburg, by Falmouth, Elk Run Church, Fauquier Courthouse and Salem, to Paris; from Clarksburg, by Buchanan settlement, to Randolph Courthouse; from Lancaster Courthouse to Kilmarnock; and from Kanawha Courthouse, by Point Pleasant, to Galliopolis, in Ohio; from thence to the Scioto Salt Springs; and from Prince Edward Courthouse, by Lester's store, Wheeler's Springs, and Campbell Courthouse, to New London; from Danville, in Virginia, to Lenox's castle, in North Carolina; and from Wood Courthouse to Marietta.
- Kentucky. *In Kentucky.*—From Springfield, by Green Courthouse, Adair Courthouse, and Cumberland Courthouse, to Jackson Courthouse, in Tennessee; and from thence to Blackburn Springs; from John Wood's near the Hazle patch, to Lincoln Courthouse; from the town of Washington to Augusta; from Frankfort to Henry Courthouse; that the post road from Montgomery Courthouse to Fleming Courthouse, shall pass by Slate creek iron works, and the Upper Blue Licks; and that the post road from Hartford to Logan Courthouse, shall pass by Muhlenburg Courthouse.
- Tennessee. *In Tennessee.*—From Dixon's Springs, by Lebanon and Rutherford Courthouse, to Nashville; and that the post road from Nashville to Springfield, shall pass by Mansker's lick.
- Ohio. *In Ohio.*—From Warren, in the county of Trumbull, by Cleveland, to Detroit; from Chilicothe to Alexandria; from Steubenville to New Lisbon; from Chilicothe to Franklinton; from Cincinnati, through Franklin and Dayton, to Stanton; from thence, through Wainsville and Deerfield, to Charleston; from Zanesville, through Tuscorowa, to Graden-hutton; and that the post road from Georgetown to Canfield, shall pass through New Lisbon.
- Pennsylvania. *In Pennsylvania.*—From Alexandria, through Hollidaysburg, Beula and Armagh, to Greensburg; from Pittsburg, through Butler and Mercer, to Meedsville; from Bedford, by Berlin, to Somerset; from Chambersburg, through Strasburg and Faunetsburg, to Huntingdon.
- New Jersey. *In New Jersey.*—From Ringoe's tavern, by Somerset Courthouse, Boundbrook, Scotch Plains and Springfield, to Newark; and from Rahway, by Scotch Plains, to New Providence.
- New York. *In New York.*—From Kingston, through Catskill, Loonenburg, and Cocksackie, to the city of Albany; from Lansingburg, through Schaghticoke, Easton, Argyle, and Hartford, to Whitehall; from Owego to Aurora; from Unadella to Cooperstown; from the little falls on the Mohawk river, to the academy in Fairfield; from Kingston, by Delhi, to the post-office in Meredith; from Walton to Jericho; from the Painted post, in the state of New York, to Williamsport, in the state of Pennsylvania; the post road from Canandagua to Niagara, shall pass by Buffalo Creek.
- Connecticut. *In Connecticut.*—From Hartford, through Granby and Granville, to Blanford, in Massachusetts; from New Haven, through Hamden, Cheshire, and Southington, to Farmington; and from Hartford, through Glastenbury and Colchester, to New London.
- Massachusetts. *In Massachusetts.*—From Shrewsbury, through Holden, Rutland, Oakham, Hardwick, Greenwich, Pelham and Amherst, to Northampton.
- Maine. *In Maine.*—From Brunswick, by Litchfield and Hollowell, to Augusta; from Wiscassett to Boothbay; and from Fryburgh, through Conway, the notch of the White Mountain, Jefferson, Lancaster, to Guildhall Courthouse, in Vermont.
- New Hampshire. *In New Hampshire.*—From Haverhill in Massachusetts, to pass through Salem, to Windham in New Hampshire; from Alsop to Conway; from Salisbury to Plymouth, alternately on each side of Merimack river; from Littleton to Guildhall Courthouse, alternately on each side of Connecticut river; from Littleton, through St. Johnsbury and Danville in Vermont, to St. Alban's on Lake Champlain.

In Louisiana.—From Massac, on the Ohio river, to Cape Girardeau, in Louisiana; from thence to New Madrid; from the said Cape Girardeau, by St. Geneveive to Kaskaskias, in the Indiana territory; and from Cahokia to St. Louis, in Louisiana; from Natchez to Tombigby; and from Natchez to New Orleans.

Louisiana.

SEC. 3. *And be it further enacted*, That all letters, returns, and other papers on public service, sent by the mail to or from the offices of inspector and paymaster of the army, shall be received and conveyed free of postage.

Letters to or from the offices of inspector and paymaster to be conveyed free.

SEC. 4. *And be it further enacted*, That whenever it shall be made to appear to the satisfaction of the Postmaster-General, that any road established by this or any former act, as a post road, is obstructed by fences, gates, or bars, other than those lawfully used on turnpike roads, to collect their toll, and not kept in good repair with proper bridges and ferries, where the same may be necessary, it shall be the duty of the Postmaster-General to report the same to Congress, with such information as can be obtained, to enable Congress to establish some other road instead of it in the same main direction.

[Obsolete.] Postmaster-General to report to Congress the roads which have obstructions.

[Obsolete.] Congress to establish other roads.

SEC. 5. *And be it further enacted*, That this act shall not be so construed as to affect any existing contract for carrying the mail.

Existing contracts not affected by this act.

APPROVED, March 26, 1804.

STATUTE I.

CHAP. XXXV.—*An Act making provision for the disposal of the public lands in the Indiana territory, and for other purposes.*(a)

March 26, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested by law in the surveyor-general, shall extend over all the public lands of the United States to which the Indian title has been or shall hereafter be extinguished, north of the river Ohio, and east of the river Mississippi; and it shall be the duty of the said surveyor-general to cause the said lands to be surveyed into townships, six miles square, and divided in the same manner and under the same regulations, and to do and perform all such other acts in relation to the said lands, as is provided by law in relation to the lands of the United States, situate northwest of the river Ohio and above the mouth of Kentucky river: *Provided*, that the whole expense of surveying and marking the lines shall not exceed three dollars for every mile that shall be actually run, surveyed and marked: *And provided also*, that such tracts of land as are lawfully claimed by individuals within the said boundaries, and the title whereto has been or shall be recognized by the United States, shall be laid out and surveyed at the expense of the parties respectively, in conformity with the true boundaries of such tracts. And it shall also be the duty of the said surveyor-general to cause to be run, surveyed and marked such of the Indian boundary lines of the said lands, as have not yet been surveyed; and with the approbation of the President of the United States to ascertain by astronomical observations the positions of such places north of the river Ohio and east of the river Mississippi, as may be deemed necessary for the correctness of the surveys, and to be the most important points of the geography of the country.

Powers of the surveyor-general extended over all the lands of the U. States north of the Ohio, and east of the Mississippi; and he shall cause them to be laid off into townships.

Expenses of surveying not to exceed three dollars per mile.

Tracts claimed to be laid out at the expense of the claimant.

Indian boundary lines to be run and marked.

SEC. 2. *And be it further enacted*, That for the disposal of the lands of the United States, north of the river Ohio and east of the river Mississippi, in the Indiana territory, three land-offices shall be established in the same, one at Detroit for the lands lying north of the state of Ohio to which the Indian title has been extinguished; one at Vincennes for the lands to which the Indian title has been extinguished, and which

Land-offices established at Detroit, Vincennes and Kaskaskia.

(a) See notes to act of March 23, 1804, chap. 33; an act granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, &c., March 3, 1791, chap. 27, vol. i. 221.

Register and receiver of public monies appointed for each of them. Duties and emoluments of these officers.

Persons claiming lands described in the preceding sections, under grants from the French, British or United States governments to deliver to the registers of the land-offices of the districts in which the lands are situated, statements of the extent of their claims.

Which shall be recorded. Fees demandable for the same. Neglect to deliver notice.

The registers to be commissioners in their respective districts.

Oath of office.

Their duties. The commissioners to meet in the several districts and to decide upon claims: invested with power to compel the attendance of witnesses to examine them: To report their proceedings to Congress.

are included within the boundaries fixed by the treaty lately held with the Indian tribes of the Wabash; and one at Kaskaskia, for so much of the lands included within the boundaries fixed by the treaty of the thirtieth of August, one thousand eight hundred and three, with the Kaskaskia tribe of Indians, as is not claimed by any other Indian tribe: and for each of the said offices a register and a receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments and duties, and authority, shall, in every respect, be the same in relation to the lands which shall be disposed of at their offices, as are or may be 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. 3. *And be it further enacted,* That every person claiming lands within any of the three tracts of land described in the preceding section, by virtue of any legal grant made by the French government, prior to the treaty of Paris, of the tenth of February, one thousand seven hundred and sixty-three, or of any legal grant made by the British government, subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, of the third of September, one thousand seven hundred and eighty-three, or of any resolution, or act of Congress, subsequent to the said treaty of peace, shall, on or before the first day of January, one thousand eight hundred and five, deliver to the register of the land-office, within whose district the land may lie, a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and may 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, or to cause to be recorded such written evidence of the same, all his right, so far as the same is derived from any resolution or act of Congress, shall become void, and for ever be barred.

SEC. 4. *And be it further enacted,* That the register, and receiver of public monies, of the three above mentioned land-offices, shall, for the lands respectively lying within their districts, be commissioners for the purpose of examining the claims of persons claiming lands by virtue of the preceding sections. Each of the said commissioners shall, previous to entering on the duties of his 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 imposed upon me, as commissioner for examining the claims to land, by an act of Congress, intitled An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

It shall be the duty of the said commissioners to meet at the places where the said land-offices are by this act established, respectively, on or before the first day of January, one thousand eight hundred and five; and each board shall, in their respective districts, have power to hear in a summary manner all matters respecting such claims; also to compel the attendance of witnesses, to administer oaths, and examine witnesses, and such other testimony as may be adduced, and to decide thereon according to justice and equity, which decision shall be laid before Congress in the manner herein after directed, and be subject to their decision thereon. 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, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made; which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land-offices; and the said clerk shall prepare two transcripts of all the decisions made by the said commissioners in favour of the claimants to land, both of which shall be signed by the said commissioners, and one of which shall be transmitted to the surveyor-general, and the other to the Secretary of the Treasury; and the lands, the claims to which shall have been thus affirmed by the commissioners, shall not be otherwise disposed of, until the decision of Congress thereupon shall have been made. It shall likewise be the duty of the said commissioners to make to the Secretary of the Treasury a full report of all the claims filed with the register of the proper land-office, as above directed, which they may have rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper: which reports, together with the transcripts of the decisions of the commissioners in favour of claimants, shall be laid by the Secretary of the Treasury before Congress at their next ensuing session. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of five hundred dollars in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation, to wit: "I, _____ do solemnly swear, (or affirm,) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners for examining the claims to land, as enjoined by an act of Congress, intituled An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."

SEC. 5. *And be it further enacted*, That all the lands aforesaid, not excepted by virtue of the preceding section, 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 an entire township in each of the three above-described tracts of country or districts, to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs and lands reserved for the use of the same as herein after directed, be offered for sale to the highest bidder, under the direction of the surveyor-general, or governor of the Indiana territory, of the register of the land-office, and of the receiver of public monies, 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: the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size and on the same terms and conditions as have been or may be by law provided for the lands sold north of the river Ohio, and above the mouth of Kentucky river. All lands, other than the reserved sections and those excepted as above mentioned, 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 are or may be provided by law for the sale of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river. And patents shall be obtained for all lands granted or sold in the Indiana territory, in the same manner and on the same terms as is or may be provided by law for lands sold in the state of Ohio, and in the Mississippi territory.

SEC. 6. *And be it further enacted*, That all the navigable rivers, creeks and waters, within the Indiana territory, shall be deemed to be

The board to have power to appoint clerks.

Duty of clerks. Books and papers, upon the dissolution of the board, to be lodged in the offices of the registers of the land-offices.

Clerks to prepare transcripts of the decisions of the boards.

Commissioners to make report to the Secretary of the Treasury of the claims rejected by them, with the substance of the evidence adduced in their support.

Secretary of the Treasury to report these with the transcripts of claims admitted to Congress.

Compensation to the commissioners and clerks.

Official oath of the clerks.

All the lands with certain exceptions, to be sold, on what terms and where.

Salt springs.

Act of May 18, 1796, ch. 29.

Lands remaining unsold after three weeks may be disposed of at private sale.

Act of May 18, 1796, ch. 29.

All the navigable rivers &c.

in the Indiana territory to be public highways.

Salt springs, with contiguous sections reserved for the disposal of the United States.

Surreptitious grants of salt springs null and void.

Provisions in favour of purchases under J. C. Symmes continued in force till June next.

Act of May 1, 1802, ch. 44.

The register and receiver of the land-office at Cincinnati.

No right of pre-emption to be granted except in favour of persons who had contracted with John Cleves Symmes, &c. after January 1, 1800.

Persons who hold such certificates allowed until 1806, to complete the payment of the first instalment.

Proviso in favour of persons who have made improvements.

Persons having certificates of rights of pre-emption under contracts with or purchases from J. Cleves Symmes allowed further time for paying.

Fractional sections may be sold, united or singly.

and remain public highways; (a) and the several salt springs in the said territory, together with as many contiguous sections to each, as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States: and any grant which may hereafter be made for a tract of land, containing a salt spring which had been discovered previous to the purchase of such tract from the United States, shall be considered as fraudulent and null.

SEC. 7. *And be it further enacted*, That the several provisions made in favour of persons who have contracted for lands with John Cleves Symmes and his associates, by an act intituled "An act to extend and continue in force the provisions of an act intituled An act giving a right of pre-emption to certain persons, who have contracted with John Cleves Symmes or his associates, for lands lying between the Miami rivers in the territory northwest of the Ohio, and for other purposes," shall be and the same are hereby continued in force until the first day of June next: *Provided*, that the register of the land-office and receiver of public monies at Cincinnati shall perform the same duties, exercise the same powers, and enjoy the same emoluments, which by the last-recited act were enjoined on or vested in the commissioners designated by the said act: *And provided also*, that no certificate for a right of pre-emption shall be granted, except in favour of persons who had, before the first day of January, one thousand eight hundred, made contracts in writing with John Cleves Symmes or with any of his associates, and who had made to him or them any payment or payments of money for the purchase of such lands; nor unless at least one twentieth part of the purchase money of the land claimed, shall have previously been paid to the receiver of public monies, or shall be paid prior to the first day of January next. And every person who shall obtain a certificate of pre-emption, shall be allowed until the first day of January, one thousand eight hundred and six, to complete the payment of his first instalment: *And provided also*, that where any person or persons shall, in virtue of a contract entered into with John Cleves Symmes, have entered and made improvements on any section or half section prior to the first day of April last (having conformed with all the foregoing provisions in this section), which improvements by the running of the lines subsequently thereto shall have fallen within any section, or half section other than the one purchased as aforesaid, and other than section number sixteen, such section or half section shall in that case be granted to the person or persons who shall have so entered, improved and cultivated the same, on payment of the purchase money agreeably to the provisions made by law for lands sold at private sale; but nothing herein contained shall be construed to give to any such person or persons a greater number of acres than he or they had contracted for, with John Cleves Symmes as aforesaid.

SEC. 8. *And be it further enacted*, That every person who may have heretofore obtained from the commissioners, a certificate of a right of pre-emption for lands lying between the two Miami rivers, on account of contracts with, or purchase from John Cleves Symmes or his associates, and who has paid his first instalment; and every person, who may obtain a similar certificate by virtue of the preceding section, and shall, on or before the first day of January, one thousand eight hundred and six, pay his first instalment, be permitted to pay the residue of the purchase money in six annual equal payments.

SEC. 9. *And be it further enacted*, That fractional sections of the public lands of the United States, either north of the river Ohio, or south of the state of Tennessee, shall, under the directions of the Secretary of the Treasury, be either sold singly, or by uniting two or more together;

(a) See act of May 18, 1796, chap. 29, vol. i. p. 464.
Act of June 1, 1796, chap. 46, vol. i. p. 490.

any act to the contrary, notwithstanding: *Provided*, that no fractional sections shall be sold in that manner until after they shall have been offered for sale to the highest bidder, in the manner herein after directed.

SEC. 10. *And be it further enacted*, That all the public lands of the United States, the sale of which is authorized by law, may, after they shall have been offered for sale to the highest bidder in quarter sections, as herein after directed, be purchased at the option of the purchaser, either in entire sections, in half sections, or in quarter sections; in which two last cases the sections shall be divided into half sections by lines running due north and south, and the half sections shall be divided into quarter sections by lines running due east and west. And in every instance in which a subdivision of the lands of the United States, as surveyed in conformity with law, shall be necessary to ascertain the boundaries or true contents of the tract purchased, the same shall be done at the expense of the purchaser.

SEC. 11. *And be it further enacted*, That no interest shall be charged on any instalment which may hereafter become due, in payment for any of the public lands of the United States, wherever situated, and which have been sold in pursuance of the act, intitled "An act to amend the act intitled 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," or which may hereafter be sold by virtue of that, or of any other act of Congress: *Provided*, that such instalments shall be paid on the day on which the same shall become due; but the interest shall be charged and demanded in conformity with the provisions heretofore in force, from the date of the purchase on each instalment which shall not be paid on the day on which the same shall become due: *Provided however*, that on the instalments which are or may become due before the first day of October next, interest shall not be charged, except from the time they became due until paid, but in failure to pay the said instalments on the said first day of October, interest shall be charged thereon, in conformity with the provisions heretofore in force, from the date of the purchase.

SEC. 12. *And be it further enacted*, That the sections which have been heretofore reserved, and are by this act directed to be sold, also, the fractional sections, classed as is by the ninth section of this act directed, and all the other lands of the United States, north of the Ohio, and above the mouth of Kentucky river, shall be offered for sale in quarter sections, to the highest bidder, under the directions of the register of the land-office, and of the receiver of public monies, at the places, respectively, where the land-offices are kept, that is to say; the lands in the districts of Chilicothe, on the first Monday of May; the lands in the district of Marietta, on the second Monday of May; the lands in the district of Zanesville, on the third Monday of May; the lands in the district of Steubenville, on the second Monday of June; and the lands in the district of Cincinnati, on the first Monday of September. The sales shall remain open at each place no longer than three weeks; the lands which may be thus sold, 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 is provided for the sale of lands sold at private sale. And all the other public lands of the United States, either north of the Ohio, or south of the state of Tennessee, which are directed to be sold at public sale, shall be offered for sale to the highest bidder, in quarter sections: *Provided however*, that section number twenty-six of the third township of the second fractional range, within the grant made by the United States to John Cleves Symmes, on which is erected a mill-dam, is hereby granted to Joseph Vanhorne, the proprietor of the said dam; and also, that section number twenty-nine of the second township of the fourth entire range, be granted to James Sutton; and also, that section number

No fractional sections to be sold at private sale until after offer at public sale.

Public lands of the U. States may be sold in whole, half or quarter sections.

All subdivisions to be at the expense of purchasers.

Interest not payable for purchases of public land, if the principal be punctually paid.

Act of May 18, 1796, ch. 29.

Certain sections of lands and fractional sections and other public land north of the Ohio and above the mouth of Kentucky river, to be offered for sale.

(Act of May 18, 1796, ch. 29.)

Under whose direction.

Times and places of sale.

How long the sales to remain open.

Terms of sales.

Other public lands north of the Ohio, or south of Tennessee to be offered to the highest bidder, in quarter sections.

Reservations in favour of a

grant to John C. Symmes and others.

Public lands, after having been surveyed, to be divided by the Secretary of the Treasury, into surveying districts.

For each of which a deputy surveyor, with the approbation of the Secretary of the Treasury, shall be appointed.

Oath of office. His duties.

The surveyor-general to furnish the deputies with copies of the plats and fractional parts of townships in their districts.

Fees of the deputies.

Limitation of grant of a certificate.

Additional compensation to the registers and receivers of public monies of the several land-offices.

Certain fees heretofore payable discontinued.

Books of the officers of the land-offices to be annually examined, and the balance in their hands ascertained.

Fees heretofore demandable for patents no longer payable.

Registers of the land-offices to transmit the final certificates of purchasers to the register of the treasury, postage to be paid by the purchasers.

Commissions to remain in force till the end

twenty-one of the ninth township of the twenty-first range, be granted to Christian Van Gundy, on their payment of the purchase money, agreeably to the provisions made by law, for lands sold at private sale.

SEC. 13. *And be it further enacted*, That whenever any of the public lands shall have been surveyed in the manner directed by law, they shall be divided by the Secretary of the Treasury into convenient surveying districts, and a deputy surveyor shall, with the approbation of the said secretary, be appointed by the surveyor-general for each district, who shall take an oath or affirmation truly and faithfully to perform the duties of his office; and whose duty it shall be to run and mark such lines as may be necessary for subdividing the lands surveyed as aforesaid, into sections, half sections or quarter sections, as the case may be; to ascertain the true contents of such subdivisions; and to record in a book to be kept for that purpose, the surveys thus made. The surveyor-general shall furnish each deputy surveyor with a copy of the plat of the townships and fractional parts of townships contained in his district, describing the subdivisions thereof, and the marks of the corners. Each deputy surveyor shall be entitled to receive from the purchaser of any tract of land, of which a line or lines shall have been run and marked by him, at the rate of three dollars for every mile thus surveyed and marked, before he shall deliver to him a copy of the plat of such tract, stating its contents. The fees payable by virtue of former laws for surveying expenses shall, after the first day of July next, be no longer demandable from, and paid by the purchasers. And no final certificate shall thereafter be given by the register of any land-office to the purchaser of any tract of land, all the lines of which shall not have been run, and the contents ascertained by the surveyor-general or his assistants, unless such purchaser shall lodge with the said register a plat of such tract, certified by the district surveyor.

SEC. 14. *And be it further enacted*, That from and after the first day of April next, each of the registers and receivers of public monies of the several land-offices established by law, either north of the river Ohio, or south of the state of Tennessee, shall, in addition to the commission heretofore allowed, receive one half per cent. on all the monies paid for public lands sold in their respective offices, and an annual salary of five hundred dollars, the register and receiver of the land-office at Marietta excepted, the annual salary of whom shall be two hundred dollars. And from and after the same day the fees payable by virtue of former laws, to the registers of the several land-offices, for the entry of lands and for certificates of monies paid, shall no longer be demandable from nor paid by the purchasers of public lands. And it shall be the duty of the Secretary of the Treasury to cause, at least once every year, the books of the officers of the land-offices to be examined, and the balance of public monies in the hands of the several receivers of public monies of the said offices, to be ascertained.

SEC. 15. *And be it further enacted*, That from and after the first day of April next, the fees heretofore payable for patents for lands, shall no longer be paid by the purchasers. And it shall be the duty of every register of a land-office on application of the party, to transmit, by mail, to the register of the treasury, the final certificate granted by such register to the purchaser of any tract of land sold at his office: and it shall be the duty of the register of the treasury, on receiving any such certificate, to obtain and transmit, by mail, to the register of the proper land-office, the patent to which such purchaser is entitled; but, in every such instance, the party shall previously pay to the proper deputy postmaster, the postage accruing on the transmission of such certificate and patent.

SEC. 16. *And be it further enacted*, That the President of the United States shall have full power to appoint and commission the several registers and receivers of public monies of the land-offices established by this

act, 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. 17. *And be it further enacted*, That the several superintendents of the public sales directed by this act, shall receive six dollars each, for each day's attendance on the said sales.

SEC. 18. *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.

APPROVED, March 26, 1804.

of the next session of Congress.

Per diem allowance to superintendents of sales.

Sum appropriated to carry this act into effect.

STATUTE I.

March 26, 1804.

CHAP. XXXVI.—*An Act altering 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 expiration of the present session, the next meeting of Congress shall be on the first Monday of November next.

APPROVED, March 26, 1804.

Congress shall meet on the first Monday in November, 1804.

STATUTE I.

March 26, 1804.

CHAP. XXXVIII.—*An Act erecting Louisiana into two territories, and providing for the temporary government thereof.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans; the government whereof shall be organized and administered as follows:

SEC. 2. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon, shall be made known; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

SEC. 3. A secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor

Act of Feb. 20, 1811, ch. 21.
Act of April 8, 1812, ch. 50.
Act of April 14, 1812, ch. 57.

Lands south of the Mississippi territory in Louisiana made the territory of Orleans.

The executive power—how constituted.

To hold his office three years.

The governor's powers, duties and authority.

A secretary to be appointed.

(a) Prior acts relating to Louisiana.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof, Oct. 31, 1803, chap. 1; an act authorizing the creation of a stock to the amount of eleven millions two hundred and fifty thousand dollars for the purpose of carrying into effect the convention of the thirtieth of April, 1803, between the United States of America and the French Republic, and making provision for the payment of the same, Nov. 10, 1803, chap. 2; an act making provision for the payment of claims of citizens of the United States, on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, 1803, between the United States and the French Republic, November 10, 1803, chap. 3; an act to repeal an act entitled, "An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act entitled, An act to regulate the duties on imports and tonnage," Nov. 25, 1803, chap. 5.

In case of vacancy, the government to devolve upon him.

A legislative council to be appointed by the President.

The governor with the advice and consent of the council, may alter or repeal laws, &c.

Legislative powers of the council.

No law to be valid that is repugnant to the constitution, &c. of the U. States; to be a perfect equality and freedom in religious matters.

Laws to be published: and from time to time to be reported to the President, who is to lay them before Congress, for their approbation.

Governor and council to have no control over the primary disposal of the soil, nor to tax the lands of the U. States, nor to decide upon interfering land claims.

Governor may convene and prorogue the council:—made his duty to obtain information concerning the people, &c. of Louisiana, and report it to the President.

Judicial arrangement for the territory.

Inhabitants of the territory entitled to the benefit of the writ of habeas corpus; bailable but in certain cases, and exempt from all cruel and unusual punishments.

Governor, &c. may be appointed by the President, in the recess of the senate; but in that

in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor, the government of the said territory shall devolve on the secretary.

SEC. 4. The legislative powers shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least, in the said territory, and hold no office of profit under the territory or the United States. The governor, by and with advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions or worship; in all which he shall be free to maintain his own, and not burthened for those of another. The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time, report the same to the President of the United States, to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said territory. The governor shall convene and prorogue the legislative council, whenever he may deem it expedient. It shall be his duty to obtain all the information in his power, in relation to the customs, habits, and dispositions of the inhabitants of the said territory, and communicate the same from time to time, to the President of the United States.

SEC. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may from time to time establish. The judges of the superior court and the justices of the peace, shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases criminal and civil in the superior court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.

SEC. 6. The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, shall be appointed by the President of the United States, in the recess of the Senate; but shall be nominated at their next meeting for their advice and consent. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States

shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor; and all other officers before such persons as the governor shall direct. The governor shall receive an annual salary of five thousand dollars; the secretary of two thousand dollars; and the judges of two thousand dollars each; to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory. The members of the legislative council shall receive four dollars each per day, during their attendance in council.

SEC. 7. *And be it further enacted*, That the following acts, that is to say:

An act for the punishment of certain crimes against the United States.

An act, in addition to an act, for the punishment of certain crimes against the United States.

An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States.

An act for the punishment of certain crimes therein specified.

An act respecting fugitives from justice, and persons escaping from service of their masters.

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

An act to prevent the importation of certain persons into certain states, where by the laws thereof, their admission is prohibited.

An act to establish the post-office of the United States.

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.

An act for the more general promulgation of the laws of the United States.

An act, in addition to an act, intituled an act for the more general promulgation of the laws of the United States.

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned.

An act, supplementary to an act, intituled An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.

An act providing for salvage in cases of recapture.

An act respecting alien enemies.

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated, so as to take effect in every other state.

An act for establishing trading houses with the Indian tribes.

An act for continuing in force a law, intituled An act for establishing trading houses with the Indian tribes. And

An act making provision relative to rations for Indians, and to their visits to the seat of government, shall extend to, and have full force and effect in the above mentioned territories.

SEC. 8. There shall be established in the said territory a district court, to consist of one judge, who shall reside therein, and be called the district judge, and who shall hold, in the city of Orleans, four sessions annually; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every

case he must nominate them at the next meeting of the senate.

Governor, &c. to take an oath of office, &c.

Compensation of the governor, &c.

Certain acts of Congress to be in force in the territory.

Act of June 5, 1794, ch. 50.

Act of April 24, 1800, ch. 35.

Act of June 14, 1797, ch. 1.

Act of Jan. 30, 1759, ch. 1.

Act of Feb. 12, 1793, ch. 7.

Act of March 22, 1794, ch. 11.

Act of Feb. 28, 1803, ch. 10.

Act of March 2, 1799, ch. 43.

Act of March 26, 1804, ch. 34.

Act of March 3, 1795, ch. 50.

Act of March 2, 1799, ch. 30.

Act of Feb. 21, 1793, ch. 11.

Act of April 17, 1800, ch. 25.

Act of May 31, 1790, ch. 15.

Act of April 29, 1802, ch. 66.

Act of March 2, 1799, ch. 24, sec. 7.

Act of July 6, 1798, ch. 66.

Act of May 26, 1790, ch. 11.

Act of April 18, 1796, ch. 13.

Act of April 30, 1802, ch. 39.

Act of May 13, 1800, ch. 68.

District court of the U. States created in the territory, the court to consist of one judge.

Sessions and jurisdiction of the court.

A clerk to be appointed: his fees and emoluments.

An attorney and a marshal to be also appointed.

Their compensation.

Repealed May 22, 1812.

How juries are to be selected.

Importation of slaves forbidden under a penalty.

Importation of slaves brought to the U. States since May, one thousand seven hundred and ninety-eight, forbidden under a penalty.

No slaves to be brought into the territory but by citizens of the U. States, bona fide owners of them at their removal.

Certain laws of the territory declared in force.

third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers, which are by law given to, or may be exercised by the judge of Kentucky district; and shall be allowed an annual compensation of two thousand dollars, to be paid quarter yearly out of the revenues of impost and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky district is entitled for similar services.

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

SEC. 9. All free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the courts of the said territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively, shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

SEC. 10. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought, shall thereupon become entitled to, and receive his or her freedom. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, which shall have been imported since the first day of May, one thousand seven hundred and ninety-eight, into any port or place within the limits of the United States, or which may hereafter be so imported, from any port or place without the limits of the United States; and every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and no slave or slaves shall directly or indirectly be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom.

SEC. 11. The laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SEC. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the district of Louisiana, the government whereof shall be organized and administered as follows:

The executive power now vested in the governor of the Indiana territory, shall extend to, and be exercised in the said district of Louisiana. The governor and judges of the Indiana territory shall have power to establish, in the said district of Louisiana, inferior courts, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, that no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship; in all of which he shall be free to maintain his own, and not burthened for those of another: *And provided also*, that in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. The judges of the Indiana territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of. It shall be the duty of the secretary of the Indiana territory to record and preserve all the papers and proceedings of the governor, of an executive nature, relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district, all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease, and be of no effect.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of eighteen and forty-five, shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who whether a captain, a major or a colonel, shall be the commanding officer of the district, and as such, shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrol, aided by militia if necessary, to arrest unauthorized settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

SEC. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.

SEC. 14. *And be it further enacted*, That all grants for lands within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, in the year one thousand eight hundred and three; the title whereof was, at the date of the treaty of St. Ildefonso, in the crown, government or nation of Spain, and every act and pro-

The remaining part of Louisiana made a separate district.

The executive power of Indiana extended to this district, and the legislative also.

Proviso.

In all criminal cases the trial to be by jury.

The judges to hold two annual sessions of the district court in the Indiana territory.

The secretary of the territory to keep a record of executive proceedings and transmit copies to the President.

Laws to be published by the governor, and copies to be sent to the President, for the sanction of Congress.

District of Louisiana to be subdivided.

Militia formed out of the inhabitants of the particular districts.

Officers to be appointed, &c.

Laws now in force in the district of Louisiana, not inconsistent with this act, continued in force.

Certain grants for lands in the territories ceded to the U. States which were in

the crown of Spain at the time of the treaty of St. Ildefonso declared void.

Proviso.

ceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted, or pretended, be, and the same are hereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity. (a) *Provided nevertheless*, that any thing in this section con-

(a) Decisions of the Supreme Court on Louisiana land titles:—By the treaty of St. Ildefonso, made on the 1st of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which at the time of the cession was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory, before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. *Foster et al. v. Neilson*, 2 Peters, 254.

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

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

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

The controversy in relation to the country lying between the Mississippi and the Perdido rivers, and the validity of the grants made by Spain in the disputed territory, after the cession of Louisiana to the United States, were carefully examined and decided in the case of *Foster and Elam v. Neilson*. The supreme court, in that case, decided that the question of boundary between the United States and Spain was a question for the political departments of the government; that the legislative and executive branches having decided the question, the courts of the United States are bound to regard the boundary determined by them as the true one; that grants made by the Spanish authorities of lands, which, according to his boundary line belonged to the United States, gave no title to the grantees, in opposition to those claiming under the United States; unless the Spanish grants were protected by the subsequent arrangements made between the two governments; and that no such arrangements were to be found in the treaty of 1819, by which Spain ceded the Floridas to the United States, according to the fair import of its words, and its true construction. *Garcia v. Lee*, 12 Peters, 511.

In the case of *Foster and Elam v. Neilson*, the supreme court said, that the Florida treaty of 1819 declares that all grants made before the 24th January, 1818, by the Spanish authorities, "shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid, if the territories had remained under the dominion of his Catholic majesty;" and in deciding the case of *Foster and Elam*, the court held that even if this stipulation applied to lands in the territory in question, yet the words used did not import a present confirmation by virtue of the treaty itself, but that they were words of contract; "that the ratification and confirmation, which were promised, must be the act of the legislature; and until such shall be passed, the court is not at liberty to disregard the existing laws on the subject." Afterwards, in the case of the *United States v. Percheman*, 7 Peters, 86, in reviewing the words of the eighth article of the treaty, the court, for the reasons there assigned, came to a different conclusion; and held that the words were words of present confirmation, by the treaty, where the land had been rightfully granted before the cession; and that it did not need the aid of an act of Congress to ratify and confirm the grant. This language was, however, applied by the court, and was intended to apply to grants made in a territory which belonged to Spain at the time of the grant. The case then before the court was one of that description. It was in relation to a grant of land in Florida, which unquestionably belonged to Spain at the time the grant was made; and where the Spanish authorities had an undoubted right to grant, until the treaty of cession in 1819. It is of such grants that the court speak, when they declare them to be confirmed and protected by the true construction of the treaty; and that they do not need the aid of an act of Congress to ratify and confirm the title of the purchaser. The court do not apply this principle to grants made within the territory of Louisiana. The case of *Foster and Elam v. Neilson*, must in all other respects be considered as affirmed by the case of *Percheman*; as it underwent a careful examination in that case, and as none of its principles were questioned, except that referred to *Garcia v. Lee*, 12 Peters, 511.

The acts of the commissioners appointed to adjust and settle land titles in Louisiana, under the acts of Congress authorizing and confirming the same, are conclusive as to all titles to lands which have been confirmed, according to the provisions of the different acts of Congress on the subject. *Strother v. Lucas*, 12 Peters, 410. See also *The United States v. Percheman*, 7 Peters, 56.

tained shall not be construed to make null and void any bona fide grant, made agreeably to the laws, usages and customs of the Spanish government to an actual settler on the lands so granted, for himself, and for his wife and family; or to make null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages and customs of the Spanish government, to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the twentieth day of December, one thousand eight hundred and three: *And provided further*, that such grant shall not secure to the grantee or his assigns more than one mile square of land, together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government. And that if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall, on conviction thereof, in any court of record of the United States, or the territories of the United States, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person, who shall attempt a settlement thereon.

Grants to actual settlers excepted.

Proviso.

Limitation of such grants.

Prohibition of settlements on the lands of the United States.

SEC. 15. The President of the United States is hereby authorized to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the individuals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. And in order to maintain peace and tranquillity with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress, passed on the thirtieth day of March, one thousand eight hundred and two, intituled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," is hereby extended to the territories erected and established by this act; and the sum of fifteen thousand dollars of any money in the treasury not otherwise appropriated by law, is hereby appropriated to enable the President of the United States to effect the object expressed in this section.

President authorized to enter into certain agreements with the Indian Tribes, owning lands on the east side of the Mississippi.

The act to regulate trade, &c. and to preserve peace on the frontiers, extended to the territory ceded by France to the United States.

Act of March 30, 1802, ch. 13.

SEC. 16. The act, passed on the thirty-first day of October, one thousand eight hundred and three, intituled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, and for the temporary government thereof," shall continue in force until the first day of October next, any thing therein to the contrary notwithstanding; on which said first day of October, this act shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress which may happen thereafter.

Limitation of a former and the commencement of this act.

Act of October 31, 1803, ch. 1.

This act to be in force on the 1st of October, 1804, and to continue for one year.

APPROVED, March 26, 1804.

STATUTE I.

March 26, 1804.

Act of March 16, 1802, ch. 9.
 Act of March 3, 1815, ch. 78.
 Act of April 24, 1816, ch. 69.
 Act of April 14, 1818, ch. 56.
 Act of May 12, 1820, ch. 96.
 Act of March 2, 1821, ch. 12.

More surgeon's mates may be appointed.

An equivalent in malt liquors or low wines for whiskey, &c.

STATUTE I.

March 26, 1804.

Act of April 30, 1790, ch. 9.
 Punishment to a person other than the owner who shall cast away, &c. a vessel at sea.

Punishment to the owner for the like offence.

Persons may be tried and punished for crimes under the revenue laws in five years from

CHAP. XXXIX.—*An Act, in addition to "An act for 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 shall be appointed, in addition to the surgeon's mates, provided for by the "act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

SEC. 2. *And be it further enacted,* That an equivalent in malt liquor or low wines, may be supplied the troops of the United States, instead of the rum, whiskey or brandy which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary to the preservation of their health.

APPROVED, March 26, 1804.

March 26, 1804.

CHAP. XL.—*An Act in addition to the act intituled "An act for the punishment of certain crimes against the United States."(a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, not being an owner, who shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or other vessel unto which he belongeth, being the property of any citizen or citizens of the United States, or procure the same to be done, and being thereof lawfully convicted, shall suffer death.

SEC. 2. *Be it further enacted,* That if any person shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or vessel of which he is owner, in part or in whole, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath underwritten, or shall underwrite any policy or policies of insurance thereon, or if any merchant or merchants that shall load goods thereon, or of any other owner or owners of such ship or vessel, the person or persons offending therein being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer death.

SEC. 3. *And be it further enacted,* That any person or persons guilty of any crime arising under the revenue laws of the United States, or incurring any fine or forfeiture by breaches of the said laws, may be prosecuted, tried and punished, provided the indictment or information be found at any time within five years after committing the offence or

(a) Destroying a vessel at sea to the injury of the underwriters. Under the second section of the act of March 26th, 1804, chap. 40, on an indictment for destroying a vessel with intent to prejudice the underwriters, it is sufficient to show the existence of an association actually carrying on the business of insurance, by whose known officers, de facto, the policy was executed, and to prejudice whom the vessel was destroyed; without proving the existence of a legal corporation authorized to insure, or a compliance on the part of such corporation with the terms of its charter, or the validity of the policy of insurance. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The law not making it an offence in the owner to destroy his vessel to the prejudice of the underwriters or the cargo, no evidence can be given to establish charges against the defendant for such destruction, to the prejudice of the underwriters on the cargo, even if the indictment contained such a charge. Evidence of the value of the property insured may be given to show inducements to destroy or preserve it. *The United States v. Richard Johns*, 1 Wash. C. C. R. 363.

It is necessary in the indictment to state that the intent was to prejudice the underwriters. *Ibid.*
 The prosecutor on an indictment for destroying a vessel, must show that the insurance is a valid insurance, and if made by an incorporated insurance company, the act of incorporation must be shown, and the contract of insurance must be shown to have been executed. *Ibid.*

The legal meaning of the term "destroy" by the act of Congress is to unfit the vessel for service beyond the hope of ordinary means. This, as to the extent of the injury, is synonymous with "cast away." Both mean, such an act as causes the vessel to perish and to be lost, or to be irrecoverable by ordinary means. *Ibid.*

incurring the fine or forfeiture, any law or provision to the contrary notwithstanding.

APPROVED, March 26, 1804.

CHAP. XLIII.—*An Act to make further appropriations for the purpose of extinguishing the Indian claims.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding fifteen thousand dollars, be appropriated to defray the expense of such treaty or treaties as the President of the United States shall deem it expedient to hold with the Indians, south of the river Ohio, for the purpose of extinguishing Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of six dollars per day, during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted,* That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 26, 1804.

CHAP. XLIV.—*An Act to authorize the adjournment of District Courts by Marshals, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the inability of the judge of any district court to attend on the day appointed for holding a special or an adjourned district court, such court may, by virtue of a written order from the judge thereof, directed to the marshal of the district, be adjourned by the marshal to the next stated term of said court, or to such day prior thereto, as in the said order shall be appointed.

APPROVED, March 26, 1804.

CHAP. XLVI.—*An Act further to protect the commerce and seamen of the United States against the Barbary powers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of equipping, officering, manning, and employing such of the armed vessels of the United States, as may be deemed requisite by the President of the United States, for protecting the commerce and seamen thereof, and for carrying on warlike operations against the regecy of Tripoli, or any other of the Barbary powers, which may commit hostilities against the United States, and for the purpose also of defraying any other expenses incidental to the intercourse with the Barbary powers, or which are authorized by this act: a duty of two and an half per centum ad valorem, in addition to the duties now imposed by law, shall be laid, levied, and collected upon all goods, wares and merchandise, paying a duty ad valorem, which shall, after the thirtieth day of June next, be imported into the United States from any foreign port or place: and an addition of ten per centum shall be made to the said additional duty in respect to all goods, wares and merchandise imported in ships or vessels not of the United States: and the duties imposed by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security and time of payment

the time of commission.

Act of March 2, 1799, ch. 110.

STATUTE I.

March 26, 1804.

[Obsolete.]

Appropriation.

STATUTE I.

March 26, 1804.

Act of Sept. 24, 1789, ch. 20.

In case of the inability of the judge of any district court to attend, the marshal may adjourn the court.

STATUTE I.

March 26, 1804.

[Expired.]

Act of April 21, 1806, ch. 38.

Act of Feb. 27, 1813, ch. 40.

1807, ch. 30.

1808, ch. 11.

An additional ad valorem duty of two and a half per cent. imposed for defraying expenses in relation to the Barbary States.

Upon goods imported after the 30th June next.

The first section of this act continued in force by acts of 1806 and 1813.

respectively, as are already prescribed by law in relation to the duties now in force on the articles on which the said additional duty is laid by this act.

Distinct account of the duties imposed by this act: proceeds to be called the "Mediterranean fund:" when the duties cease.

SEC. 2. *And be it further enacted,* That a distinct account shall be kept of the duties imposed by this act, and the proceeds thereof shall constitute a fund, to be denominated "The Mediterranean Fund," and shall be applied solely to the purposes designated by this act: and the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States, of a treaty of peace with the regency of Tripoli; unless the United States should then be at war with any other of the Barbary powers, in which case the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States of a treaty of peace with such power: *Provided however,* that the said additional duty shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to the day on which the said duty is to cease.

Proviso, that the additional duties shall be collected on all goods imported before the act ceases.

President authorized to employ a naval force in the Mediterranean.

President may purchase or build two additional vessels of war.

An additional sum appropriated, not to exceed one million of dollars.

President authorized to borrow this sum.

Bank of the U. States authorized to lend.

SEC. 3. *And be it further enacted,* That the President of the United States, if he shall deem it necessary, shall be, and he is hereby authorized to cause to be purchased or built, officered, manned and equipped, two vessels of war, to carry not more than sixteen guns each, and likewise to hire or accept on loan in the Mediterranean sea, as many gun boats as he may think proper.

SEC. 4. *And be it further enacted,* That a sum not exceeding one million of dollars, to be paid out of any money in the treasury not otherwise appropriated, shall be, and the same is hereby appropriated (in addition to the sum heretofore appropriated for the same objects) for the purpose of defraying any of the expenses authorized by this act, which may be incurred during the present year: or if necessary the President of the United States is hereby authorized to borrow the said sum, or such part thereof as he may think proper, at a rate of interest not exceeding six per centum per annum, from the Bank of the United States, which is hereby empowered to lend the same, or from any other body or bodies politic or corporate, or from any person or persons; and so much of the proceeds of the duties laid by this act, as may be necessary, shall be and is hereby pledged for replacing in the treasury, the said sum of one million of dollars, or so much thereof as shall have been thus expended, and for paying the principal and interest of the said sum, or so much thereof as may be borrowed, pursuant to the authority given in this section: and an account of the several expenditures made under this act, shall be laid before Congress during their next session.

APPROVED, March 26, 1804.

STATUTE I.

March 26, 1804.

CHAP. XLVII.—*An Act in addition to an act intituled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject." (a)*

Certain aliens permitted to become citizens of the U. States who resided in the U. States between the 18th June, 1798, and 14th April, 1802.

Act of April 14, 1802, ch. 28.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, intituled "An act to establish an

(a) See notes to act of March 26, 1790, chap. 3, vol. i. 103, 104.

uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

SEC. 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

APPROVED, March 26, 1804.

After an alien shall have complied with certain directions his widow and children made citizens of the U. States.

STATUTE I.

March 26, 1804.

CHAP. XLVIII.—*An Act in relation to the Navy Pension Fund.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the money accruing or which has already accrued to the United States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as commissioners of the navy pension fund, shall be paid to the treasurer of the United States.

SEC. 2. *And be it further enacted*, That it shall be the duty of the treasurer of the United States, to receive all the money so accruing, and to disburse the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account of the monies thus received and disbursed shall be rendered by the said treasurer to the accounting officers of the treasury, in the same manner as is provided for other public monies received by him.

SEC. 3. *And be it further enacted*, That it shall be the duty of the accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report from time to time, all such settlements, as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts.

SEC. 4. *And be it further enacted*, That the comptroller of the treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of monies due to the United States.

SEC. 5. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized to appoint a secretary, who shall perform all such duties in relation to the fund, as they shall require of him; and shall receive for his services, a salary not exceeding two hundred and fifty dollars per annum, to be paid quarter yearly at the treasury of the United States, and charged to the same fund.(a)

Act of March 2, 1799, ch. 24, sec. 9, 10. Act of April 23, 1800, ch. 33, sec. 9, 10. Act of April 16, 1816, ch. 58, Act of March 3, 1817, ch. 60. Act of March 3, 1819, ch. 79.

Money arising from captures, not already paid over, to be paid to the treasurer. How the money is to be disbursed by the treasurer.

A distinct quarterly account of it to be rendered.

Accountant of the navy to receive and settle all navy pension accounts, and report the same.

Comptroller authorized to institute suits for prize money. Commissioners of the navy pension fund may appoint a secretary. His duties and emoluments.

(a) See note to chapter 53, *post*, page 297, Navy Pension Fund. By an act passed 10th July, 1832, Congress authorized the appointment of a separate and permanent navy agent at Washington, and directed the performance of the duties, "not only for the navy yard in the City of Washington, but from the navy department, under the direction of the Secretary of the Navy, in the payment of such accounts and claims as the secretary may direct." These duties would not have been so specially stated in this act, if they had been considered by Congress as coming within the ordinary duties of an agent of the navy yard at Washington, under the act of 1804. But independent of this consideration, it is enough to know, that the duties in question were discharged by the defendant, under the construction given to the law by the Secretary of the Navy. United States v. Macdaniel, 7 Peters, 1.

The United States instituted a suit to recover a balance charged on the books of the treasury department, against the defendant, who was a clerk in the navy department, upon a fixed annual salary, and acted as agent for the payment of moneys due to the navy pensioners, the privateer pensioners, and for navy disbursements, for the payment of which, funds were placed in his hands by government. He claimed these commissions at the treasury, and the claim had been there rejected by the accounting offi-

Commissioners to make rules and regulations for the admission of pensioners.

SEC. 6. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized and directed to make such regulations, as may to them appear expedient, for the admission of persons on the roll of navy pensioners, and for the payment of the pensions.

APPROVED, March 26, 1804.

STATUTE I.

March 26, 1804.

CHAP. XLIX.—*An Act to erect a Lighthouse at the mouth of the Mississippi river, and also a Lighthouse at or near the pitch of Cape Lookout, in the state of North Carolina; and a beacon at the north point of Sandy Hook.*

Lighthouse to be built at the Mississippi under contract to be approved by the President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under the direction of the President of the United States, it shall be the duty of the Secretary of the Treasury to provide by contract, to be approved by the President, for building a lighthouse at the mouth of the river Mississippi, on such site as the President of the United States may deem most proper for the convenience and accommodation thereof.

Lighthouse to be built at or near the pitch of Cape Lookout in North Carolina, under contract to be approved by the President.

SEC. 2. *And be it further enacted*, That as soon as land sufficient shall be obtained at a reasonable price for the purpose and the jurisdiction of the land so to be obtained shall have been ceded to the United States by the state of North Carolina, it shall be the duty of the Secretary of the Treasury, to provide by contract, for building a lighthouse on or near the pitch of Cape Lookout, in the said state of North Carolina, which contract shall be approved by the President of the United States; and it shall be the duty of the said secretary to furnish the said lighthouses on Cape Lookout and the mouth of the Mississippi with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same. And the President is hereby authorized to make such appointments.

Jurisdiction of the soil to be first conveyed to the United States.

Lighthouses at both places to be provided with keepers, &c. &c.

Appropriation for the foregoing purposes.

SEC. 3. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and is hereby appropriated for the purpose of defraying the charges and expenses which shall accrue in consequence of the two first sections of this act, to be paid out of any monies in the treasury not otherwise appropriated.

A beacon to be erected at the north point of Sandy Hook. Appropriation.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the fee of the soil shall have vested in the United States, to cause a beacon to be erected on the north point of Sandy Hook, and the sum of two thousand dollars out of any unappropriated monies is hereby appropriated for that purpose.

APPROVED, March 26, 1804.

cers, and if they had allowed the same, he was not now indebted to the government. The United States, on the trial of the case in the circuit court, denied the right of the defendant to these commissions, as they had not been allowed to him by any department of the government, and asserted that the jury had not power to allow them on the trial. By the Court—The rejection of the claim to commissions by the treasury department, formed no objection to the admission of it as evidence of offset before the jury. Had the claim never been presented to the department, it could not have been admitted as evidence by the court. But, as it had been made out in form and presented to the proper accounting officers, and had been rejected, the circuit court did right in submitting it to the jury, if the claim was considered as equitable. *Ibid.*

It would be a novel principle to refuse payment to the subordinates of a department because their chief, under whose direction they had faithfully served the public, had given an erroneous construction to the law. *Ibid.*

The Secretary of the Navy, in authorizing the defendant to make the disbursements on which the claim for compensation is founded, did not transcend those powers, which, under the circumstances of the case, he might well exercise. *Ibid.*

STATUTE I.

March 26, 1804.

Twelfth amendment to the constitution of the U. States, 22.

Act of March 1, 1792, ch. 8, vol. i. 239.

The secretary of state to notify the executives of the proposed amendment when ratified and to have it published.

Transcripts of the notification to be delivered to the electors; who are to give their votes conformably with the amendment.

How certificates of their votes are to be made, and forwarded.

Provisions of a former, not inconsistent with this act extended to all future elections.

Act of March 1, 1792, ch. 8, vol. i. 239.

Electors to vote by distinct ballots for President and Vice President, according to the 1st sec. of the 2d art. of the constitution, and according to the proposed amendment: if they be uninformed at the time of the amendment:—

CHAP. L.—*An Act supplementary to the act intituled “An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the amendment proposed during the present session of Congress, to the constitution of the United States, respecting the manner of voting for President and Vice President of the United States, shall have been ratified by the legislatures of three fourths of the several states, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published, in at least one of the newspapers printed in each state, in which the laws of the United States are annually published. (a) The executive authority of each state shall cause a transcript of the said notification to be delivered to the electors appointed for that purpose, who shall first thereafter meet in such state, for the election of a President and Vice President of the United States: and whenever the said electors shall have received the said transcript of notification, or whenever they shall meet more than five days subsequent to the publication of the ratification of the above-mentioned amendment, in one of the newspapers of the state, by the Secretary of State, they shall vote for President and Vice President of the United States, respectively, in the manner directed by the above-mentioned amendment, and having made and signed three certificates of all the votes given by them, each of which certificate shall contain two distinct lists, one, of the votes given for President, and the other, of the votes given for Vice President: they shall seal up the said certificates, certifying on each, that lists of all the votes of such state given for President, and of all the votes given for Vice President, is contained therein, and shall cause the said certificates to be transmitted and disposed of, and in every other respect act in conformity with the provisions of the act to which this is a supplement. And every other provision of the act to which this is a supplement, and which is not virtually repealed by this act, shall extend and apply to every election of a President and Vice President of the United States, made in conformity to the above-mentioned amendment to the constitution of the United States.

And whereas, the above-mentioned amendment may be ratified by the legislatures of three fourths of the states, and thereupon become immediately valid, to all intents and purposes, as part of the constitution, on a day so near the day fixed by law for the meeting of the electors in the several states, that the electors shall not in every state be apprised of the said ratification, and may vote in a manner no longer conformable with the constitution, as amended, whereby several states might be deprived of their vote in the election of a President and Vice President: for remedy whereof,

SEC. 2. *Be it further enacted,* That the electors who shall be appointed in each state for the election of a President and Vice President of the United States, shall at every such election, unless they shall have received a transcript of the notification of the ratification of the above-mentioned amendment to the constitution, or unless they shall meet more than five days subsequent to the publication of the said ratification by the Secretary of State, in one of the newspapers of the state, vote for President and Vice President of the United States, in the following manner, that is to say: they shall vote for two persons as President and Vice President, in conformity with the first section of the second article of the constitution. And in other respects act in conformity with the

(a) The amendment was proposed in October 1803, and was ratified before September 1804.

And to make returns accordingly.

Which of these are to be opened and inspected.

In case of a vote under the constitution of the U. States, as it now stands, and one according to the amendment proposed, lists of the electors to be given to the electors, and one of these lists forwarded.

provisions of the act to which this act is a supplement; and they shall likewise vote for one person as President, and for one person as Vice President, in conformity with the above-mentioned amendment of the constitution; and in other respects act in conformity with the provisions of the first section of this act. But those certificates only, of votes given for President and Vice President of the United States, shall be opened by the president of the Senate, for the purpose of being counted, which shall contain the list or lists of votes given in conformity with the constitution, as in force on the day fixed by law for the meeting of the electors, by whom the said votes shall have been given.

SEC. 3. *And be it further enacted*, That whenever, by the provisions of the second section of this act, it shall be the duty of the electors for any state, to vote in conformity, both with the constitution, and of the proposed amendment thereto, the executive authority of such state shall cause six lists of the names of the electors for the state, to be made and certified, and to be delivered to the said electors, on or before the day fixed by law for them to meet and vote for President and Vice President; and the said electors shall enclose one of the said lists in each of the certificates by them made and sealed, in conformity with the provisions of this act, and of the act to which this is a supplement.

APPROVED, March 26, 1804.

STATUTE I.

March 27, 1804.

Act of April 14, 1792, ch. 24.

Act of Feb. 28, 1803, ch. 9.

Repeal of part of a former act. Act of March 3, 1817, ch. 40.

Powers of attorney for the transfer of stock and receipt of interest, in other respects formal, not to be affected by the want of consular certificates.

CHAP. LI.—*An Act to repeal a part of the act intituled "An act supplementary to the act concerning Consuls and Vice Consuls, and for the further protection of American seamen."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth section of the act, intituled "An act supplementary to the act concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eighth of February, one thousand eight hundred and three, be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That all powers of attorney for the transfer of any stock of the United States, or for the receipt of interest thereon, executed in a foreign country, since the thirtieth day of June one thousand eight hundred and three, according to the forms in use at the treasury of the United States prior to the said thirtieth day of June, one thousand eight hundred and three, shall be valid to all intents and purposes: any provision in the aforesaid section hereby repealed to the contrary notwithstanding.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

Act of Dec. 31, 1792, ch. 1.

No ship or vessel to be registered as a vessel of the U. States, if owned by persons residing in foreign countries a certain length of time.

CHAP. LII.—*An Act to amend the act intituled "An act concerning the registering and recording of ships and vessels."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel shall be entitled to be registered as a ship or vessel of the United States, or if registered, to the benefits thereof, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be in the capacity of a consul or other public agent of the United States: (a) *Provided*, that

(a) A naturalized citizen, who in time of peace, returns to his native country for the purposes of trade, but with the intention of returning again to his adopted country, continuing in the former country a year after the commencement of hostilities, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to capture and condemnation. The Frances, 3 Cranch, 335; 3 Cond. Rep. 164. See also the Dos Hermanos, 2 Wheat. 76; 4 Cond. Rep. 39.

nothing herein contained shall be construed to prevent the registering anew of any ship or vessel before registered, in case of a *bona fide* sale thereof to any citizen or citizens resident in the United States: *And provided also*, that satisfactory proof of the citizenship of the person on whose account a vessel may be purchased, shall be first exhibited to the collector, before a new register shall be granted for such vessel.

SEC. 2. *And be it further enacted*, That the proviso in the act, intituled "An act in addition to an act, intituled An act concerning the registering and recording of ships and vessels," passed the twenty-seventh of June, one thousand seven hundred and ninety-seven, shall be taken and deemed to extend to the executors or administrators of the owner or owners of vessels, in the said proviso described.

APPROVED, March 27, 1804.

Any ship or vessel before registered, &c.

Satisfactory proof of the citizenship of the purchaser to be first exhibited to the collector.

Proviso in a former act extended to the representatives of a deceased owner of a ship.

Act of June 27, 1797, ch. 5.

STATUTE I.

March 27, 1804.

CHAP. LIII.—*An Act supplementary to the act, intituled "An act providing for a Naval Peace Establishment, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to attach to the navy yard at Washington, and to the frigates and other vessels laid up in ordinary in the Eastern Branch, a captain of the navy, who shall have the general care and superintendence of the same; and shall perform the duties of agent to the navy department, and shall be entitled to receive for his services, the pay and emoluments of a captain commanding a squadron on separate service.^(a) And the President of the United States is hereby further authorized to attach permanently to the said navy yard and vessels, one other commissioned officer of the navy, who shall receive for his services, the pay and emoluments of a captain commanding a twenty gun ship, one surgeon and one surgeon's mate of the navy, who shall be severally allowed for their services, the same pay, rations and emoluments, as are allowed to a surgeon and to a surgeon's mate in the army of the United States; one sailing master, one head carpenter, one plumber, one head block maker, one head cooper, two boatswains, two gunners, one sail maker, one store keeper, one purser, one clerk of the yard, and also, such seamen and marines, as in the opinion of the President shall be deemed necessary: *Provided*, that the number of seamen or marines, shall not at any time be greater than what is at present authorized by the act to which this is a supplement.

SEC. 2. *And be it further enacted*, That that part of the act to which this is a supplement, which attaches to each frigate laid up in ordinary, one sailing master, one boatswain, one gunner, one carpenter, and one cook, one serjeant or corporal of marines and eight marines, and to the large frigates twelve, and to the small frigates ten seamen, and which declares that the sailing master shall have the care of the ship, and shall execute such duties of a purser as may be necessary, shall be, and hereby is repealed.

APPROVED, March 27, 1804.

A captain of the navy to be attached to the navy yard and vessels in ordinary at Washington. His duties, pay and emoluments.

Who else are to be attached to the navy yard and vessels in ordinary at Washington.

Proviso.

Repeal of a part of a former act.

STATUTE I.

March 27, 1804.

CHAP. LIV.—*An Act supplementary to the act, intituled "An act concerning the City of Washington."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several compensa-

^(a) The act of March 27, 1804, by which the President of the United States was authorized to attach to the navy yard at Washington, a captain in the navy, for the performance of certain duties, was correctly construed by the navy department until 1829, allowing to the defendant commissions on sums paid by him as special agent of the navy department in making the disbursements. *United States v. M. Daniel*, 7 Peters, 1.

Act of March 3, 1803, ch. 29.

Commencement of the compensations and allowances established by an act of Congress, concerning city of Washington.

Allowance to the surveyor.

Superintendent authorized to pay the compensations and to defray other expenses:

And to settle with P. C. L'Enfant.

Out of what fund these compensations, &c. are to be paid.

tions and allowances established by the act, intituled "An act concerning the city of Washington," shall be computed from the first day of June, one thousand eight hundred and two, being the time when the services, so compensated and allowed, commenced under the authority of the President of the United States.

SEC. 2. *And be it further enacted*, That the surveyor of the said city shall receive as a compensation for his services an allowance of three dollars per day.

SEC. 3. *And be it further enacted*, That the superintendent of the city of Washington be, and he hereby is authorized to pay the said compensations and allowances, from the said first day of June, one thousand eight hundred and two, in conformity with the provision of the said recited act, until Congress shall otherwise direct; and also to pay and discharge all expenses of an incidental nature, which have been or may be incurred in the discharge of the functions of his office and the office of surveyor, which shall be approved by the President of the United States.

SEC. 4. *And be it further enacted*, That the said superintendent be, and he hereby is authorized and directed to settle and pay the claim of Peter Charles L'Enfant, for his services whilst employed by the late board of commissioners, in the manner, and on the terms heretofore proposed by the said commissioners.

SEC. 5. *And be it further enacted*, That the several expenses authorized by this act, shall be paid and discharged out of any funds of the city of Washington, in possession of the superintendent, which are not otherwise appropriated.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

Appropriation for the public buildings.

CHAP. LV.—*An Act concerning the Public Buildings at the City of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That fifty thousand dollars shall be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, to be applied under the direction of the President of the United States, in proceeding with the public buildings at the city of Washington, and in making such necessary improvements and repairs thereon, as he shall deem expedient.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

Act of May 26, 1790, ch. 11.

The attestation of the keeper of the records which may be kept in any public office of a state not appertaining to a court, under his seal of office, with a certificate of the presiding judge, or of the governor, chancellor, &c., that the attestation is in due

CHAP. LVI.—*An Act supplementary to the act intituled "An act to prescribe the mode in which the public acts, records and judicial proceedings in each State shall be authenticated so as to take effect in every other State."*(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 passage of this act, all records and exemplifications of office books, which are or may be kept in any public office of any state, not appertaining to a court, shall be proved or admitted in any other court or office in any other state, by the attestation of the keeper of the said records or books, and the seal of his office thereto annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county or district, as the case may be, in which such office is or may be kept; or of the governor, the secretary of state, the chancellor or the keeper of the great seal of the state, that the said attestation is in due form, and by the proper officer; and the said certificate, if given by the presiding justice of a court, shall be farther authenticated by the clerk or prothonotary of the said court, who shall certify under his hand and the seal of his office, that

(a) See notes to act of May 26, 1790, chap. 11, vol. i. p. 122.

the said presiding justice is duly commissioned and qualified; or if the said certificate be given by the governor, the secretary of state, the chancellor or keeper of the great seal, it shall be under the great seal of the state in which the said certificate is made. And the said records and exemplifications, authenticated as aforesaid, shall have such faith and credit given to them in every court and office within the United States, as they have by law or usage in the courts or offices of the state from whence the same are, or shall be taken.

form, shall have full force and credit in every court of the U. S. as in the courts of the state.

SEC. 2. *And be it further enacted,* That all the provisions of this act, and the act to which this is a supplement, shall apply as well to the public acts, records, office books, judicial proceedings, courts and offices of the respective territories of the United States, and countries subject to the jurisdiction of the United States, as to the public acts, records, office books, judicial proceedings, courts and offices of the several states.

To what acts of the provisions of this law shall apply.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

CHAP. LVII.—*An Act for imposing more specific duties on the importation of certain articles; and also, for levying and collecting light money on foreign ships or vessels, and for other purposes.*(a)

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June next, the following articles, in addition to those already exempted from duty, shall and may be imported free from any duty, namely, rags of linen, of cotton, of woollen and of hempen cloth; bristles of swine, regulus of antimony, unwrought clay, unwrought burr stones, and the bark of the cork tree.

Additional articles exempted from duty.

SEC. 2. *And be it further enacted,* That from and after the thirtieth day of June next, the duties now in force upon the articles herein after enumerated and described, at their importation into the United States, shall cease; and that, in lieu thereof, there shall be thenceforth laid, levied and collected upon the said articles, at their said importation, the several and respective rates or duties following, that is to say:

Additional duties imposed.

On foreign caught dried fish, fifty cents per quintal; on foreign caught pickled fish, as follows, to wit: On salmon, one hundred cents per barrel; on mackerel, sixty cents per barrel; on all other pickled fish, forty cents per barrel; on cables, tarred cordage, white lead, red lead, almonds, currants, prunes and plums, figs, raisins imported in jars and boxes, and muscadel raisins, two cents per pound; on all other kinds of raisins, one cent and a half per pound; on tallow, yellow ochre in oil, anchors and sheet iron, one cent and a half per pound; on Spanish brown, dry yellow ochre, slit and hoop iron, one cent per pound; on starch, three cents per pound; on hair powder, glue, and seines, four cents per pound; on pewter plates and dishes, four cents per pound; on untarred cordage, two cents and a half per pound; on quicksilver, six cents per pound; on Chinese cassia and gunpowder, four cents per pound; on cinnamon and cloves, twenty cents per pound; on mace, one dollar and twenty-five cents per pound; on nutmegs, fifty cents per pound; on black glass quart bottles, sixty cents per gross; on window glass, as follows:—On all not above eight inches by ten, one dollar and sixty cents per hundred square feet; not above ten inches by twelve, one dollar and seventy-five cents per hundred square feet; and on all above ten inches by twelve, two dollars and twenty-five cents per hundred square feet; on segars, two dollars per thousand; on kid and Morocco shoes, fifteen cents a pair; on foreign lime, fifty cents per cask containing sixty gallons; and on Sicily wine, thirty cents per gallon.

Specific articles and rates.

SEC. 3. *And be it further enacted,* That an addition of ten per centum

(a) See act of March 3, 1805, chap. 40.

Ten per cent. additional ad valorem duty upon importations in foreign vessels of the specified goods.

Manner and terms of collection.

No drawback on the exportation of foreign fish or fish oil, or of playing cards.

Duties and drawbacks to apply to any specific quantity of goods in a rateable proportion.

“Light money” to be levied on foreign vessels.

Act of March 3, 1805, ch. 40.

Proviso.

Proviso.

Act of March 3, 1805, ch. 40.

The person exercising the duties of the late intendent of Louisiana to have the same jurisdiction in certain cases with the district courts of the U. States.

1804, ch. 38.

Fines, penalties or forfeitures, by whom they may be remitted, &c. &c.

shall be made to the several rates of duties above specified and imposed in respect to all such goods, wares and merchandise as aforesaid, as shall, after the said thirtieth day of June, be imported in ships or vessels not of the United States.

Sec. 4. *And be it further enacted*, That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment respectively, as the several duties now in force on the respective articles herein before enumerated: *Provided however*, that no drawbacks shall be allowed on the exportation of foreign fish, or fish oil, or of playing cards.

Sec. 5. *And be it further enacted*, That all duties and drawbacks which, by virtue of this act, shall be payable and allowable on any specific quantity of goods, wares and merchandise, shall be deemed to apply, in proportion to any quantity greater or less than such specific quantity.

Sec. 6. *And be it further enacted*, That a duty of fifty cents per ton, to be denominated “light money,” shall be levied and collected on all ships or vessels not of the United States, which, after the aforesaid thirtieth day of June next, may enter the ports of the United States: *Provided however*, that nothing in this act shall be so construed as to contravene any provision of the treaty or conventions concluded between the United States of America and the French Republic, on the thirtieth day of April, one thousand eight hundred and three: *And provided also*, that the said light money shall be levied and collected in the same manner, and under the same regulations, as the tonnage duties now imposed by law.

Sec. 7. *And be it further enacted*, That the person exercising the powers which, under the Spanish government, were vested in the intendent of the province of Louisiana, shall, until a district court of the United States shall be established in the territory of Orleans, in conformity with the provisions of the act, intitled “An act erecting Louisiana into two territories; and providing for the temporary government thereof,” have and exercise, in all cases whatever arising within the said territory under the laws regulating and providing for the collection of duties on imports and tonnage, or under any other revenue laws of the United States, the same jurisdiction and powers which, by law, are given to the district and circuit courts of the United States. And the powers to remit fines, penalties or forfeitures, and to remove disabilities, which, by law, are vested in the Secretary of the Treasury, may and shall, in all cases of such fines, penalties, forfeitures or disabilities incurred within the territory of Orleans, and until a governor of the said territory shall be appointed and shall enter into the functions of his office, be exercised by the person exercising the powers which, under the Spanish government, were vested in the governor of the province of Louisiana; and the said powers to remit fines, penalties or forfeitures, and to remove disabilities, may and shall, in like manner, be exercised by the governor of the said territory, from the time when he shall enter into the functions of his office, in conformity with the provisions of the said act, until the end of the next session of Congress, and no longer.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

Salaries of certain officers of the customs augmented.

CHAP. LVIII.—*An act relative to the compensations of certain officers of the customs, and to provide for appointing a surveyor in the district therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June, in the present year, the salaries heretofore allowed by law, to the several collectors of the customs, for the districts of Bath, Ports-

mouth, Newport, Middletown, New Haven, Delaware, Richmond, Wilmington in North Carolina, Newbern, and Edenton, shall cease and be discontinued. And there shall be allowed and paid, annually, to the officers of the customs hereafter named, the following sums respectively, viz :

To the collector for the district of Natchez, in addition to the fees and other emoluments of office, the sum of two hundred and fifty dollars; and to each of the surveyors at New London, Middletown, New Haven and Alexandria, in addition to the allowances already established by law, the sum of fifty dollars.

SEC. 2. *And be it further enacted*, That from and after the said last day of June, in lieu of the commissions heretofore allowed by law, there shall be allowed to the collectors of the customs for Wilmington, in North Carolina, and Newbern, two and a half per cent.

To the collectors for Petersburg and Richmond, two per cent.

To the collectors for Kennebunk and New London, one and three quarters per cent.

To the collector for Bath, one and an half per cent.

To the collectors for New Haven and Middletown, one and three eighths per cent.

To the collectors for Providence and Alexandria, one and one quarter per cent.

To the collector for Newburyport, one and one eighth per cent.

To the collector for Portland, three quarters of one per cent.

And to the collectors for Salem and Beverly, five eighths of one per cent. on all monies by them respectively received on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels.

SEC. 3. *And be it further enacted*, That there shall be appointed a surveyor for the district of Marblehead, to reside at Marblehead; who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

APPROVED, March 27, 1804.

Act of March 2, 1799, ch. 23.

Allowance to the collector of Natchez, and to the surveyors of New London, Middletown, New Haven and Alexandria.

To the collectors of Wilmington and Newbern, in North Carolina.

Petersburg and Richmond, Kennebunk and New London.

Bath. New Haven and Middletown.

Providence and Alexandria.

Newburyport.

Portland.

Salem and Beverly.

Surveyor to be appointed for Marblehead.

Allowance to him.

STATUTE I.

March 27, 1804.

CHAP. LIX.—*An Act for the appointment of an additional judge for the Mississippi territory; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed an additional judge for the Mississippi territory, who shall reside at or near the Tombigbee settlement, and who shall possess and exercise, within the district of Washington, as fixed and ascertained by an act of general assembly of the Mississippi territory, intituled, "An act for the more convenient organization of the courts of the said territory," the jurisdiction heretofore possessed and exercised by the superior court of the said territory within the said district of Washington, and to the exclusion of the original jurisdiction of the said superior court within the same: *Provided always*, that the said superior court shall have full power and authority to issue writs of error to the court established by this act and to hear and determine the same, when sitting, for the district of Adams, as fixed and ascertained by the act of the general assembly of the Mississippi territory, herein before mentioned.

SEC. 2. *Be it further enacted*, That the said superior court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favour of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain, in which case the cause shall be remanded in order to a final determination.

[Obsolete.]

Act of March 2, 1810, ch. 16

An additional judge to be appointed for the Mississippi territory.

His place of residence.

His duties and authorities.

Proviso.

Upon the reversal of a judgment of the court established by this act, the judgment of the superior court to be final: but in certain

cases, when the cause shall be remanded to the court below.

Plaintiffs in error, other than executors or administrators, to give security.

Proceedings commenced in the superior court of Washington district transferred to that established by this act.

Officers to issue and execute process and to record the proceedings authorized to act for both courts.

Sessions of the court.

Places and times of holding them.

Salary, &c. &c. of the judge.

SEC. 3. *Be it further enacted,* That when any person, not being an executor or administrator, applies for a writ of error, such writ of error shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error shall give security, to be approved of by a judge of the said superior court, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money and all costs, or otherwise abide the judgment in error, if he fail to make his plea good.

SEC. 4. *Be it further enacted,* That all pleas, process, and proceedings whatever, which may have been commenced in the said superior court within the aforesaid district of Washington, shall be, and the same are hereby transferred to the court established by this act, and the officers appointed to issue or execute the process of the said superior court within the district of Washington, and to record the proceedings of the same, are hereby authorized and required to issue and execute the process of the court established by this act, and to record the proceedings thereof.

SEC. 5. *Be it further enacted,* That the court established by this act, shall hold two terms in each and every year, at the place where the courts for Washington county, within the said territory, shall be held, to commence on the days following, to wit: on the first Monday in May and September, annually; and shall then and there proceed to hear and determine the pleas, process and proceedings depending before them, in the same manner as the said superior court within the district of Washington aforesaid, might or could have done, in case this act had not been passed.

SEC. 6. *And be it further enacted,* That the judge to be appointed by virtue of this act, shall receive the same salary, and payable in the same manner, which is established by law for judges of the said superior court of the Mississippi territory.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

CHAP. LX.—*An Act to provide for a more extensive distribution of the Laws of the United States.*

Four hundred copies of the laws of the U. States, to be procured by the Secretary of State, and one hundred of them to be distributed, in proportions, in the territory of Orleans and district of Louisiana.

One thousand copies printed at the close of each session of Congress to be reserved for future disposition.

Distribution of the remainder to be extended to the different territories.

Laws of the present and future sessions to be published in the territories.

Appropriation to defray the

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the department of State, be, and he hereby is authorized and empowered to procure four hundred copies of the laws of the United States: one hundred copies of which shall be distributed in just proportions in the territory of Orleans and district of Louisiana, the other three hundred copies to be reserved for the disposal of Congress.

SEC. 2. *And be it further enacted,* That one thousand copies of the laws of the United States which shall be printed at the close of each session shall be reserved for the disposal of Congress: and that the distribution of the remainder shall be extended to the territory of Orleans, and district of Louisiana, and to such other territories as are or may hereafter be established, in the same manner and proportion as is already provided by law for distributing them among the several states and territories: and the Secretary of State shall cause to be published in one newspaper in each of the territories of the United States, where newspapers are printed, the laws which have passed during the present session, and which may hereafter be passed by Congress.

SEC. 3. *And be it further enacted,* That there shall be transmitted, by the Secretary of State, to each member of the Senate and House of Representatives, and to each territorial delegate, as soon as may be, after the expiration of each session of Congress, a copy of all the laws which shall have been passed at such session.

SEC. 4. *And be it further enacted,* That the sum of two thousand dollars be, and the same hereby is appropriated for defraying the expense

authorized by this act, payable out of any money in the treasury, not otherwise appropriated.

APPROVED, March 27, 1804.

expense of carrying this act into effect.

STATUTE I.

CHAP. I. XI.—*An Act supplementary to the act 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."*(a)

March 27, 1804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons claiming lands in the Mississippi territory, by virtue of any British or Spanish grant, or by virtue of the three first sections of the act to which this is a supplement, or of the articles of agreement and cession with the state of Georgia, may, after the last day of March, in the year one thousand eight hundred and four, and until the last day of November, then next following, give notice in writing, of their claims, to the register of the land-office, for the lands lying west of Pearl river, and have the same recorded in the manner prescribed by the fifth section of the act to which this is a supplement: *Provided however,* that where lands are claimed by virtue of a complete Spanish or British grant, in conformity with the articles of agreement and cession between the United States and the state of Georgia, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey and the plot; but all the subsequent conveyances or deeds shall be deposited with the register, to be by him laid before the commissioners when they shall take the claim into consideration: and the powers vested by law in the

Act of March 3, 1803, ch. 27.

Notice to be given to the register of the land-office by persons claiming lands in the Mississippi territory west of Pearl river, and their claims to be recorded.

Proviso in favor of Spanish and British grants.

(a) Under the act of Congress of March 3, 1803, chap. 27, entitled, "An act regulating grants of lands, and providing for the disposal of the lands of the United States south of the state of Tennessee," such lands only were authorized to be offered for sale as had not been appropriated by the previous sections of the law, and certificates granted in pursuance thereof. A right therefore to a particular grant of land, derived from a donation certificate given under the law, is superior to the title of any one who purchased the same land at the public sales, unless there is some fatal infirmity in the certificate which renders it void. *Ross v. Barland et al.*, 1 Peters, 666.

The act of Congress requires no precise form for the donation certificate. It is sufficient if the proofs be exhibited to the court of the commissioners to satisfy them of the facts entitling the party to the certificate. It is sufficient if the consideration, the occupancy, and the quantity granted appears: nothing more is necessary to certify to the government the party's right, or to enable him, after it is surveyed by the proper officer, to obtain a patent. *Ibid.*

The 2d section of the act of March 3, 1803, was intended to confer a bounty on a numerous class of individuals; and in construing the ambiguous words of the section, it is the duty of the court to adopt that construction which will best effect the liberal intentions of the legislature. *Ibid.*

The time when the territory over which the law operated was evacuated by the Spanish troops, was very important, as the law was intended to provide for those who were actually, at that time, inhabitants of, and cultivated the soil within it; but whether it was in 1797 or 1798, was comparatively unimportant. The decision of the commissioners upon the period when the evacuation took place is sufficient; and the court are disposed to adopt the construction of the act given by the commissioners, west of Pearl river, that the evacuation took place on the 30th March, 1798, by which persons claiming within the objects of the section were entitled to certificates. *Ibid.*

Congress have treated as erroneous the construction given to the law by the commissioners to settle claims to lands east of Pearl river; who have decided that only those who have settled on the lands within the territory in the year 1797, were entitled to donation certificates, and who had granted to others pre-emption certificates. *Ibid.*

The commissioners appointed under the act of Congress relative to claims south of the state of Tennessee, were authorized to hear evidence as to the time of the actual evacuation of the territory by the Spanish troops, and to decide upon the fact. The law gave them power to hear and decide all matters respecting such claims, and to determine thereon according to justice and equity, and declared their deliberations shall be final. The court are bound to presume that every fact necessary to warrant the certificate in the terms of it, was proved before the commissioners; and that subsequently it was shown to them that the final evacuation of the territory took place on the 30th March, 1798. *Ibid.*

It is the settled doctrine of the judicial department of the government of the United States, that the treaty of 1819 with Spain, ceded to the United States, no territory west of the Perdido river. It had already been acquired under the Louisiana treaty. *Pollard's Lessee v. Files*, 2 Howard's Sup. Court Rep. 591.

In the interval between the Louisiana treaty, and the time when the United States took possession of the territory west of the Perdido, the Spanish government had a right to grant permits to settle and improve by cultivation, and to authorize the erection of establishments for mechanical purposes. *Ibid.*

These incipient concessions were not regarded by Congress, but are recognized in the acts of 1804, 1812, 1819, and as claims are within the acts of 1834. *Ibid.*

commissioners appointed for the purpose of ascertaining the claims to lands lying west of Pearl river, shall, in every respect, extend and apply to claims which may be made by virtue of this section; and the same proceedings shall thereupon be had as are prescribed by the act aforesaid, in relation to claims which shall have been exhibited on or before the last day of March, in the year one thousand eight hundred and four.

Commissioners authorized to adjourn from time to time.
Proviso.

SEC. 2. *And be it further enacted*, That the commissioners aforesaid, appointed to adjust the claims to lands lying west of Pearl river, shall have power to adjourn from time to time, and for such time as they may think fit: *Provided however*, that they shall meet on the first day of December, in the year one thousand eight hundred and four, and shall not afterwards adjourn for a longer time than three days, nor until they shall have completed the business for which they were appointed: *And provided also*, that nothing contained in this act, nor in that to which this is a supplement, shall be construed to prevent the said commissioners, nor those appointed to adjust the claims to lands lying east of Pearl river, from acting and deciding at any time, on any claim which has been exhibited in the manner prescribed by law, although the evidence of the same may not, at that time, have been transcribed on the books of the register.

Proviso.

What evidence may be required by the boards of commissioners concerning Spanish grants.

SEC. 3. *And be it further enacted*, That when any Spanish grant, warrant, or order of survey, shall be produced to either of the said boards of commissioners, for lands which were not, at the date of such grant, warrant, or order of survey, or within one year thereafter, inhabited, cultivated, or occupied by, or for the use of the grantee: or whenever either of the said boards shall not be satisfied, that such grant, warrant, or order of survey, did issue, at the time when the same bears date, the said commissioners shall not be bound to consider such grant, warrant, or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper: and the said boards shall make a full report to the Secretary of the Treasury, to be by him laid before Congress, for their final decision of all claims grounded on such grants, warrants, or orders of survey, as may have been disallowed by the said boards, on suspicion of their being antedated, or otherwise fraudulent.

Boards of commissioners to make reports to the Secretary of the Treasury in certain cases.

Agent to be appointed by the Secretary of the Treasury.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to employ an agent, whose compensation shall not exceed one thousand five hundred dollars in full for all his services, for the purpose of appearing before the said commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as he may deem fraudulent and unfounded. And each of the said boards of commissioners shall have the same powers to compel the attendance of witnesses, as are now vested in the courts of the United States.

Board of commissioners for adjusting claims to land, south of Pearl river, authorized to employ an assistant clerk and a translator of the Spanish language.

SEC. 5. *And be it further enacted*, That the board of commissioners, appointed to adjust the claims to lands lying west of Pearl river, shall be authorized to employ an assistant clerk, and also a translator of the Spanish language, to assist them in the despatch of the business which may be brought before them, and for the purpose of recording Spanish grants, deeds, or other evidences of claims on the register's books; the said translator shall receive for the recording done by him, the fees already provided by law, and may be allowed, not exceeding fifty dollars, for every month he shall be employed, provided that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars: the assistant clerk shall be allowed a sum not exceeding five hundred dollars for his services; and each of the commissioners of the said board, in addition to the compensation now fixed by law, shall be allowed six dollars for every day he shall attend on the board, after the last day of November, in the year one thousand eight hundred and four:

Provided, that this additional compensation shall not exceed two thousand dollars, for each of the said commissioners.

SEC. 6. *And be it further enacted*, That from and after the first day of April, in the year one thousand eight hundred and four, the surveyor of the lands of the United States, south of the state of Tennessee, shall receive an annual compensation of two thousand dollars, in lieu of the annual compensation now fixed by law. And the lands claimed by virtue of Spanish grants, legally and fully executed, and the titles to which were confirmed by the articles of agreement and cession between the United States and the state of Georgia, shall be surveyed in the manner prescribed by the act to which this is a supplement, at the expense of the United States; any thing in the said act to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That the tract of country lying north of the Mississippi territory, and south of the state of Tennessee, and bounded on the east by the state of Georgia, and on the west by Louisiana, shall be, and the same is hereby annexed to, and made a part of the Mississippi territory.*

SEC. 8. *And be it further enacted*, That so much of the eighth section of an act, intituled "An act regulating grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee," as provides, "that no certificate shall be granted for lands lying east of the Tombigby river," be, and the same hereby is repealed: *Provided*, that no certificate shall be granted for any lands to which the Indian title has not been extinguished.

SEC. 9. *And be it further enacted*, That the commissioners appointed in pursuance of the act aforesaid, be, and they are hereby authorized and required to make, on or before the first day of December next, a full report to the Secretary of the Treasury, of all claims that have been, or may be laid before them, for lands held by warrant of survey and improvement, in cases where the claimants were minors, and not heads of families, at the time such warrants were issued, with the circumstances which occasioned the issuing of such warrants, and the validity which has been considered as attached to the same.

SEC. 10. *And be it further enacted*, That for the purpose of carrying this act into effect, a sum not exceeding twenty thousand dollars, shall be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

SEC. 11. *And be it further enacted*, That the execution of so much of the twelfth section of the act to which this is a supplement, as excepts "such town lots, not exceeding two, in the town of Natchez, and such an out lot 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 Jefferson College," be, and the same is hereby suspended until the end of the next session of Congress.

SEC. 12. *And be it further enacted*, That transcripts of the records of the British province of West Florida, to claims for land therein, and which have been delivered to the government of the United States, may be produced as evidence, and shall be entitled to the same weight in any court of the United States, as if the same had been delivered or shall be delivered, to either of the registers of the land-offices in the Mississippi territory, before the last of March, one thousand eight hundred and four, any thing in this act, or in the fifth section of the act to which this is a supplement, to the contrary notwithstanding.

SEC. 13. *And be it further enacted*, That the sum of three thousand dollars be, and the same is hereby appropriated, for the purpose of extending the external commerce, and exploring the limits of the United States, in the new acquired territory of Louisiana, out of any monies in the treasury not otherwise appropriated.

SEC. 14. *And be it further enacted*, That Major-General La Fayette

Compensation not to exceed \$2000.

Salary of the surveyor of lands south of Tennessee.

Lands claimed under Spanish grants, the titles to which are not confirmed, to be surveyed at the expense of the United States.

Lands north of the Mississippi territory and south of the state of Tennessee, and bounded on Georgia and Louisiana, made part of the Mississippi territory.

Repeal of part of a former act. 1803, ch. 27.

Commissioners to make a report to the Secretary of the Treasury in a certain case.

*1798, ch. 28.
1803, ch. 27.

Appropriation for carrying this act into effect.

Part of the twelfth section of the act to which this is a supplement suspended.

Transcripts of the British records of West Florida to be evidence in certain cases.

Appropriation for extending the external commerce, and exploring the limits of the U. States in Louisiana.

Major-General La Fayette authorized to make his location upon public lands in the territory of Orleans.

1803, ch. 30.

be, and he is hereby authorized and empowered to locate and survey the lands allowed him by the fourth section of an act, intituled "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 United Brethren for propogating the gospel among the heathen, and for other purposes," on any lands the property of the United States, in the territory of Orleans; and on presenting the surveys of the said land to the Secretary of the Treasury, the President of the United States is hereby authorized to issue letters patent to the said Major-General La Fayette for the quantity of lands allowed by the said act.

APPROVED, March 27, 1804.

1804.

RESOLUTION to instruct the joint committee of inrolled Bills to wait on the President of the United States, respecting a variance between an engrossed and inrolled Bill.

A variance between an engrossed bill and an inrolled bill to be corrected.

1804. ch. 30.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee for inrolled bills be instructed to wait on the President of the United States, and lay before him the engrossed bill, intituled "An act for the relief of the captors of the Moorish armed ships Meshouda and Mirboha," with the several amendments thereto, as the same was finally passed by both houses of Congress; and to state the variance between the said engrossed bill and the inrolment thereof, as approved by the President, and to request that he will cause the said inrolled bill to be returned to this house, in which it originated, for the purpose of rendering the said bill conformable with the engrossed bill and the amendments thereto, as passed by the two houses of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, That, in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes as part of the said constitution, to wit:—

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.