

# ACTS OF THE EIGHTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fifth day of November, 1804, and ended on the third day of March, 1805.*

THOMAS JEFFERSON, President; AARON BURR, Vice President of the United States and President of the Senate; JOSEPH ANDERSON, President of the Senate pro tempore, from the 19th to the 31st January, and from the 1st to the 3d of March, 1805; NATHANIEL MACON, Speaker of the House of Representatives.

### STATUTE II.

CHAP. I.—*An Act making a further appropriation for carrying into effect the treaty of amity, commerce and navigation, between his Britannic Majesty and the United States of America.*

Nov. 24, 1804.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding seventy thousand dollars, be, and the same hereby is appropriated, to be paid under the direction of the President of the United States out of any monies in the treasury, not otherwise appropriated, for the purpose of carrying into effect the seventh article of the treaty of amity, commerce and navigation between his Britannic Majesty and the United States of America.

Appropriation for carrying into effect the seventh article of the treaty between England and the United States.

APPROVED, November 24, 1804.

### STATUTE II.

CHAP. II.—*An Act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object during the year one thousand eight hundred and five.*

Dec. 6, 1804.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to make good a deficiency of the appropriation for the contingent expenses of both houses of Congress, authorized by the act of the fourteenth of March last, the farther sum of two thousand five hundred dollars be, and the same hereby is appropriated.

Specific appropriation.

SEC. 2. *And be it further enacted,* That towards defraying the expense of firewood, stationery and other contingent expenses of both houses of Congress, during the year one thousand eight and five, the sum of three thousand dollars be, and the same hereby is appropriated: which several sums 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."

1790, ch. 34.

APPROVED, December 6, 1804.

## STATUTE II.

Jan. 2, 1805.

[Obsolete.]

Certain copies of the laws and journals of Congress to be placed in the Library.

Act of March 27, 1804, ch. 60.

Secretary of Senate to receive three hundred copies of the laws reserved for the disposal of Congress; to be placed in the Library and assorted with others at the end of the last session of every Congress, the laws of that Congress received in the Library to be bound in one volume.

By whom the laws and journals may be taken from the Library.

Expense of binding how defrayed.

The President of Senate and Speaker of the House of Representatives to make regulations concerning laws, not repugnant to this act.

Deficiency of a former appropriation for the purchase of laws made up.

CHAP. III.—*An Act for the disposal of certain copies of the Laws of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That three hundred copies of the laws of the United States, which have been procured by the Secretary of State, in obedience to the law passed for that purpose, and three hundred copies of the journals of Congress, which have been procured in pursuance of the resolution of the second of March, one thousand seven hundred and ninety-nine, shall be placed in the library of Congress.

SEC. 2. *And be it further enacted,* That the secretary of the Senate, for the time being, be, and he is hereby authorized to receive three hundred copies of the laws of the United States, out of the thousand copies reserved by law for the disposal of Congress, as soon as the same shall be printed after each session; which he shall cause to be placed in the library, and assorted respectively with the sets of copies mentioned in the first section of this act; excepting only, that at the close of the present session, which will complete the eighth Congress, and in like manner after each particular session in future, which shall complete a Congress, he shall cause the several copies, reserved by him as aforesaid, for all the sessions of each respective Congress, to be bound in one volume, making three hundred volumes for each Congress, as aforesaid; which he shall cause to be placed in the library, assorted with the respective sets of copies mentioned in the first section of this act. And the several copies of the laws and journals of Congress, mentioned in this act, shall not be taken out of the library, except by the President and Vice President of the United States, and members of the Senate and House of Representatives for the time being. And the expense of binding shall be paid, from time to time, out of the fund appropriated to defray the contingent expenses of both houses of Congress.

SEC. 3. *And be it further enacted,* That the president of the Senate and speaker of the House of Representatives, for the time being, be, and they are hereby empowered to establish such regulations and restrictions in relation to the copies of the laws and journals of Congress, directed by this act to be placed in the library, as to them shall seem proper, and from time to time, to alter and amend the same: *Provided,* that no regulation nor restriction shall be valid, which is repugnant to the provisions contained in this act.

SEC. 4. *And be it further enacted,* That to make up the deficiency of the appropriation heretofore made, for the purchase of four hundred copies of the laws of the United States, the sum of eleven hundred and forty-four dollars be, and the same is hereby appropriated, payable out of any money in the treasury, not otherwise appropriated.

APPROVED, January 2, 1805.

## STATUTE II.

Jan. 5, 1805.

CHAP. IV.—*An Act concerning drawbacks on goods, wares and merchandise.*

Part of a former act, imposing restrictions on the exportation of goods from New Orleans, repealed. Act of Feb. 24, 1804, ch. 13, sec. 6.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the sixth section of the act, intituled "An act for laying and collecting duties on imports and tonnage within the territory 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," as prohibits the allowance of drawbacks of duties on goods, wares and merchandise exported from the port of New Orleans, other than those imported into the same place directly from a foreign port or place, shall be, and the same is hereby repealed.

SEC. 2. *And be it further enacted,* That any goods, wares, or mer

chandise, which shall be exported from the United States, or the district of Mississippi, in the manner prescribed by law, to any foreign port or place, situated to the westward or southward of Louisiana, shall be deemed and taken to be entitled to such drawback of duties as would be allowable thereon, when exported to any other foreign port or place, any thing in the act, intituled "An act to regulate the collection of duties on imports and tonnage," to the contrary notwithstanding.

This act shall commence and be in force from and after the first day of March next.

APPROVED, January 5, 1805.

Goods exported to the westward or southward of Louisiana, entitled to drawbacks.

Act of March 2, 1799, ch. 22.

Commencement of this act.

## STATUTE II.

### CHAP. V.—*An Act to divide the Indiana Territory into two separate governments.*

Jan. 11, 1805.

[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, all that part of the Indiana territory, which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan.

Territory of Michigan taken from the Indiana territory.

Boundaries of the new territory and commencement of a temporary government for it.

SEC. 2. *And be it further enacted,* That there shall be established within the said territory, a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

Its government.

SEC. 3. *And be it further enacted,* That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the Indiana territory; and the duties and emoluments of superintendent of Indian affairs, shall be united with those of governor.

Vol. i. 51, act of August 7, 1789, ch. 8.

Officers to exercise the same powers, be subject to the same duties, and to receive the same compensations as in the Indiana territory.

Duties of superintendent of Indian affairs vested in the governor.

SEC. 4. *And be it further enacted,* That nothing in this act contained, shall be construed so as, in any manner, to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the said territory of Michigan, from and after the aforesaid thirtieth day of June next.

Government of Indiana not affected by this act, except in the establishment of that of Michigan.

SEC. 5. *And be it further enacted,* That all suits, process, and proceeding, which, on the thirtieth day of June next, shall be pending in the court of any county, which shall be included within the said territory of Michigan; and also all suits, process, and proceedings, which on the said thirtieth day of June next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

Suits or legal proceedings pending on the 30th June, 1805, in the district of country, or arising therein, which forms the territory of Michigan, to be proceeded in to judgments, as if this act had not passed.

Detroit made the seat of government.

SEC. 6. *And be it further enacted*, That Detroit shall be the seat of government of the said territory, until Congress shall otherwise direct.

APPROVED, January 11, 1805.

STATUTE II.

Jan. 11, 1805.

CHAP. VI.—*An Act declaring Cambridge, in the state of Massachusetts, to be a port of delivery.*

Town of Cambridge in the district of Boston made a port of delivery.

1799, ch. 22.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the town or landing place of Cambridge, in the state of Massachusetts, shall be a port of delivery, to be annexed to the district of Boston and Charlestown, and shall be subject to the same regulations as other ports of delivery in the United States.

APPROVED, January 11, 1805.

STATUTE II.

Jan. 19, 1805.

CHAP. VII.—*An Act authorizing the corporation of Georgetown to make a dam or causeway from Mason's island to the western shore of the river Potomac.*

Corporation of Georgetown empowered to levy a tax on the real property within its jurisdiction for erecting a causeway.

Power to cease when the object is effected.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the corporation of Georgetown have power to levy a tax, not exceeding one per cent. per annum, on the real property in said town, and its additions within the jurisdiction of the said corporation, for the purpose of defraying the expense of erecting a dam or causeway across that arm of the river Potomac which passes between Mason's island and the western shore of the said river: that the same shall not be erected until the consent of the proprietor or proprietors of the island and of the western shore of the river opposite thereto, shall be first obtained. The power hereby granted to the said corporation of levying an extra tax, to cease and determine when the object for which it is granted, shall be completely effected.

APPROVED, January 19, 1805.

STATUTE II.

Jan. 25, 1805.

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

Specific appropriations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and five, the following sums be, and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and the pay of the seamen, four hundred and fifteen thousand five hundred and seventy-eight dollars.

For provisions, two hundred and twenty-seven thousand seven hundred and eighty-six dollars, and forty cents.

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

For repairs of vessels, store rent, and other contingent expenses, four hundred and eleven thousand nine hundred and fifty-one dollars, and two cents.

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

For clothing for the same, sixteen thousand five hundred and thirty-six dollars and ninety-eight cents.

For military stores for the same, one thousand six hundred and thirty-five dollars.

For medicine, medical services, hospital stores, and all expenses on

account of the sick belonging to the marine corps, one thousand two hundred and fifty dollars.

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenters' bills, fuel, premium for enlisting, music, and other contingent expenses, eight thousand four hundred and nineteen dollars.

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

For completing the marine barracks at the city of Washington, three thousand five hundred dollars.

SEC. 2. *And be it further enacted*, That the several sums herein specifically appropriated, and amounting altogether to the sum of one million two hundred and forty thousand dollars, shall be paid, first, out of the monies accruing at the end of the year one thousand eight hundred and five, from the duties laid by the act passed on the twenty-fifth day of March, one thousand eight hundred and four, intituled "An act further to protect the commerce and seamen of the United States against the Barbary powers," provided that the sum to be paid from the proceeds of the said duties shall not exceed five hundred and ninety thousand dollars; secondly, out of any balance remaining unexpended of former appropriations for the support of the navy, and lastly, out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 25, 1805.

Specific appropriations.

Act of March 25, 1804, ch. 46.

#### STATUTE II.

CHAP. X.—*An Act making an appropriation for completing the south wing of the Capitol, at the City of Washington, and for other purposes.*

Jan. 25, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding one hundred and ten thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, towards completing the south wing of the Capitol, at the city of Washington.

Appropriation for completing the south wing of the Capitol, to be applied under the direction of the President.

SEC. 2. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, shall be, and the same is hereby appropriated, to be applied under the direction of the President of the United States, to such necessary alterations and repairs, as he may deem requisite, in the north wing of the Capitol, and other public buildings at the city of Washington; which said sums shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, January 25, 1805.

#### STATUTE II.

CHAP. XI.—*An Act to provide for completing the valuation of lands and dwelling-houses, and the enumeration of slaves in South Carolina, and for other purposes.*

Jan 30, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and directed to employ clerks, for such compensation as he shall judge reasonable, to complete, register, and record, under the direction of the supervisor of the district of South Carolina, the lists and abstracts of the valuation of lands and dwelling-houses, and of the enumeration of slaves within the state of South Carolina; and under the direction of the supervisor aforesaid, to add to, or to deduct from the valuations aforesaid, of each individual, such a rate per centum as has been determined by the commissioners appointed for the said state, under the act, intituled "An act to provide for the valua-

Act of July 9, 1798, ch. 70.

Act of Jan. 2, 1800, ch. 3.

Secretary of the treasury to employ clerks, upon such terms as may be reasonable, for completing, &c. the abstracts of the valuation of lands, &c. &c. in the state of South Carolina, under the direc-

tion of the supervisor.

The clerks, under the direction of the supervisor, to make the proper additions to or deductions from the valuations.

Lists and abstracts, when finished, to have the same force and effect as if they had been completed, &c. &c. agreeably to the provisions of the acts quoted in this law.

An additional per diem allowance to the supervisor.

Proviso.

Act of July 14, 1798, ch. 75.

Supervisor of S. Carolina to appoint one or more surveyors, when the assessment of the direct tax therein is completed.

The surveyors to make out the lists of the sums payable.

The lists to have the effect of lists made by distinct surveyors of revenue.

Powers, and duties; compensation.

Supervisors, with the approbation of the treasury may unite several assessment districts into one district.

Settlement of the accounts of the commissioners and assessors.

1798, ch. 70.

Allowance to the commissioners.

tion of lands and dwelling-houses, and the enumeration of slaves within the United States," agreeably to the provisions of the said act, of the act intituled "An act, supplementary to the act, intituled An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," and of the act intituled "An act to provide for equalizing the valuation of unseated lands:" which lists and abstracts, thus completed in conformity with the revisions and equalizations made by the commissioners aforesaid, shall have the same force and effect as if they had been completed, registered, and recorded, under the direction of the commissioners aforesaid, agreeably to the provisions of the above-mentioned acts. The supervisor aforesaid, shall be allowed, in addition to his annual compensation, at the rate of three dollars per diem, for each and every day employed by him, in completing or superintending the completion of the lists and abstracts aforesaid: *Provided*, that the whole amount of the said additional allowance shall not exceed five hundred dollars, and the said allowance, as well as the compensation of the clerks employed by virtue of this section, shall be paid out of the monies appropriated, or which may hereafter be appropriated for defraying the expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

Sec. 2. *And be it further enacted*, That the supervisor of the district of South Carolina be, and he is hereby authorized and directed, as soon as the assessment of the direct tax to be levied and collected in the state of South Carolina, by virtue of the act, intituled "An act to lay and collect a direct tax, within the United States," shall have been completed, to appoint for the whole of the said state, one or more surveyors of the revenue; who shall be authorized to make out the lists containing the sums payable, according to such assessment, for every dwelling-house, tract, or lot of land and slave within the said state; which lists shall have the same force and effect, as if they had been made for each assessment district, by a distinct surveyor of the revenue: the surveyor or surveyors of the revenue, thus appointed for the whole state of South Carolina, shall likewise perform all the other duties, exercise all the powers, and receive the same compensation, which, by virtue of the provisions still in force in any former act or acts, were directed to be performed, exercised, and received by the surveyors of the revenue for the several assessment districts; and so much of any act, or acts, as directed the appointment of one surveyor of the revenue for each assessment district, is, so far as relates to the state of South Carolina, hereby repealed.

Sec. 3. *And be it further enacted*, That the several supervisors, or officers acting as supervisors, may, with the approbation of the Secretary of the Treasury, unite, whenever such measure shall be thought expedient for the better collection of the direct tax, two or more assessment districts into one district, and appoint only one collector of the said tax for the assessment districts, thus united; any thing in any former act or acts to the contrary notwithstanding.

Sec. 4. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized to settle the accounts of any of the commissioners or assessors employed in making the valuations, and enumerations above mentioned in the state of South Carolina, although the same may not have been presented to, and certified by the commissioners aforesaid, in conformity with the provisions of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States."

Sec. 5. *And be it further enacted*, That any of the commissioners aforesaid, who shall, on the request of the Secretary of the Treasury, attend for the purpose of assisting the supervisor of the district of South Carolina, in completing the lists and abstracts of the valuations, and enumerations in the manner provided by the first section of this act,

shall be allowed the same rate of compensation, as is provided by law for attending a meeting of the board of commissioners.

SEC. 6. *And be it further enacted*, That a sum not exceeding thirteen thousand five hundred and ninety-three dollars, and twenty-three cents, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same is hereby appropriated, for defraying the further expenses incident to the valuation of houses and lands, and the enumeration of slaves within the United States.

APPROVED, January 30, 1805.

Appropriation.

STATUTE II.

CHAP. XIV.—*An Act concerning the mode of surveying the Public Lands of the United States.*(a)

Feb. 11, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the surveyor-general shall cause all those lands north of the river Ohio, which, by virtue of the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river," were subdivided, by running through the townships, parallel lines each way, at the end of every two miles, and by marking a corner on each of the said lines, at the end of every mile; to be subdivided into sections, by running straight lines from the mile corners thus marked, to the opposite corresponding corners, and by marking on each of the said lines, intermediate corners as nearly as possible equidistant from the corners of the sections on the same. And the said surveyor-general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July last, and on which the surveying fees had been paid, according to law, by the purchaser, to be surveyed and marked, by running straight lines from the half-mile corners, heretofore marked, to the opposite corresponding corners; and intermediate corners shall, at the same time, be marked on each of the said dividing lines, as nearly as possible equidistant from the corners of the half section on the same line: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile which has not yet been surveyed, and which shall be actually run, surveyed, and marked by virtue of this section. And the expense of making the subdivisions, directed by this section, shall be defrayed out of the monies appropriated, or which may be hereafter appropriated, for completing the surveys of the public lands of the United States.

Act of May 18, 1796, ch. 29.

Mode of surveying public lands north of the Ohio.

Corners to be marked.

Half sections purchased before July 1, 1804, to be surveyed and marked.

Whole expense of survey not to exceed three dollars per mile.

How the expense of making the surveys is to be paid.

SEC. 2. *And be it further enacted*, That the boundaries and contents of the several sections, half sections, and quarter sections of the public lands of the United States, shall be ascertained in conformity with the following principles, any act or acts to the contrary notwithstanding:

Principles upon which the boundaries and contents of the public lands are to be ascertained.

1st. All the corners marked in the surveys, returned by the surveyor-general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the said surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor-general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned by either of the surveyors aforesaid, shall be held and considered as the true length thereof.

Boundary lines run and marked by the surveyor south of the Tennessee river to be the proper boundaries of sections.

(a) See notes to the act of May 18, 1796, chap. 29, vol. i. 465.

Boundary lines not actually run to be ascertained.

Surveys to be returned.

Part of a former act repealed.

Act of March 26, 1804, ch. 35.

And the boundary lines, which shall not have been actually run, and marked as aforesaid, shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, where no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained, by running from the established corners, due north and south, or east and west lines, as the case may be, to the water-course, Indian boundary line, or other external boundary of such fractional township.

3d. Each section, or subdivision of section, the contents whereof shall have been, or by virtue of the first section of this act, shall be returned by the surveyor-general, or by the surveyor of the public lands south of the state of Tennessee, respectively, shall be held and considered as containing the exact quantity, expressed in such return or returns: and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one half, or the one fourth part respectively, of the returned contents of the section of which they make part.

SEC. 3. *And be it further enacted*, That so much of the act entitled "An act making provision for the disposal of the lands in the Indiana territory, and for other purposes," as provides the mode of ascertaining the true contents of sections or subdivisions of sections, and prevents the issue of final certificates, unless the said contents shall have been ascertained, and a plot certified by the district surveyor, lodged with the register, be, and the same is hereby repealed.

APPROVED, February 11, 1805.

## STATUTE II.

Feb. 14, 1805.

CHAP. XV.—*An Act for carrying into more complete effect the tenth article of the treaty of friendship, limits and navigation with Spain.*

Cargoes of Spanish vessels, arriving in distress in the U. States, may be reshipped in other vessels without any charges, &c.

Act of March 2, 1799, ch. 22. sec. 66, vol. i. 672.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts, or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the sixtieth section of the act, intitled "An act to regulate the collection of duties on imports and tonnage," the said cargo, or any part thereof, may, if the said ship or vessel should be condemned, as not sea worthy, or be deemed incapable of performing her original voyage, afterwards be re-laden on board any other vessel or vessels, under the inspection of the officer who superintended the landing thereof, or other proper person. And no duties, charges, or fees whatever, shall be paid on such part of the cargo, as may be re-laded and carried away, either in the vessel in which it was originally imported, or in any other whatever.

Collector of Norfolk to refund certain duties on goods re-shipped which were landed from the Spanish brig Nancy. Proviso.

SEC. 2. *And be it further enacted*, That the collector of the district of Norfolk, in Virginia, shall be, and he hereby is authorized and required to refund to the owners or agents of the Spanish brigantine Nancy, (which vessel arrived in distress at that port, in the year one thousand eight hundred and four) the amount of the duties secured by him on such part of her cargo as was re-exported: *Provided*, that the debenture or debentures issued by the said collector for the drawback of the duties on the exportation of the said cargo, shall be duly surrendered to him, and cancelled.

APPROVED, February 14, 1805.



CHAP. XVI.—*An Act authorizing the Postmaster-General to make a new contract for carrying the mail from Fayetteville, in North Carolina, to Charleston, in South Carolina.*

STATUTE II.  
Feb. 14, 1805.

[Expired.]

Postmaster-General authorized to make a new contract for carrying the mail between Fayetteville and Charleston.  
Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster-General shall be, and hereby is authorized to make a new contract for carrying the mail in a line of stages between the town of Fayetteville, in the state of North Carolina, and the city of Charleston, in the state of South Carolina, upon such terms and conditions as he may deem most conducive to the interest of the United States: *Provided*, that he does not exceed the sum of four thousand two hundred dollars, annually, beyond the amount of the present contract; and that no contract made in virtue of this act shall extend beyond the time to which the present contract extends.

APPROVED, February 14, 1805.

STATUTE II.

Feb. 14, 1805.

CHAP. XVII.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand eight hundred and five.*

[Obsolete.]

Specific appropriations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expense of the military establishment of the United States, for the year one thousand eight hundred and five; 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:—

For the pay of the army of the United States, three hundred and two thousand seven hundred and ninety-six dollars.

For forage, four thousand four hundred and eighty-eight dollars.

For the subsistence of the officers of the army and corps of engineers, thirty-one thousand three hundred and twenty-nine dollars, and fourteen cents.

For the subsistence of non-commissioned officers, musicians, and privates, one hundred and seventy-nine thousand and nine dollars, and sixty-nine cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital department, twelve thousand dollars.

For camp equipage, fuel, tools, expense of transportation, and other contingent expenses of the war department, eighty-one thousand dollars.

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

For purchasing maps, plans, books, and instruments for the war department, and military academy, five hundred dollars.

For the pay and subsistence of the commandants in Louisiana, five thousand nine hundred and seventy-one dollars, and seventy-seven cents.

For the Indian department, ninety-two thousand six hundred dollars.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 14, 1805.

STATUTE II.

Feb. 22, 1805.

CHAP. XVIII.—*An Act supplementary to the act intituled "An act to regulate the collection of duties on imports and tonnage."*

Act of March 2, 1799, ch. 22.

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

The same terms of credit for the payment of duties on goods imported by sea from foreign places, north of the equator, and on the eastern shores of America, as are allowed on West India articles.

Vessels may proceed with their foreign cargoes to foreign ports, or places, free of duties.

Proviso.

1799, ch. 22.

which are granted by law, for the payment of duties on articles the produce of the West Indies, and no other, shall be allowed on goods, wares and merchandise imported by sea into the United States from all foreign ports and islands lying north of the Equator, and situated on the eastern shores of America, or in its adjacent seas, bays and gulfs.

SEC. 2. *And be it further enacted*, That it shall be lawful for any ship or vessel to proceed with any goods, wares or merchandise, brought in her, and which shall in the manifest delivered to the collector of the customs, be reported as destined or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel: *Provided*, that such manifest so declaring to re-export such goods, wares, or merchandise, shall be delivered to such collector, within forty-eight hours after the arrival of such ship or vessel. And, *Provided also*, that the master or commander of such ship or vessel shall give bond as required by the thirty-second section of the act, intituled "An act to regulate the collection of duties on imports and tonnage."

APPROVED, February 22, 1805.

#### STATUTE II.

March 1, 1805.

[Expired.]

Act of Feb. 27, 1801, ch. 12.

Assent of Congress given to a law of Maryland, enabling the state to collect a duty on vessels coming from a foreign voyage.

Limitation of the operation of this act.

CHAP. XIX.—*An Act to continue in force "An act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby granted and declared to the operation of an act of the general assembly of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for nine years from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, March 1, 1805.

#### STATUTE II.

March 1, 1805.

Act of March 3, 1804, ch. 20.

Further time given to the supervisor of Kentucky for the performance of certain duties.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the supervisor of the district of Kentucky, is hereby allowed the further time of three months, from the end of two years after the completion of the sales of lands within his district, for the payment of the direct tax, to perform the several duties enjoined by the fourth section of the act, intituled "An act further to amend the act, intituled An act to lay and collect a direct tax within the United States," any thing in the said act to the contrary notwithstanding.

APPROVED, March 1, 1805.

#### STATUTE II.

March 1, 1805.

[Obsolete.]

Specific appropriations.

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

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

Specific ap-  
propriations.

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; for defraying the expenses of surveying the public lands in the territories of Indiana and Mississippi; for the unexpended balances of former appropriations, defraying the expenses of the second census, and the purchase and erection of wharves and stores under the quarantine law; 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 the two houses of Congress, including the sum of three thousand dollars appropriated by the act of the sixth of December, one thousand eight hundred and four, twenty-eight thousand dollars.

For defraying the expenses incidental to the dismantling the late library room of Congress, and fitting it up for the accommodation of the House of Representatives, at the ensuing session, seven hundred dollars.

For expenses of removal of the library, all other contingent expenses of the same, and librarian's allowance for the year one thousand eight hundred and five, nine hundred dollars.

For the expense of labelling, lettering and numbering five thousand seven hundred volumes of laws and journals of the old Congress, directed by the act of the present session for the disposal of certain copies of the laws of the United States, to be deposited in the library, five hundred and seventy 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 two hundred dollars.

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

For printing the laws, and other contingent expenses of the government of the Indiana territory, in consequence of the union with it of that of the territory of Louisiana, three hundred and fifty dollars.

1804, ch. 38.

For special messengers charged with despatches, two thousand 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, thirteen thousand four hundred and forty-nine dollars and eighty-one cents.

For expenses of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, 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 compensation to the auditor of the treasury, clerks and persons

Specific ap-  
propriations.

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 in the register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

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

For compensation of the clerks employed for the purpose of making drafts of the several surveys of land in the territory of the United States northwest of the river Ohio, and in keeping the books of the treasury in relation to the sales of lands at the several land-offices, two thousand six hundred 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 five, 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 five, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

For the erection of a fireproof brick building for the preservation of the records of the treasury; the cellars in which they have hitherto been kept, being found from their dampness improper for that use, nine thousand 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, one thousand dollars.

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

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

For compensation 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 six hundred dollars.

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

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

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

Specific ap-  
propriations.  
1799, ch. 40.

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

For compensation to the Postmaster-General, assistant postmaster-general, clerks and persons employed in the Postmaster-General's office, 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.

1799, ch. 40.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portnanteaus, 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 two hundred and fifty dollars.

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 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, three thousand two 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, secretary, and legislative council of the territory of Orleans, nineteen thousand two hundred and forty dollars.

For incidental and contingent expenses of the legislative council, and of the secretary of the said territory, two thousand dollars.

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

Specific ap-  
propriations.

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 the 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.

1799, ch. 40.

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

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

For compensation to the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, east and west Tennessee, and Orleans, one thousand six 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 expense 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 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 five, to the fourth of March, one thousand eight hundred and six, 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, one hundred and fifteen thousand two hundred and nine dollars and thirty-six cents.

For fixing buoys in Long Island sound, in addition to the sums heretofore appropriated for that object, three thousand dollars.

For erecting beacons in the harbor of New York, in addition to the sums heretofore appropriated for that object, six thousand dollars.

For erecting a beacon and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth day of July, one thousand seven hundred and ninety-eight, (the balance of a former appropriation for the same object, having been carried to the credit of the surplus fund,) two thousand four hundred and ninety-four dollars, and eighty-nine cents.

For reviving so much of unexpended balances of appropriations granted by an act passed the sixth of April, one thousand eight hundred and two, and which have been carried to the surplus fund, to wit:

For erecting public piers in the river Delaware, five thousand eight hundred and eighty-eight dollars, and seventy-nine cents.

Specific appropriations.

For erecting certain lighthouses, and fixing buoys in Long Island sound, nine thousand six hundred and seventy-eight dollars and thirty-eight cents.

And for building a lighthouse on Cumberland South Point, four thousand dollars.

For completing the lighthouse at the mouth of the Mississippi, and the lighthouse at or near the pitch of Cape Lookout, in addition to the sum heretofore appropriated to those objects, by the act of the twenty-sixth of March, one thousand eight hundred and four, twenty thousand dollars.

Towards completing the surveys of public lands in the state of Ohio, and in the Indiana and Mississippi territories, forty thousand dollars.

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

For defraying certain expenses heretofore incurred in the war and navy departments, and which, in due course of settlement in those departments, have been adjusted, and cannot be discharged out of any existing appropriation, twenty thousand dollars.

For the expense of taking the second census of the inhabitants of the United States, being the balance of a former appropriation carried to the surplus fund, fourteen thousand one hundred and sixty-two dollars, and seventy-seven cents.

For the expense of wharves and stores for quarantine of ships and vessels, being the balance of a former appropriation carried to the credit of the surplus fund, seventeen thousand one hundred and forty-three dollars, and one cent.

For the expense of returning the votes for President and Vice President of the United States for the term commencing the fourth day of March, one thousand eight hundred and five, one thousand six hundred and twenty-four dollars.

1792, ch. 8.

For defraying the contingent expenses of government, (the unexpended balance of a former appropriation for the same object, being carried to the credit of the surplus fund,) twenty thousand dollars.

For expenses of intercourse with foreign nations, fifty-seven thousand and fifty dollars.

For the expenses of the intercourse between the United States and the Barbary powers, including the compensation of the consuls at Algiers, Morocco, Tunis and Tripoli, sixty-three thousand five hundred dollars.

For the contingent expenses of intercourse with the Barbary powers, two hundred thousand dollars.

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

For the salaries of the agents at Paris and Madrid, for prosecuting claims in relation to captures, four thousand dollars.

For payment of demands for French vessels and property captured, pursuant to the convention between the United States and the French Republic, the balance of a former appropriation for the same object, by the act of the third of April, one thousand eight hundred and two, having been carried to the surplus fund, twenty-one thousand dollars.

1802, ch. 17.

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.

1790, ch. 34.

APPROVED, March 1, 1805.

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## STATUTE II.

March 2, 1805.

Act of March 26, 1804, ch. 38.

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

Act of April 18, 1812, ch. 50.

President authorized to establish a government within the territory of Orleans, similar (except in particular respects) to that of the Mississippi territory :

Officers to be appointed, &c. &c.

The rights secured to the citizens of Mississippi to be extended to those of Orleans.

Ordinance of July 13, 1787, vol. i. 51.

Ordinance of Congress in relation to a general assembly to be in force in Orleans from the 4th of July, 1805.

Representatives to be chosen.

Subsequent elections to be regulated by the legislature.

Ratio of representation.

Time of the first meeting of the legislature.

Annual meetings to be held.

Neither House to adjourn without the consent of the other.

Laws not inconsistent with this act, to continue in force.

Second paragraph of the ordinance, and 6th art. of compact not to be in force in Orleans.

Compensations of the officers.

CHAP. XXIII.—*An Act further providing for the government of the territory of Orleans.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized to establish within the territory of Orleans, a government in all respects similar, (except as is herein otherwise provided,) to that now exercised in the Mississippi territory ; and shall, in the recess of the Senate, but to be nominated at their next meeting, for their advice and consent, appoint all the officers necessary therein, in conformity with the ordinance of Congress, made on the thirteenth day of July, one thousand seven hundred and eighty-seven, and that from and after the establishment of the said government, the inhabitants of the territory of Orleans shall be entitled to and enjoy all the rights, privileges, and advantages secured by the said ordinance, and now enjoyed by the people of the Mississippi territory.

SEC. 2. *And be it further enacted,* That so much of the said ordinance of Congress, as relates to the organization of a general assembly, and prescribes the powers thereof, shall, from and after the fourth day of July next, be in force in the said territory of Orleans ; and in order to carry the same into operation, the governor of the said territory shall cause to be elected twenty-five representatives, for which purpose he shall lay off the said territory into convenient election districts, on or before the first Monday of October next, and give due notice thereof throughout the same ; and shall appoint the most convenient time and place within each of the said districts, for holding the elections : and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected. All subsequent elections shall be regulated by the legislature ; and the number of representatives shall be determined, and the apportionment made in the manner prescribed by the said ordinance.

SEC. 3. *And be it further enacted,* That the representatives to be chosen as aforesaid shall be convened by the governor, in the city of Orleans, on the first Monday in November next ; and the first general assembly shall be convened by the governor as soon as may be convenient, at the city of Orleans, after the members of the legislative council shall be appointed and commissioned : and the general assembly shall meet, at least, once in every year, and such meeting shall be on the first Monday in December, annually, unless they shall, by law, appoint a different day. Neither house, during the session, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two branches are sitting.

SEC. 4. *And be it further enacted,* That 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. 5. *And be it further enacted,* That the second paragraph of the said ordinance, which regulates the descent and distribution of estates ; and also the sixth article of compact which is annexed to, and makes part of said ordinance, are hereby declared not to extend to, but are excluded from all operation within the said territory of Orleans.

SEC. 6. *And be it further enacted,* That the governor, secretary, and judges, to be appointed by virtue of this act, shall be severally allowed the same compensation which is now allowed to the governor, secretary, and judges, of the territory of Orleans. And all the additional officers authorized by this act, shall respectively receive the same compensations for their services, as are by law established for similar offices in the Mississippi territory, to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory of Orleans.

(a) By the act of April 8, 1812, chap. 50, Louisiana was admitted into the Union.



SEC. 7. *And be it further enacted*, That whenever it shall be ascertained by an actual census, or enumeration of the inhabitants of the territory of Orleans, taken by proper authority, that the number of free inhabitants included therein shall amount to sixty thousand, they shall thereupon be authorized to form for themselves a constitution and state government, and be admitted into the Union upon the footing of the original states, in all respects whatever, conformably to the provisions of the third article of the treaty, concluded at Paris, on the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic: *Provided*, that the constitution so to be established shall be republican, and not inconsistent with the constitution of the United States, nor inconsistent with the ordinance of the late Congress, passed the thirteenth day of July, one thousand seven hundred and eighty-seven, so far as the same is made applicable to the territorial government hereby authorized to be established: *Provided however*, that Congress shall be at liberty, at any time prior to the admission of the inhabitants of the said territory to the right of a separate state, to alter the boundaries thereof as they may judge proper:—*Except only*, that no alteration shall be made which shall procrastinate the period for the admission of the inhabitants thereof to the rights of a state government according to the provision of this act.

SEC. 8. *And be it further enacted*, That so much of an act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant with this act, shall, from and after the first Monday of November next, be repealed. And the residue of the said act shall continue in full force, until repealed, any thing in the sixteenth section of the said act to the contrary notwithstanding.

APPROVED, March 2, 1805.

CHAP. XXIV.—*An Act further to amend an 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)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That persons who may have obtained, or shall obtain certificates from the board of commissioners appointed to ascertain the claims to lands in the Mississippi territory, shall be allowed three months after the respective date of such certificates, for entering the same with the register of the proper land-office; and certificates, thus entered, shall have the same force and effect, as if they had been duly entered with the said register, on or before the first day of January, one thousand eight hundred and five.

SEC. 2. *And be it further enacted*, That the commissioners appointed to ascertain the claims to lands, in the above-mentioned territory, east of Pearl river, shall be authorized to grant certificates for lands lying in the island known by the name of Nannee Hubba, formed by the cut off of the river Tombigbee and Alabama; and persons having claims for lands lying either in said island, or east of the Tombigbee and Alabama rivers, shall be permitted to file the same with the register of the land-office, till the first day of May, one thousand eight hundred and five; and the commissioners shall decide on the same, in the same manner as if they had been presented before the thirty-first day of March, one thousand eight hundred and four.

SEC. 3. *And be it further enacted*, That each of the last mentioned commissioners, shall be allowed at the rate of six dollars a day, for every day he shall attend, subsequent to the first day of April, one thousand

People of the territory of Orleans, when the number of free inhabitants shall have amounted to 60,000, permitted to establish a government for themselves.

Must establish a republican government.

Congress to retain the privilege of altering the boundaries of the territory of Orleans, before its admission into the Union.

No alteration to be made which may defer its admission.

Part of the act erecting Louisiana into two territories, &c. repealed.

The rest to remain in force.

1801, ch. 38.

#### STATUTE II.

March 2, 1805.

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 61.

Persons obtaining certificates from the board of commissioners in the Mississippi territory, allowed a further time for entering them.

Commissioners appointed to ascertain the claims to land in the Mississippi territory, east of Pearl river, authorized to grant certificates for land in the island of Nannee Hubba; and persons having claims permitted to file them before the 1st May, 1805.

Per diem allowances to the

(a) See notes to act of March 27, 1804, chap. 61.

commissioners for their attendance after 1st April.

Whole additional allowance limited.

Compensations of the clerks of the boards of commissioners in the Mississippi territory.

Claimants under British grants legally and fully completed, allowed a further time for filing their claims.

Register to make report to Secretary of the Treasury of the grants thus recorded.

The lands included in the grants not to be disposed of for one year.

Grants not filled, &c. according to this act to be no bar to other Spanish and American grants.

#### STATUTE II.

March 2, 1805.

The titles of persons residing in the ced-

eight hundred and five: *Provided*, that such additional allowance shall not exceed five hundred dollars for each commissioner.

SEC. 4. *And be it further enacted*, That the clerk of each of the boards of commissioners appointed to ascertain the claims to lands in the above-mentioned territory, shall be allowed at the rate of seven hundred and fifty dollars a year, from the time when he entered on the duties of his office, to the time when the board shall adjourn sine die.

SEC. 5. *And be it further enacted*, That persons claiming lands in the Mississippi territory, by virtue of British grants, legally and fully completed, who may not have filed their claims with the proper register of the land-office, in conformity with the provisions heretofore made for that purpose, may, until the first day of December one thousand eight hundred and five, file such claims with the register of the land-office west of Pearl river, and have the same recorded. And the said register shall, on or before the first day of January, one thousand eight hundred and six, make to the Secretary of the Treasury, a full report of all the British grants thus recorded; which report shall immediately after be laid before Congress. The lands contained in such grants shall not be otherwise disposed of until the end of one year, after that time. And if any such person shall neglect to file such British grant, and to have the same recorded, in the manner and time hereby provided, neither such grant nor any other evidence of such claim, which shall not have been recorded as above directed, shall ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States, or against any title legally and fully executed, derived from the Spanish government;—any act or acts to the contrary notwithstanding.

APPROVED, March 2, 1805.

CHAP. XXVI.—*An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.*(a)

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

(a) Acts which have been passed relative to lands and land titles in Louisiana:—An act erecting Louisiana into two territories, and providing for the temporary government thereof, March 26, 1804, chap. 38, sec. 14, 15. An act for ascertaining and adjusting the titles and claims within the territory of Orleans, and the district of Louisiana, March 2, 1805, chap. 26. An act supplementary to an act entitled, “An act for ascertaining and adjusting the titles and claims to lands within the territory of Orleans, and the district of Louisiana,” April 21, 1806, chap. 39. An act respecting claims to lands in the territories of Orleans and Louisiana, March 3, 1807, chap. 36. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, February 15, 1811. An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 16, 1811, March 3, 1811, chap. 46. An act giving further time for registering claims to lands in the western district of the territory of Orleans, March 10, 1812, chap. 38. An act for ascertaining the title and claims to land, in that part of Louisiana which lies east of the river Mississippi and the island of New Orleans, April 25, 1812, chap. 67. An act giving validity to the sale of certain tracts of public land, sold in the western district of the territory of Orleans, now the state of Louisiana, July 1, 1812, chap. 118. An act giving further time for registering claims to land in the eastern and western districts of the territory of Orleans, now state of Louisiana, February 27, 1813, chap. 38. An act for the final adjustment of land titles in the state of Louisiana and territory of Mississippi, April 12, 1814, chap. 52. An act supplementary to an act for ascertaining the titles and claims to land in that part of Louisiana which lies east of the river Mississippi and island of New Orleans, April 18, 1814, chap. 85. An act concerning certificates of confirmation of claims to lands in the state of Louisiana, April 18, 1814, chap. 93. An act to provide for the appointment of a surveyor of the public lands in the territories of Illinois and Missouri, April 29, 1816, chap. 151, sec. 3. An act for the confirmation of certain claims in the western district of Louisiana, and in the territory of Missouri, April 29, 1816, chap. 159. An act concerning pre-emption rights given in the purchase of lands to certain settlers in the state of Louisiana, and in the territory of Missouri and Illinois, April 29, 1816, chap. 162. An act explanatory of the act entitled, “An act for the final adjustment of the land titles in the state of Louisiana, and territory of Missouri,” March 3, 1819, chap. 84. An act to authorize the President of the United States to take possession of East and West Florida, and to establish a temporary government therein, March 3, 1819, chap. 91. An act for adjusting the claims to land, and establishing land-offices in the districts east of the island of Orleans, March 3, 1819, chap. 98. An act confirming the titles to lots in the town of Mobile, and in the former province of West Florida, which

and the legal representatives of any person or persons, who on the first day of October, in the year one thousand eight hundred, were resident within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred, obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of said territories, any duly registered warrant, or order of survey for lands lying within the said territories to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided however*, that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years: nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.

SEC. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person, who being either the head of a family, or twenty-one years of age, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer, and in conformity with the

ed territories on 1st Oct. 1800, who held lands under French or Spanish grants, to which the Indian title has been extinguished, and which were settled or occupied on that day for or by these persons, confirmed.

No such incomplete title to be confirmed unless the grantee was at its date the head of a family, or above the age of twenty-one years; nor unless the condition of the grant shall have been fulfilled.

Grants to actual settlers of the lands occu-

claims have been favourably reported on by the commissioners appointed by the United States, May 7, 1822, chap. 122. An act supplemental to the several acts for adjusting the claims to land, and establishing land-offices in the districts east of the island of New Orleans, May 8, 1822, chap. 128. An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana, February 21, 1823, chap. 15. An act to revive and continue in force the seventh section of an act entitled, "An act supplementary to the several acts for the adjustment of land claims in the state of Louisiana," approved the eleventh of May, 1820, and for other purposes, February 28, 1823, chap. 18. An act providing for the examination of the titles to land in that part of the state of Louisiana, situated between the Rio Hondo and the Sabine river, March 3, 1823, chap. 29. An act supplementary to the several acts for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, May 26, 1824, chap. 175. An act supplementary to an act providing for the examination of the titles to land in that part of the state of Louisiana situated between the Rio Hondo and the Sabine river, May 26, 1824, chap. 182. An act to confirm the supplementary report of the commissioners of the western district of Louisiana, March 31, 1826, chap. 18. An act to confirm certain claims to lands in the district of Opelousas in Louisiana, May 16, 1826, chap. 62. An act granting the right of preference to the purchasers of public lands in the St. Helena district in the state of Louisiana, March 19, 1828, chap. 19. An act to confirm claims to lands in the district between the Rio Hondo and Sabine river, May 24, 1828, chap. 92. An act to authorize the registers of the several land-offices in Louisiana, to receive entries of land, in certain cases, and give to purchasers thereof, certificates of the same, May 5, 1830, chap. 86. An act for the final adjustment of the land claims in the southeastern land district of the state of Louisiana, July 4, 1832, chap. 166. An act in reference to pre-emption rights in the southeastern district of Louisiana, June 28, 1834, chap. 125. An act further to provide for the location of certain land in the territory of Arkansas, June 28, 1834, chap. 106. An act for the final adjustment of claims to lands in the state of Louisiana, February 6, 1835, chap. 17. An act supplementary to an act entitled, "An act to entitle the inhabitants of Louisiana to enter the back lands," February 24, 1834, chap. 24. An act supplementary to an act of the fourth of July, one thousand eight hundred and thirty-two, entitled, "An act for the final adjustment of claims of lands in the southeastern district of Louisiana," March 3, 1835, chap. 46. An act confirming claims to lands in the state of Louisiana, July 4, 1836, chap. 358. An act supplementary to the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved June 18, 1838, June 1, 1840, chap. 12. An act to confirm land patents, March 3, 1841, chap. 13. An act to confirm certain entries of land, in the state of Louisiana, and to authorize the issuing patents for the same, April 14, 1842, chap. 10. An act confirming certain land claims in Louisiana, July 6, 1842, chap. 22. An act to set aside certain reservations of lands on account of live oak in the southeastern district of Louisiana, March 3, 1843, chap. 77.

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

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

For the decisions of the Supreme Court on the subject of Louisiana land titles, see notes to act of March 26, 1804, chap. 38, *ante*, page 288.

pied by them, with the permission of the proper Spanish officer, and in conformity with the Spanish usages, &c.

No more than one tract to be granted to such person, and not to exceed one mile square.

This donation not to be made to any one who claims any other under a French or Spanish grant.

Territory of Orleans to be laid off into two districts, for the ascertainment of land titles therein.

A register to be appointed for this purpose in each.

His compensation, duties, &c.

Act of May 10, 1800, ch. 55.

A recorder of land titles to be appointed for Louisiana district.

His compensation, &c.

Persons claiming lands under French or Spanish grants, &c. to have their claims recorded, &c.

Record to be made before the first day of March, 1806.

By whom the foregoing claims are to be recorded, and the officer's fees, &c., for recording them.

Where lands are claimed by virtue of a complete French or Spanish grant, no other evidence of the claim to be recorded but the original grant or patent. Other deeds to be deposited with the register, and laid before the commissioners. 1806, ch. 39.

laws, usages and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land; the tract of land thus inhabited and cultivated, shall be granted: *Provided however*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than one mile square, together with such other and further quantity, as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government: *Provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

SEC. 3. *And be it further enacted*, That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct; in each of which, he shall appoint, in the recess of the Senate, but who shall be nominated at their next meeting, for their advice and consent, a register; who shall receive the same annual compensation, give security in the same manner, and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers 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. The President of the United States shall likewise appoint a recorder of land titles in the district of Louisiana, who shall give security in the same manner, and in the same sums, and shall be entitled to the same annual compensation, as the registers of the several land-offices.

SEC. 4. *And be it further enacted*, That every person claiming lands in the above-mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the territories, may, and every person claiming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, shall, before the first day of March, one thousand eight hundred and six, deliver to the register of the land-office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and shall also, on or before that day, deliver to the said register or recorder, 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 register or recorder, or by the translator herein after mentioned, in books to be kept by them for that purpose, on receiving from the parties at the rate of twelve and an half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, 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 plat; but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners herein after directed to be appointed,

when they shall take the claim into consideration. (a) And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void, and for ever thereafter be barred; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered or admitted as evidence in any court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same, at such place in their respective districts, as the President of the United States shall direct.

SEC. 5. *And be it further enacted*, That two persons to be appointed by the President alone, for the district of Louisiana, and two persons to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans, shall, together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts, the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall, previous to their entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: "I

do solemnly swear, (or affirm,) that I will impartially exercise and discharge the duties imposed on me by an act of Congress, intituled 'An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana,' to the best of my skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall have directed therein, for the residence of the register or recorder, on or before the first day of December next, and they shall not adjourn to any other place, nor for a longer time than three days, until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. Each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths, to compel the attendance of, and examine witnesses, and such other testimony as may be adduced, to demand and obtain from the proper officer and officers, all public records, in which grants of land, warrants, or orders of survey, or any other evidence of claims to land, derived from either the French or Spanish governments, may have been recorded; to take transcripts of such record or records, or of any part thereof; to have access to all other records of a public nature, relative to the granting, sale, transfer, or titles of lands, within their respective districts; and to decide in a summary way, according to justice and equity, on all claims filed with the register or recorder, in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which, though not thus filed, may be found of record on the public records of such grants; which decisions shall be laid before Congress in the manner herein after directed, and be subject to their determination thereon: *Provided however*, that nothing in this act contained, shall be construed so as to recognize any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, or to authorize the commissioners aforesaid to make any decision thereon.

**Neglect to deliver notice of claim, and to record evidence of it, so far as derived under the two first sections of this act, to be forever barred.**

**Register and recorder to commence the execution of their offices on or before the 1st September, 1805.**

**Commissioners to be appointed for the district of Louisiana, and the districts to be laid off under this act for ascertaining land titles, &c.**

**The oath of office which they must take.**

**Commissioners to meet in their respective districts at such places as may be the residence of the recorders, registers, &c. on or before the 1st December, and not to adjourn until they shall have finished their business.**

**Powers of the boards of commissioners.**

**To administer oaths, compel the attendance of witnesses, demand all public records of grants of land.**

**To take transcripts of records.**

**To decide summarily according to justice and equity on all complete titles under French or Spanish grants.**

**Decisions of the boards to be laid before Congress.**

(a) By the 3rd section of the act of February 28, 1806, chap. 11, the claimants to lands within the territory of Louisiana, whose tracts have not been surveyed by the officers of the Spanish government prior to 20th December, 1803, are exempted from these provisions.

No title under a grant subsequent to October 1, 1800, to be recognized.

The boards to appoint a clerk.

His duties.

Transcripts of decisions in favor of claimants to be delivered to the surveyor-general, and the Secretary of the Treasury.

Reports of rejected claims likewise to be made, and filed in the proper land-office, and to be laid by the Secretary of the Treasury before Congress.

Grants antedated or otherwise defective, not to be considered as conclusive evidence of title.

Compensations of the commissioners' clerks, &c.

Their oaths of office, &c.

Agents to be employed for each board of commissioners.

Their compensations not to exceed 1500 dollars each.

Their duties. Agent for the district of Louisiana to collect information concerning the title to the lead mines, and lay it before the commissioners.

Board of commissioners to employ a translator, to assist in the despatch of business, and to record Span-

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, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favour of the claimants to land; both of which shall be signed by a majority of the said commissioners, and one of which shall be transmitted to the officer exercising in the district the authority of surveyor-general; and the other to the Secretary of the Treasury. 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, or recorder of land titles, as above directed, which may have been 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 the claimants, shall be laid by the Secretary of the Treasury before Congress, at their next ensuing meeting. When any Spanish or French grant, warrant, or order of survey, as aforesaid, shall be produced to either of the said boards, 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, but that the same is antedated or otherwise fraudulent; 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. Each of the commissioners and clerks aforesaid, shall be allowed a compensation of two thousand 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 ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana.'" Which oath or affirmation shall be entered on the minutes of the board.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as said agents may deem fraudulent and unfounded. It shall also be the duty of the said agent for the district of Louisiana, to examine into and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power, with respect to the claims to, and value of the said mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon, to the Secretary of the Treasury, to be by him laid before Congress, at their next ensuing session. The said board of commissioners shall each be authorized to employ a translator of the Spanish and French languages, to assist them in the despatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidences of claims on the registers' 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.

SEC. 7. *And be it further enacted*, That the powers vested by law in the surveyor of the lands of the United States, south of the state of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been, or shall hereafter be extinguished, within the said territory of Orleans; and it shall be the duty of the said surveyor to cause such of the said lands, as the President of the United States shall expressly direct, to be surveyed, and divided, as nearly as the nature of the country will admit, in the same manner, and under the same regulations as is provided by law, in relation to the lands of the United States northwest of the river Ohio, and above the mouth of Kentucky river.

SEC. 8. *And be it further enacted*, That the location, or locations of lands which Major General La Fayette is by law authorized to make on any lands, the property of the United States, in the territory of Orleans, shall be made with the register or registers of the land-offices established by this act in the said territory: the surveys thereof shall be executed under the authority of the surveyor of the lands of the United States, south of Tennessee; and a patent or patents therefor shall issue, on presenting such surveys to the Secretary of the Treasury, together with a certificate of the proper register, or registers, stating that the land is not rightfully claimed by any other person: *Provided*, that no location or survey made by virtue of this section shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

SEC. 9. *And be it further enacted*, That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

APPROVED, March 2, 1805.

ish or French claims. &c.  
Fees to the translator.

Powers of the surveyor of lands south of the state of Tennessee to extend over those of the U. States, &c.  
Made his duty to cause these lands to be surveyed and divided.

Gen. La Fayette's locations.

How and where to be made.

Proviso.

Appropriation for carrying this law into effect.

# STATUTE II.

CHAP. XXVII.—*An Act to authorize the Secretary of War to issue military land warrants, and for other purposes.*

March 2, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he hereby is authorized from and after the passing of this act, to issue warrants for military bounty lands to the sixty-three persons who have exhibited their claims, and produced satisfactory evidence to substantiate the same, to the Secretary of War; and also, to such persons as shall, before the first day of April next, produce to him satisfactory evidence of the validity of their claims, in pursuance of the act of the twenty-sixth of April, eighteen hundred and two, intituled "An act in addition to an act, intituled An act in addition to an act, regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen."

Act of May 18, 1796, ch. 29.

Act of April 15, 1806, ch. 24.  
Secretary of war authorized to issue warrants for military bounty land to certain persons referred to; and to others producing satisfactory evidence of their claims before the 1st April, &c.

SEC. 2. *And be it further enacted*, That the holders or proprietors of the land warrants issued by virtue of the preceding section, shall and may locate their respective warrants only on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, which had been reserved for original holders, by virtue of the fifth section of an act, intituled "An act in addition to an act, intituled An act regulating the grants of land appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathen."

Where the foregoing warrants may be located.  
1802, ch. 30.

SEC. 3. *And be it further enacted*, That the act, intituled "An act in addition to an act, intituled An act in addition to an act, regulating the

Former act continued in

force until the  
1st March.

1802, ch. 30.

grants of lands 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 continued in force until the first day of March, eighteen hundred and six.

APPROVED, March 2, 1805.

#### STATUTE II.

March 2, 1805.

Act of June  
20, 1790, ch. 29.

Regulations  
of the 8th sec-  
tion of the act  
referred to, so  
far as that sec-  
tion relates to a  
medicine chest  
for a vessel of  
150 tons, ex-  
tended to small-  
er vessels, &c.

CHAP. XXVIII.—*An Act to amend the act, intituled "An act for the government and regulation of seamen in the merchants' service."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the provisions, regulations, and penalties which are contained in the eighth section of the act, intituled "An act for the government and regulation of seamen in the merchants' service," so far as relates to a chest of medicines to be provided for vessels of one hundred and fifty tons burthen and upwards, shall be extended to all merchant vessels of the burthen of seventy-five tons, or upwards, navigated with six persons or more, in the whole, and bound from the United States to any port or ports in the West Indies.

APPROVED, March 2, 1805.

#### STATUTE II.

March 2, 1805.

Appropriation  
for building a  
number of gun  
boats.

CHAP. XXIX.—*An Act to appropriate a sum of money for the purpose of building Gun Boats.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of sixty thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for the purpose of enabling the President to cause to be built a number of gun boats, not exceeding twenty-five, for the better protection of the ports and harbors of the United States.

APPROVED, March 2, 1805.

#### STATUTE II.

March 2, 1805.

President au-  
thorized to grant  
permission for  
opening and im-  
proving a road  
from Brooklyn  
ferry, &c., in  
New York, to  
erect a bridge  
across a part of  
the navy yard  
of the U. S. in  
said town, &c.

CHAP. XXX.—*An Act to authorize the erection of a bridge across a mill pond and marsh in the Navy Yard, belonging to the United States, in the town of Brooklyn, in the state of New York.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is authorized, by a proper instrument in writing under his hand, in due form, to grant to such person or persons, or body corporate, by their proper name of incorporation, as shall be authorized by an act of the legislature of the state of New York, to open and improve a road from Brooklyn ferry, in that state, along the shore of the Wallaboght, to Bushwick, to erect a bridge across the mill pond and marsh, being part of the navy yard belonging to the United States, in the said town of Brooklyn, and to maintain such bridge under such restrictions and on such conditions as he shall prescribe: *Provided nevertheless,* that if, at any future time, it shall appear to the President of the United States, that the property of the United States is injured by such bridge, he may revoke the permission granted by him for erecting the same:

Proviso.

Proviso.

*And provided also,* That no toll shall be demanded at any time for any article the property of the United States which may be conveyed to or for their use, over or across the said bridge, or from any person or persons employed in the said navy yard, who may pass or repass on the said bridge.

APPROVED, March 2, 1805.



CHAP. XXXI.—*An Act further providing for the government of the district of Louisiana.*(a)

STATUTE II.

March 3, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the country ceded by France to the United States, under the general name of Louisiana, which, by an act of the last session of Congress, was erected into a separate district, to be called the district of Louisiana, shall henceforth be known and designated by the name and title of the Territory of Louisiana, the government whereof shall be organized and administered as follows:

District of Louisiana changed into that of the territory of Louisiana, with a different government.

1804, ch. 38.

The executive power shall be vested in a governor, who shall reside in 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, superintendent ex officio of Indian affairs, and shall appoint and commission all officers in the same, below the rank of general officers; shall have power to grant pardons for offences against the same, and reprieves for those against the United States, until the decision of the President thereon shall be known.

Executive power vested in a governor.

How appointed, &c.

His powers and authorities.

SEC. 2. There shall be a secretary, whose commission shall continue in force for four years, unless sooner revoked by the President of the United States, who shall reside in the said territory, and 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 of the legislative body, and transmit authentic copies of the same every six months, to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be exercised by the secretary.

Secretary to be appointed—

His duties, &c.

SEC. 3. The legislative power shall (be) vested in the governor and in three judges, or a majority of them, who shall have power to establish inferior courts in the said territory, 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 be burthened with 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. And the governor shall publish throughout the said territory, 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.

Legislative powers, in whom and how vested.

No law to be valid if inconsistent with the constitution and laws of the United States.

All criminal trials shall be by jury.

Laws to be published and laid before Congress, and if disapproved of by Congress to cease.

Judges to be appointed, to hold their offices for four years, to hold two courts in a year.

At what place. Their jurisdiction.

Governor to lay out the territory into districts, &c.

SEC. 4. There shall be appointed three judges, who shall hold their offices for the term of four years, who, 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 which is possessed by the judges of the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of.

SEC. 5. *And be it further enacted*, That for the more convenient distribution of justice, the prevention of crimes and injuries, and execution of process criminal and civil, the governor shall proceed from time

(a) By the act of June 4, 1812, chap. 95, entitled, "An act for providing for the government of the territory of Missouri," the territory of Louisiana shall be called "Missouri."

To appoint magistrates, &c. for the same.

Compensations of the Governor, &c.

Oaths of office of the Governor, &c.

Before whom the oaths of office shall be taken.

Governor, &c. to be appointed by the President during the recess of the Senate; but to be nominated by him at the next succeeding session for the Senate's concurrence.

Laws in force to continue in force, unless they be inconsistent with the act.

Repeal of part of a former law.

Act of March 26, 1804, ch. 38.

## STATUTE II.

March 3, 1805.

Corporation of Georgetown divided into two branches, after the 2nd Monday in March.

The first, how constituted.

The second, how constituted.

Members of the corporation forthwith to choose by ballot out of their own body, the board of aldermen, or 1st branch.

Term of their service.

Present recorder to be the

to time as circumstances may require, to lay out those parts of the territory in which the Indian title shall have been extinguished, into districts, subject to such alteration as may be found necessary; and he shall appoint thereto such magistrates and other civil officers as he may deem necessary, whose several powers and authorities shall be regulated and defined by law.

SEC. 6. *And be it further enacted*, That the governor, secretary and judges, to be appointed by virtue of this act, shall respectively receive the same compensations for their services as are by law established for similar offices in the Indiana territory, to be paid quarter yearly out of the treasury of the United States.

SEC. 7. *And be it further enacted*, That the governor, secretary, judges, justices of the peace, and all other officers civil or military, 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 and judges before the governor; and all other officers before such person as the governor shall direct.

SEC. 8. *And be it further enacted*, That the governor, secretary, and judges, to be appointed by virtue of this act, and all the additional officers authorized thereby, or by the act for erecting Louisiana into two territories, and providing for the temporary government thereof, 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.

SEC. 9. *And be it further enacted*, That the laws and regulations, in force in the said district, 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. 10. *And be it further enacted*, That so much of an act, intitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant to this act, shall, from and after the fourth day of July next, be repealed, on which said fourth day of July, this act shall commence and have full force.

APPROVED, March 3, 1805.

## CHAP. XXXII.—*An Act to amend the charter of Georgetown.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the second Monday in March current, the corporation of Georgetown, in the district of Columbia, shall be divided into two branches; the first branch to be composed of five members, and a recorder, and to be called "the board of aldermen;" and the second branch to be composed of eleven members, and to be called "the board of common council-men;" which said two branches shall be elected as hereafter particularly provided.

SEC. 2. *And be it further enacted*, That after the passage of this act, and before the said day above mentioned, the present members of the said corporation shall meet at their usual place of meeting, and then and there choose, by ballot, from their body, five persons to compose the said board of aldermen, which said persons, when chosen as aforesaid, shall compose the said board of aldermen, and be, and continue such, until the fourth Monday in February, one thousand eight hundred and six; and that the present recorder of the said corporation shall be the president of the said board of aldermen until the time last aforesaid: that

the other members of the said corporation, (except the mayor,) shall compose the said second branch, called the board of common councilmen, and be and continue such, until the time aforesaid, and shall choose out of their own body a president, to be and continue such until the time aforesaid; and when thus organized, said corporation shall have, exercise, and possess, all the powers and rights now vested in the said corporation, and to be herein and hereby vested in them.

SEC. 3. *And be it further enacted*, That the present mayor of the corporation of Georgetown, shall be, and continue such, until the first Monday of January next.

SEC. 4. *And be it further enacted*, That on the fourth Monday of February next, the free white male citizens of Georgetown, of full age, and having resided within the town aforesaid, twelve months previously, and having paid tax to the corporation, shall assemble at a place to be appointed, as hereafter directed, and then and there shall proceed to elect, by ballot, five fit and proper persons, citizens of the United States, and residents of the said town, one whole year next before the said day of election, above twenty-one years of age, and having paid a tax to said corporation, to compose the said board of aldermen; and shall also, at the same time, proceed as aforesaid, to elect eleven fit and proper persons, having the qualifications last aforesaid, to compose the said board of common council; the said board of aldermen to continue two years, and the said board of common council to continue one year: and the said mayor, together with such other fit persons as shall be named and appointed by the said corporation, shall be judges of the election, and the five persons voted for as aldermen, who shall have the greatest number of legal votes, on the final casting up of the polls, shall be declared duly elected for the board of aldermen: and the eleven persons voted for as common council, who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected for the board of common council; and that the like election for aldermen be held on the fourth Monday in February, every two years thereafter; and for the said common council, on the said fourth Monday in February, annually, for ever thereafter.

SEC. 5. *And be it further enacted*, That on the first Monday of January next, and on the same day, annually, for ever thereafter, the said corporation shall, by a joint ballot of the said two branches present, choose some fit and proper person to be mayor of the said corporation, and some fit and proper person, learned in the law, to be the recorder of the said corporation, to continue in office one year.

SEC. 6. *And be it further enacted*, That the said mayor, before he acts as such, and the said recorder, before he acts as such, shall, respectively, make oath, before some justice of the peace, for the county of Washington aforesaid, in the presence of both branches of the said corporation, that he will well and faithfully discharge the several and respective duties of his office; and that each member of the said two branches shall, before he acts as such, in the presence of the corporation, take an oath to discharge the duties and trust reposed in him, with integrity and fidelity.

SEC. 7. *And be it further enacted*, That four members of the board of aldermen, and seven members of the board of common council, shall form a quorum to do business: the said corporation shall hold two sessions in each year; one to commence on the first Monday in March, and the other on the first Monday in December, with power to adjourn from day to day, to be held at such place as the mayor may designate, not otherwise provided for by ordinance: *Provided always*, that the mayor shall have power, on urgent occasions, to convene said corporation, on application of at least five members, in writing, giving reasonable notice of such intended meeting.

president of the board of aldermen.

2nd branch or board of common councilmen, to be composed of the other members of the corporation.

Powers, &c.

An election to be held.

Qualifications of the voters.

For the board of aldermen, and of that of the common councilmen.

Term of the service of the members of each Board.

Mayor, &c. to be judges of the elections.

Annual and biennial elections for the aldermen and common councilmen, to be held.

Two branches, by joint votes, to make annual appointments of a mayor and recorder.

Oaths of office, &c.

Quorums for doing business.

Semi-annual sessions to be held.

Proviso.

The two branches to be judges of the elections and returns of their own members, &c.

Ordinances may originate in either branch, but must be approved of by the mayor to become laws; if approved of to be signed by him. If disapproved of, to be returned with his objections in writing, &c. upon a reconsideration, on a majority of two thirds, to become laws.

Clerk of the corporation to record the laws and resolutions and to have them published.

Recorder to have a casting vote.

Same power given to the President of the 2nd branch.

Mayor to see that the laws be executed, &c. &c.

Delinquents may be removed from office by the corporation.

Mayor to lay before the corporation, in writing, such alterations in the laws, as he may deem necessary; to exercise the powers of a justice of the peace, and to receive an annual compensation.

Qualifications of the Mayor.

Vacancies in either branch, how to be supplied.

Corporation to fill the vacancies in the offices of mayor and recorder.

Specific powers of the corporation.

SEC. 8. *And be it further enacted*, That each of the said branches shall judge of the elections, qualifications and returns of its own members, and may compel the attendance of the members of each branch by reasonable penalties: and either branch shall have power to appoint their president, pro tempore, in case of the absence of the one duly chosen, as aforesaid. Any ordinance may originate in either branch, and no ordinance shall be passed, but by a majority of both branches, nor unless it shall pass both branches during the same session, and be approved of by the mayor, who shall sign the same, unless he objects thereto, within forty-eight hours from the time the same is presented to him for signature; if he does so object, he shall immediately return the same to the said corporation, with his objections, in writing, and if on reconsideration, two thirds of each branch of the corporation shall be of opinion that the said law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law; and he shall sign the same; if the said mayor shall not return his objections to the same, to the said corporation, within the time aforesaid, it shall become a law, and shall be signed by him; the clerk of the corporation shall record in a book to be kept by him for that purpose, all the laws and resolutions which shall be passed as aforesaid, and deliver a copy of them to the public printer, to be printed by him for the use of the people.

SEC. 9. *And be it further enacted*, That in case the aldermen composing the first branch shall, at any time, on any question before them, be equally divided, the recorder shall have the casting vote, and determine such question to the same effect as if the same had been determined by a majority of the aldermen present; and similar power is hereby given to the president of the second branch in case of an equal division in that body.

SEC. 10. *And be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed, and to report the negligence or misconduct of any officer to the said corporation, 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 lay before the said corporation, from time to time, in writing, such alterations in the laws of the said corporation as he shall deem necessary and proper; he shall have and exercise the powers of a justice of the peace in the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the said corporation; no person shall be eligible to the said office of mayor unless a citizen of the United States, of the age of thirty years, a resident of the said town for five years then last past, and unless he shall have paid a tax to said corporation.

SEC. 11. *And be it further enacted*, That in case of a vacancy in either branch of the said corporation, by death, removal, or otherwise, of either of the members, a fit person or persons qualified, as aforesaid, shall be elected by the people, in the manner aforesaid, to fill such vacancy immediately thereafter; the mayor giving however at least five days' notice of such election: and in case of the vacancy of the mayor or recorder, the said corporation shall, within five days thereafter, as herein before directed, proceed to the choice of a fit person or persons, qualified, as aforesaid, to fill his or their place.

SEC. 12. *And be it further enacted*, That the said corporation shall have power to impose a tax, not exceeding in any one year, fifty cents in the hundred dollars, on all property within the said town; and the sessions of the said corporation shall be held as heretofore, until the said second Monday in March current; and the said corporation shall have, possess and enjoy, all the rights, immunities, privileges and powers heretofore enjoyed by them; and shall be called by the same name as heretofore, and shall have perpetual succession; and in addition thereto,

they shall have power to regulate the inspection of flour and tobacco in said town; to prevent the introduction of contagious diseases within said town and precincts; to establish night watches and patrols, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for regulating and licensing ordinaries, auctions and retailers of liquors, hackney carriages, wagons, carts and drays within said town and precincts; to restrain or prohibit gambling; to provide for licensing, regulating or restraining theatrical or other public amusements; to regulate and establish markets; to pass all laws for the regulation of weights and measures; to provide for the licensing and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks to be made and used within said town; the inspection of salted provisions, and the assize of bread; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to erect workhouses; to open, extend, and regulate streets within the limits of the said town; provided they make to the person or persons who may be injured by such opening, extension or regulation just and adequate compensation, to be ascertained by the verdict of an impartial jury, to be summoned and sworn by a justice of the peace of the county of Washington, and to be formed of twenty-three men, who shall proceed in like manner as has been usual in other cases where private property has been condemned for public use; and they shall have the power of restraining, regulating and directing the manner of building wharves and docks; also to direct the manner in which the improvements thereon to be erected, shall be made, so that they may not become injurious to the health of the town; in addition to the power heretofore granted to the said corporation by the act of Congress, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," of laying a tax of two dollars per foot front for paving the streets, lanes and alleys of the said town; they shall have the power upon petition, in writing, of a majority of the holders of the real property fronting on any street or alley, if, in their judgment it shall be deemed necessary, to lay such further and additional sum on each front foot, on said street, or part of a street, as will be sufficient to pave said street or part of a street, lane or alley, so petitioned for; and the like remedy shall be used for the recovery thereof, as is now used for the recovery of the public county taxes in the said county of Washington; and they shall have power by ordinance to direct or order the paved streets to be cleansed and kept clean, and appoint an officer for that purpose; to make and keep in repair all necessary sewers and drains, and to pass regulations necessary for the preservation of the same.

SEC. 13. *And be it further enacted*, That the duties on all licenses to be granted as aforesaid, shall be to and for the proper use and benefit of the said corporation; and the said corporation shall have power to pass all laws not inconsistent with the laws of the United States, which may be necessary to give effect and operation to all the powers vested in the said corporation; and to appoint constables and collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, whose duties and powers shall be prescribed in such manner as the said corporation shall deem fit for the purpose aforesaid.

SEC. 14. *And be it further enacted*, That the jurisdiction of the said corporation shall extend to the limits of the original plan of said town, and to such additions as are recognized by law; and that a survey as soon as conveniently may be after the passage of this law, shall be made, under the direction of the said corporation, ascertaining said limits,

Specific powers of the corporation.

1802, ch. 52.

Duties on licenses to enure to the benefit of the corporation.

Further grant of powers to the corporation.

Local extent of the corporation's jurisdiction.

A survey to be made to ascertain the precise limits.

and a plat thereof made and returned to said corporation, which, when approved of by them, shall be preserved, and become a record.

APPROVED, March 3, 1805.

STATUTE II.

March 3, 1805.

CHAP. XXXIII.—*An Act supplementary to the act intituled "An act making an appropriation for carrying into effect the convention between the United States of America and his Britannic Majesty."*

1802, ch. 49.  
Last payment due under the convention may be made in Great Britain.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be authorized to cause the last payment due under the convention of the eighth day of January, one thousand eight hundred and two, between the United States of America and his Britannic majesty, to be made in Great Britain: *Provided*, that the same may be effected without any risk to the United States.

APPROVED, March 3, 1805.

STATUTE II.

March 3, 1805.

CHAP. XXXIV.—*An Act to establish the districts of Genessee, of Buffalo Creek, and of Miami; and to alter the port of entry of the district of Erie.*

District of Genessee established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of March next, all the shores and waters of the lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the westward of the western extremity of Sodus bay, but excluding all the rivers and waters emptying into the said bay, and to the eastward of the eastern extremity of a certain creek or bay, lying between Niagara and the Genessee river, and known by the name of Oak Orchard creek, shall be a district, to be called the district of Genessee, of which the river Genessee shall be the sole port of entry; and a collector for said district shall be appointed, to reside on the river Genessee.

The river Genessee a port of entry.  
Collector to be appointed, &c.

District of Buffalo creek established.

SEC. 2. *And be it further enacted,* That all the shores, rivers and waters heretofore belonging to the district of Niagara, which empty into Lake Erie, or into the river Niagara, above the falls of Niagara, shall, from and after the thirty-first day of March next, be a district, to be called the district of Buffalo Creek, of which Buffalo Creek shall be the sole port of entry; and a collector for the said district shall be appointed, to reside on Buffalo Creek.

Collector to be appointed &c. &c.

District of Miami established.

SEC. 3. *And be it further enacted,* That from and after the thirty-first day of March next, all the shores, rivers and waters of Lake Erie, within the jurisdiction of the United States, which lie between the west bank of Vermilion river, and the north cape, or extremity of Miami bay, into which the river Miami of Lake Erie empties itself, and including all the waters of the said river Miami, shall be a district, to be called the district of Miami; and the President of the United States is authorized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish, not exceeding two other places, to be ports of delivery only; and a collector for the said district shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established, as aforesaid.

Port of entry at or near Sandusky, and two others, in the discretion of the President, may be established as ports of delivery.—collector and surveyors to be appointed, &c. &c.

President may designate port of entry in district of Erie.

SEC. 4. *And be it further enacted,* That the President be, and he is hereby authorized to designate such place in the district of Erie, as he shall judge expedient, to be the port of entry of the said district.

Allowances to the officers to

SEC. 5. *And be it further enacted,* That the several collectors and surveyors who may be appointed by virtue of this act, or by virtue of the

third section of an act passed the third of March, one thousand eight hundred and three, which authorizes the establishment of a new collection district on Lake Ontario, in addition to the fees and commissions allowed by law, respectively, receive the same annual salary, which by law is allowed to the collectors and surveyors of the several districts comprising the northern and western boundaries of the United States.

APPROVED, March 3, 1805.

be appointed under this act.

1799, ch. 23.

1803, ch. 26.

STATUTE I.

March 3, 1805.

[Repealed.]

Post roads discontinued.  
Act of April 30, 1810, ch. 37.

CHAP. XXXV.—*An Act further to alter and establish certain post roads; 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 following post roads be discontinued, namely:

From Williesville by Waldon's store, Speed's and Wilson's, Sterling Yancey's and Norman's store, to Person Courthouse in North Carolina.

From Wilkes to Ash Courthouse, in North Carolina.

From New Dublin by Tazewell, Russell and Lee Courthouse, to Cumberland Gap in Virginia:

From Georgetown by Concord and Laurel, to Salisbury in Maryland.

From Ringo's tavern, to Flemington in New Jersey.

From Worcester to Lancaster in Massachusetts.

From Springfield to Northampton.

From Boston to Bridgewater.

From Vincennes to Kaskaskias.

From Annapolis by Kent Island and Queenstown to Centreville.

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

*In Massachusetts.*—From Worcester by Holden, Rutland, Hubbards-town, Templeton, Winchendon and Fitzwilliam, to Keen in New Hampshire; from Weymouth landing by Abington, East Bridgewater and West Bridgewater, to Taunton.

Post roads established.

*In New Jersey.*—From Cooper's ferry by Haddinfield, Longacoming, Blue Anchor, Great Egg Harbor, River Bridge and Somers Point, to Absecome in Gallaway township.

*In Pennsylvania.*—From Alexandria by Centre Furnace and Bellefont, to Williamsport; from Bristol by Attleboro, Newtown and Doylestown, to Quakertown; from New Hope through Doylestown, Montgomery's Square, to Norristown; from Norristown by Pawlingsford, Pughtown, Morgantown, Churchtown and New Holland, to Lancaster; from Philadelphia through Germantown, White Marsh, Montgomery Square and Quakertown, to Bethlehem; from Bethlehem by Lausanne to Berwic; from Presqu'ille to Buffaloe Creek.

*In Maryland.*—From Annapolis by Rockhall to Chestertown.

*In Virginia.*—From Randolph Courthouse, to Frankfort; from Genito by Carsell's store to Amelia Courthouse, from thence to Perkinsonville; from Prince Edward Courthouse, by Hunter's tavern, to Lynchburg; from Lynchburg, by Campbell and Pittsylvania Courthouse, to Danville; from Smithfield by Sleepy Hole ferry to Portsmouth; from Sleepy Hole to Suffolk.

*In North Carolina.*—From Williamsboro', by Bullock's and Brown's stores, Sterlingville and the Red House, in Caswell county, to Caswell Courthouse; from Richland, by Onslow Courthouse, to Swanborough; from Raleigh, by Paul's ferry on Neuse, cross-roads at Watson's, Little river at Richardson's, Contentney at Woodward's, Tossnot at Dew's, to Tarborough; from Greenville Courthouse, in the state of South Carolina, to Ashville in the state of North Carolina.

(a) By the 2d section of the act of April 30, 1810, chap. 37, all post roads established by any previous act of Congress, were discontinued.

Post roads established.

*In Georgia.*—From Darien, by Tatnall and Montgomery Courthouse, to Fort Wilkinson; from Washington in Kentucky, to Cincinnati in Ohio.

*In Indiana.*—From Vincennes to Cahokia.

*In Upper Louisiana.*—From St. Louis to St. Charles.

*In Orleans Territory.*—From Natchez, in the Mississippi territory, by Caddy's ferry, Cahola and Rapid Settlements, to Natchitoches; from Washington City, by Athens in Georgia, to New Orleans; and from Knoxville in Tennessee to the Tombigby settlements in the Mississippi territory, so as to intersect the post road from Athens in Georgia to New Orleans, at the most convenient point between Athens and the said settlements.

APPROVED, March 3, 1805.

#### STATUTE II.

March 3, 1805. CHAP. XXXVI.—*An Act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse.*

Appropriation for carrying Indian treaties into effect.

*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, that may arise in carrying into effect the treaties lately made between the United States and the tribes of Indians, called the Delawares, Piankeshaws, Sacs and Foxes, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same are hereby appropriated for the payment of the annuities stipulated in the said treaties to be paid to the said Indians; that is to say, to the Delawares, three hundred dollars, annually, for five years, and the further sum of three hundred dollars, annually, for ten years: to the Piankeshaws, annually, for ten years, the sum of two hundred dollars; and to the Sacs and Foxes, one thousand dollars, annually, so long as the treaty with them shall continue in force.

Annuity to the Delawares.  
To the Piankeshaws.  
To the Sacs and Foxes.

Appropriation for exploring Indian country.

SEC. 2. *And be it further enacted,* That for the purpose of exploring the Indian country, and of ascertaining proper and convenient places for establishing trading houses with the different Indian tribes within the territory of the United States, a sum of five thousand dollars be, and the same is hereby appropriated out of any monies in the treasury, not otherwise appropriated.

For establishing additional trading houses with Indian tribes.

Act of April 18, 1796, ch. 13.

SEC. 3. *And be it further enacted,* That for the purpose of establishing additional trading houses with the Indian tribes, a sum not exceeding one hundred thousand dollars, be, and the same is hereby appropriated, (the balance of a former appropriation being carried to the credit of the surplus fund) to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1805.

#### STATUTE II.

March 3, 1805. CHAP. XXXVIII.—*An Act to extend jurisdiction in certain cases, to the Territorial Courts.*

Superior courts of the several territories of the United States invested with the jurisdiction of the district court of Kentucky, in cases in which the U. States are concerned.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the superior courts of the several territories of the United States, in which a district court has not been established by law, shall, in all cases in which the United States are concerned, have and exercise, within their respective territories, the same jurisdiction and powers which are by law given to, or may be exercised by the district court of Kentucky district: and writs of error and appeals shall lie, from decisions therein, to the supreme court, for the



same causes, and under the same regulations, as from the said district court of Kentucky district.(a)

APPROVED, March 3, 1805.

## STATUTE II.

CHAP. XL.—*An Act to amend an act intituled "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."*

March 3, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sixth section of the act, intituled "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," shall not be deemed to operate upon unregistered ships or vessels, owned by citizens of the United States, in those cases, where such ship or vessel is in possession of a sea letter, or other regular document, issued from a custom-house of the United States, proving such ship or vessel to be American property: *Provided however,* that upon the entry of every such ship or vessel from any foreign port or place, if the same shall be at the port or place at which the owner, or any of the part owners reside, such owner or part owners shall make oath or affirmation, that the sea letter or other regular document possessed by such ship or vessel, contains the name or names of all the persons who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred since the date of such sea letter or document, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by way of trust, confidence or otherwise, in such ship or vessel. And if the owner, or any part owner, shall not reside at the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation to the like effect. And if the owner or part owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges granted by this act.

APPROVED, March 3, 1805.

The sixth section of act for imposing more specific duties, &c. &c. not to operate upon unregistered vessels of U. States, if possessed, *bona fide*, of sea letters, &c.

Act of March 27, 1804, ch. 57.

If entry of any such ship or vessel shall be made at the port where the owner resides, he shall make oath or affirmation that the sea letter contains the names of every person who is owner or part owner of the vessel.

## STATUTE II.

CHAP. XLI.—*An Act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.*

March 3, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whensoever any treason, felony, misprision of treason, or of felony, misdemeanor, breach of the peace, or of the revenue laws of the United States, shall hereafter be committed within the jurisdiction of the United States, and the case shall be cognizable by, or under their authority, if the person committing the same shall be on board of any foreign armed vessel, in any port or harbor of the United States, or in the waters within their jurisdiction, it shall be the duty of any judge or justice of any court of the United States, upon satisfactory proof thereof to him made, to issue his warrant specifying the nature of the offence, and directed to a marshal, commanding him to take the body of the offender, and bring him before the said judge or justice, to be dealt with according to law. And if the said marshal shall deem the ordinary posse comitatus insufficient to insure

Persons committing treason, felony, &c. &c. within the jurisdiction of the U. States, and taking refuge in foreign armed vessels in our ports, may be arrested upon the warrants of a judge or justice of the U. States.

(a) By the 10th section of the act of September 24, 1789, "An act to establish the judicial courts of the United States," chap. 20, vol. i. 77, it is provided "that the district court in Kentucky district shall, besides the jurisdiction given in the act, have jurisdiction of all other causes except appeals and writs of error, as afterwards made cognizable in a circuit court; and shall proceed thereon in the same manner as a circuit court; and writs of error and appeals shall lie from decisions therein, to the supreme court under the same regulations."

Marshals may have the aid, upon an order of the judge or justice, of any military force in his vicinity, if the *posse comitatus* be insufficient to insure the execution of process.

Justifiable homicide.

Felonious homicide.

Aid of United States to be given to executives of particular states, in order to the arrest of offenders against their laws, taking refuge in public armed vessels of foreign nations in the ports or harbors of the United States.

Offenders flying beyond the jurisdiction of the state and within the exclusive jurisdiction of the U. States may be pursued and taken.

Offenders flying to armed vessels in places where U. States have exclusive jurisdiction, how to be dealt with, with those who afford them aid in making resistance, &c. &c.

the execution of the said warrant, he shall apply to the said judge or justice, who shall immediately issue his order, directed to any officer having command of militia, or any officer having command of regular troops, or of armed vessels of the United States, in the vicinity, requiring him to aid the said marshal with all the force under his command, or such part as may be necessary in executing the warrant aforesaid. And the said marshal conforming himself in all things to the instructions which he shall receive from the President of the United States, or from any other person authorized by the President, shall first demand the surrender of the person charged with the offence; and if delivery be not made, or if the marshal be obstructed from making the demand, he shall use all the means in his power by force and arms, to arrest the offender, and all others who are with him, giving him aid and countenance in evading the arrest, and he shall convey the said offender and all others arrested, as aforesaid, and deliver them to the civil authority, to be dealt with according to law. If death ensue to the person ordered to be arrested, or to any of those giving him aid and countenance, it shall be justified; but if to the marshal, or to any of those supporting him in the discharge of his duty, the persons engaged in resisting the civil authority shall be punished as in cases of felonious homicide.

SEC. 2. *And be it further enacted*, That whensoever after the passage of this act any felony, misprision of felony, misdemeanor, or breach of the peace shall be committed within the body of a county in any one of the United States, and any process of law shall be issued under the authority of the state, for the purpose of arresting the offender, if the said offender shall be on board of any foreign armed vessel, in any port or harbor of the United States, and within the jurisdiction of the state in which the offence was committed, it shall be lawful for the governor or other supreme executive officer of the state in which the said offence shall have been committed, upon due proof thereof, and upon his being satisfied that the ordinary *posse comitatus* is insufficient to insure the execution of the said process, to issue his order directed to any officer having command of regular troops or armed vessels of the United States, in the vicinity, requiring him to aid the officer charged with the execution of the process, with all the force under his command, or such part thereof as may be necessary, in arresting the offender and all those giving aid and countenance in resisting the civil authority. And if the said offender shall flee to any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process shall be, and he is hereby authorized to pursue the said offender into such place, taking with him, if necessary, the said armed force, and there arrest him, in virtue of the said process. And if the said offender shall flee to and be on board of any foreign armed vessel being in any place beyond the jurisdiction of the state, and within the exclusive jurisdiction of the United States, the officer charged with the execution of the said process shall first demand the delivery of the said offender of and from the person or persons having charge and command of the said foreign armed vessel, declaring the authority and cause for which the demand is made; and if the said offender be not delivered according to the said demand, or if the officer charged with the execution of the process be obstructed in attempting to make the demand, then he shall use all the means in his power, by force and arms, to enter on board of the said foreign armed vessel, there to search for and arrest the said offender, and all those who are with him giving him aid and countenance, in preventing and resisting the execution of the said process; and the officer charged with the execution of the said process shall convey the said offender and deliver him over to the civil authority of the state, to be dealt with according to law; and all those arrested for being concerned in resisting the execution of

the process shall be delivered over to the civil authority of the United States, and shall be punished in the same manner as if they had been concerned in knowingly and wilfully obstructing, resisting or opposing any officer of the United States in serving or attempting to serve any warrant or other legal or judicial writ issued under the authority of the United States. But if any of those concerned in making the arrest be killed in a place within the exclusive jurisdiction of the United States, those engaged in resisting the civil authority shall be punished as in cases of felonious homicide; and if the person charged with the offence, or any of those concerned with him in resisting, be killed, in a place under the exclusive jurisdiction of the United States, it shall be justified.

Felonious homicide.

Justifiable homicide.

Penalty on commanding officers of the militia who refuse to obey the requisition authorized by this act.

The entrance, into our ports and harbors, of foreign armed vessels, may be permitted or interdicted at the pleasure of the President.

When they shall have entered, they are to conform to regulations, &c. and not conforming may be required to depart.

Force may be employed to compel the departure of foreign armed vessels.

Or all intercourse with them and others of the same nation, may be interdicted if they do not depart.

Refusal of permission to trade with the vessels of the same nation, while the offending one remains in our ports, authorized.

SEC. 3. *And be it further enacted*, That if any commanding officer of militia, of regular troops, or armed vessels of the United States, shall refuse to obey the requisition authorized by this act, he shall forfeit a sum not exceeding five thousand dollars.

SEC. 4. And in order to prevent insults to the authority of the laws, whereby the peace of the United States with foreign nations may be endangered, *Be it further enacted*, That it shall be lawful for the President of the United States, either to permit or interdict at pleasure, the entrance of the harbors and waters under the jurisdiction of the United States to all armed vessels belonging to any foreign nation, and by force to repel and move them from the same, except when they shall be forced in by distress, by the dangers of the sea, by being pursued by an enemy, or when charged with dispatches or business from the government to which they belong; in which cases, as well as in all others when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbor or waters, shall take such position therein, as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States, and not conforming thereto, shall be required to depart from the United States.

SEC. 5. *And be it further enacted*, That whensoever any armed vessel of a foreign nation entering the harbors or waters within the jurisdiction of the United States, and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or the militia thereof, as he shall deem necessary to compel the said armed vessel to depart; or if he shall think it proper, it shall be lawful for him to forbid, by proclamation, all intercourse with such vessel, and with every armed vessel of the same nation, and the officers and crew thereof; to prohibit all supplies and aid from being furnished them, and also to instruct the collector of the district, where such armed vessel shall be, and of any and of every other district of the United States, to refuse permission to any vessel belonging to the same nation, or to its citizens or subjects, to make entry or unlade, so long as the said armed vessel shall remain in the harbors or waters of the United States, in defiance of the public authority. And if after the publication of said proclamation, and due notice thereof, any person shall afford any aid to such armed vessel, or to any other, contrary to the prohibition contained in the said proclamation, either in repairing the said vessel, or in furnishing her, her officers or crew with supplies of any kind, or in any manner whatsoever, or if any pilot shall assist in navigating the said armed vessel, or any other, contrary to the prohibition contained in the said proclamation, unless it be for the purpose of carrying the armed vessel required to depart, as aforesaid, beyond the limits and jurisdiction of the United States, the

## Penalties.

Entrance in our ports of any officer of a foreign armed vessel committing a trespass or tort upon vessels of the U. States on the high seas forbidden.

If found in the U. States contrary to the interdiction, how to be dealt with.

To be liable to prosecution and punishment for other offences.

Collectors and marshals to be instructed touching the execution of this act.

This act may be given in evidence, &c.

Limited to two years, and to the end of the next succeeding session of Congress.

## STATUTE II.

March 3, 1805.

[Expired.]

Owners, &c. of armed vessels bound to the W. Indies, &c. &c. to give bonds, &c. &c.

Arms, &c. &c. to be returned or otherwise accounted for.

person or persons so offending, shall forfeit and pay a sum not exceeding one thousand dollars, and shall also be liable to be bound to their good behaviour.

SEC. 6. *And be it further enacted*, That whensoever any officer of an armed vessel commissioned by any foreign power, shall on the high seas commit any trespass or tort, or any spoliation on board any vessel of the United States, or any unlawful interruption or vexation of trading vessels actually coming to or going from the United States, it shall be lawful for the President of the United States, on satisfactory proof of the facts, by proclamation to interdict the entrance of the said officer, and of any armed vessel by him commanded within the limits of the United States, and if at any time after such proclamation made, he shall be found within the limits of the United States, he shall be liable therefor to be arrested, indicted and punished by fine and imprisonment, in any court in the United States, having competent jurisdiction, and it shall be a part of the sentence that he shall within such time after the payment of his fine and the expiration of his term of imprisonment, as the court shall direct, leave the United States, never to return. And if he shall return within the limits of the United States, after the passing of such sentence, or be found therein after the period limited by the court as aforesaid, he shall again be liable to be indicted, fined and imprisoned at the discretion of the court: *Provided always*, that if the said officer shall also have committed any other offence made punishable by this act, he shall be liable to prosecution and punishment; the provisions of this section to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and required to give, as soon as may be, after the passage of this act, to the collectors of the respective districts, and to such other persons as he may think proper, the necessary instructions for carrying this act into effect, particularly marking out the line of conduct to be observed by the marshal, and the several collectors in performing the duties enjoined by this act.

SEC. 8. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of, or in obedience to this act, he may plead the general issue and give this act in evidence, any law, custom or usage to the contrary, notwithstanding.

SEC. 9. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, March 3, 1805.

CHAP. XLII.—*An Act to regulate the clearance of armed merchant vessels.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after due notice of this act at the several custom-houses, no vessel owned in whole, or in part, by any citizen or citizens of the United States, or by any person or persons residing within the same, or the territories thereof, and armed, or provided with the means of being armed at sea, shall receive a clearance, or be permitted to leave the port where she may be so armed, or provided, for any island in the West Indies, or for any port or place situated on the continent of America, between Cayenne and the southern boundary of Louisiana, without bond with two sufficient sureties being given by the owner or owners, agent or agents, together with the master or commander, to the use of the United States, in a sum equal to double the value of said vessel, her arms, ammunition, tackle, apparel and furniture, conditioned that such arms and ammunition shall not be used for any unlawful purposes, but merely for resistance and defence,

in case of involuntary hostility ; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any port or place in the West Indies ; which bond may be sued for, and recovered with costs of suit, in the name and for the use of the United States, in any court competent to try the same.

SEC. 2. *And be it further enacted*, That no armed merchant vessel or vessel prepared for armament, owned as aforesaid, shall receive a clearance, or be permitted to depart from any port in the United States, for any port or place, other than those described in the first section of this act, unless the owner or owners, agent or agents, and the commander of such vessel shall make oath that such vessel is not bound, or intended to proceed to any island in the West Indies, or any port or place on the continent between Cayenne and the southern boundary of Louisiana, nor on the continent of America between Cayenne and the southern boundary of Louisiana, and also unless a bond be given by the owner or owners, agent or agents, and commander, in a sum equal to double the value of such vessel, her arms, tackle, apparel and furniture, to the use of the United States, conditioned that such vessel shall not proceed to any island in the West Indies, or port on the continent as aforesaid, unless compelled thereto by unavoidable accident ; and if so compelled, that no part of the cargo of such vessel shall be sold except so much thereof as may be absolutely necessary to defray the expenses necessary to enable such vessel to proceed on her intended voyage.

SEC. 3. *And be it further enacted*, That if any armed vessel, as aforesaid, shall proceed to sea without a clearance, contrary to the provision of this act, such vessel, with her arms, ammunition, tackle, apparel and furniture, shall be forfeited to the use of the United States, and be liable to be seized, prosecuted and condemned ; or the value thereof may be sued for, and recovered with costs of suit, of the owner or owners of such vessel, in any court of competent jurisdiction : and the collector within whose district such forfeiture shall accrue, is hereby enjoined to cause prosecutions for the same to be commenced without delay, and prosecuted to effect.

SEC. 4. *And be it further enacted*, That this act shall be in force until the end of the next session of Congress, and no longer.

APPROVED, March 3, 1805.

Bonds may be sued for and recovered, &c. &c.

Armed merchant vessels, &c. &c. not to proceed to any other ports than those described in the first section of this act, &c. &c.

Vessels going to sea, and armed as above, forfeited, if they depart from the U. States without the clearance prescribed in the last preceding section.

Collectors to cause prosecutions to be instituted, &c.

#### STATUTE II.

CHAP. XLIII.—*An Act supplementary to the act intituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes."*(a)

March 3, 1805.

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

Act of March, 26, 1804, ch. 35.  
Act of April 27, 1816, ch. 118.

(a) Public lands in Indiana :—

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country in the territory northwest of the Ohio, and for confirming them in their possessions, March 3, 1791, ch. 27.

An act making provision for the disposal of the public land in the Indiana territory, and for other purposes, March 26, 1804, chap. 35.

An act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory, April 15, 1806, chap. 28.

An act confirming claims to lands in the district of Vincennes, and for other purposes, March 3, 1807, chap. 47.

An act providing for the sale of certain lands in the Indiana territory, and for other purposes, April 30, 1810, chap. 35.

An act confirming the titles of certain purchasers of lands who purchased from the board of trustees of the Vincennes University, April 27, 1816, chap. 118.

An act providing for the sale of certain lands in the district of Marietta, and for the location of claims and sale of certain lands in the district of Vincennes, March 18, 1818, chap. 17.

An act to designate the boundaries of the districts, and establish land-offices for the disposal of public lands not heretofore offered for sale in the states of Ohio and Indiana, March 3, 1819, chap. 90.

An act to designate the boundaries of a land district, and for the establishment of a land-office in the state of Indiana, May 8, 1822, chap. 126.

Lands purchased from the Wabash Indians, and lying between the Wabash and Ohio, attached to the district of Vincennes, and offered for sale, &c. at Vincennes.

Lands lying northwest of the Indian boundary by the treaty of Greenville, shall be surveyed, &c. &c. and offered for sale at Detroit.

Lands purchased from the Sacs and Foxes attached to the district of Kaskaskias, &c.

Lands in the districts of Vincennes, &c. claimed under French or British grants, &c. &c. shall be re-surveyed at the expense of the United States.

Claimants of lands in the foregoing districts, to give notice in writing to the registers of the land offices of their claims, &c.

Powers, duties, &c. &c. of the commissioners.

from the Indian tribes of the Wabash, and lying between the rivers Wabash and Ohio, and the road leading from the falls of the river Ohio to Vincennes, shall be attached to, and made a part of the district of Vincennes, and be offered for sale at that place, under the same regulations, at the same price, and on the same terms as other lands lying within the said district.

SEC. 2. *And be it further enacted*, That such and so many of the tracts of land lying north and west of the Indian boundary, established by the treaty of Greenville, which were ceded by that treaty to the United States, as the President of the United States shall direct, shall be surveyed and subdivided in the same manner as the other public lands of the United States, and shall be offered for sale at Detroit, or at such of the other land-offices established by law in the state of Ohio, or in the Indiana territory, as the President of the United States shall judge most expedient, under the same regulations, at the same price, and on the same terms, as other lands lying within the same district.

SEC. 3. *And be it further enacted*, That so much of the tract of land lately purchased from the Indian tribes known by the name of Sacs and Foxes, as the President of the United States shall think expedient and shall direct, shall be attached to and made a part of the district of Kaskaskias, and shall be offered for sale at that place, under the same regulations, at the same price, and on the same terms, as other lands lying within the said district.

SEC. 4. *And be it further enacted*, That the lands lying within the districts of Vincennes, Kaskaskias and Detroit which are claimed by virtue of French or British grants, legally and fully executed, or by virtue of grants issued under the authority of any former act of Congress, by either of the governors of the Northwest or Indiana territories, and which had already been surveyed by a person authorized to execute such surveys, shall, whenever it shall be found necessary to re-survey the same for the purpose of ascertaining the adjacent vacant lands, be surveyed at the expense of the United States; any act to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That persons claiming lands in either of the said three districts, either under legal grants derived from the French or British governments, or by virtue of actual possession and improvement, or for any other account whatever, may until the first day of November next, give notice in writing to the register of the land-office of their claims, and have the evidence of the same recorded, in the manner and on payment of the fees provided by the act to which this act is a supplement; and the right of any person neglecting to give such notice in writing of his claim, and to have the evidence of the same recorded, shall become void and forever be barred.

The commissioners appointed for the purpose of examining the claims of persons claiming lands in the said three districts, shall, in their respective districts, have the same powers, and perform the same duties in relation to the claims thus filed, as if notice of the same had been given before the first day of January last; and as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall be the duty likewise of the clerk of each board to prepare two transcripts of all the decisions made by the said commissioners in favour of the claimants, and to transmit one to the surveyor-general and one to the Secretary of the Treasury. It shall also be the duty of the said commissioners, respectively, to make to the Secretary

An act to authorize the President of the United States to cause the public surveys to be connected with the line of demarcation between the states of Indiana and Illinois, March 2, 1833, chap. 89.

An act to authorize the states of Indiana and Illinois, to select certain quantities of land in lieu of like quantities heretofore granted to the said states, for the construction of the Wabash and Erie, and Illinois and Michigan canals, August 29, 1842, chap. 262.—See Vol. i. 464, 465. Act of March 3, 1845, ch. 42.

of the Treasury a report of all the claims filed with the register of the land-office, 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; and they shall in relation to any such rejected claims which were founded on possession and actual settlement and improvement, particularly state the date of the improvement and the quantity, situation and boundaries of the land claimed. Those 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 session; and the lands, the claims to which shall have been affirmed by the commissioners, as well as those, the claims to which, though rejected by the commissioners, were derived from actual possession, improvement and settlement, shall not be otherwise disposed of until the decision of Congress thereupon shall have been made. Each of the said commissioners, and each of the clerks of the respective boards, shall be allowed an additional compensation of five hundred dollars, in full for his services as such in relation to such claims; and each of the registers of the land-offices for the said three districts, shall be allowed a further sum of five hundred dollars, as a compensation in full for translating and recording, or causing to be translated and recorded, grants, deeds or other evidences of claims in the French language.

Compensations of the commissioners, clerks, and registers of land-offices.

SEC. 6. *And be it further enacted*, That the governor of the Michigan territory shall act as one of the superintendents of the sales of public lands at Detroit, in lieu of the governor of the Indiana territory.(a)

Act of March 3, 1807, ch. 34.

SEC. 7. *And be it further enacted*, That all the sections heretofore reserved for the future disposition of Congress, and lying within either of the districts established for the disposal of public lands in the state of Ohio, with the exception of the section No. 16, of the Salt Springs, and lands reserved for the use of the same, and of the other sections or tracts of land otherwise heretofore specially appropriated, shall be offered for sale in that district within which such reserved sections may lie, on the same terms, and under the same regulations, as other lands in the same district: *Provided*, that such sections shall previously be offered to the highest bidder at public sales, to be held under the superintendence of the register and receiver of the land-offices, respectively, to which they are attached, on the same terms as has been provided for the public sales of the other public lands of the United States, and on such day or days as shall by a public proclamation of the President of the United States be designated for that purpose: *And provided also*, that no such heretofore reserved section shall be sold either at public or private sale for less than eight dollars per acre.

Sections reserved for the disposition of Congress, to be offered for sale.

Proviso.

Proviso.

SEC. 8. *And be it further enacted*, That the expenses which may be incurred by virtue of this act, shall be defrayed out of the sums which have been or may hereafter be appropriated for defraying the expenses incident to the surveying and disposal of the public lands of the United States, in the Mississippi and Indiana territories.

Expenses, how to be defrayed.

APPROVED, March 3, 1805.

STATUTE II.

CHAP. XLIV.—*An Act in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the revolutionary war."*

March 3, 1805.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions contained in the first section of "An act to make provision for persons that have been disabled by known wounds, received in the actual service of the

The provisions contained in the first section of the act of March 3,

(a) See note to act of March 3, 1807, chap. 34, for the acts relating to the sale of lands in the Michigan territory, and state.

1803, ch. 37, relating to pensions extended.

Persons who apply for a pension must conform to the requirements of the act of March 3, 1803, ch. 37.

United States, during the revolutionary war," passed the third day of March, one thousand eight hundred and three, are hereby extended to all those persons in the service of the United States, who, in consequence of their disability by known wounds, received in actual service during the revolutionary war, resigned their commissions, or took discharges; or who, after incurring their disability, were taken captive by the enemy, and remained either in captivity or on parole, until the close of the war; or who, in consequence of known wounds received in the actual service of the United States, have at any period since, become and continued disabled, in such manner as to render them unable to procure a subsistence by manual labour: *Provided*, that every person of the several descriptions herein mentioned, applying for a pension, shall in all other respects conform to the requirements of the act to which this is an addition.

APPROVED, March 3, 1805.

#### STATUTE II.

March 3, 1805.

CHAP. XLVII.—*An Act to provide for the accommodation of the President of the United States.*

Appropriation for the accommodation of the President of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to cause to be sold such part of the furniture and equipage belonging to his household, as may be decayed and out of repair; and that the sum of fourteen thousand dollars, together with the proceeds of such sales, be appropriated for the accommodation of the household of the President of the United States, to be laid out at his discretion, and under his direction.

APPROVED, March 3, 1805.

#### RESOLUTIONS.

Nov. 27, 1804.

I. RESOLUTION *expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew of the United States ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.*

A sword to be presented to Captain Stephen Decatur.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur, a sword, and to each of the officers and crew of the United States ketch Intrepid, two months pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct and services of Captain Decatur, the officers and crew of the said ketch, in attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns.

APPROVED, November 27, 1804.

March 3, 1805.

II. RESOLUTIONS *expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen and marines of his squadron.*

Thanks of Congress to be presented to Com. Preble, his officers, petty officers, and men.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and the same are hereby presented to Commodore Edward Preble, and through him to the officers, petty officers, seamen and marines attached to the squadron under his command, for their gallantry and good conduct, displayed in the several attacks on the town, batteries and naval force of Tripoli, in the year one thousand eight hundred and four.

A gold medal to be presented to him.

*Resolved*, That the President of the United States be requested to cause a gold medal to be struck, emblematical of the attacks on the



town, batteries and naval force of Tripoli, by the squadron under Commodore Preble's command, and to present it to Commodore Preble, in such manner as in his opinion will be most honourable to him. And that the President be further requested to cause a sword to be presented to each of the commissioned officers and midshipmen who have distinguished themselves in the several attacks.

*Resolved*, That one month's pay be allowed exclusively of the common allowance to all the petty officers, seamen and marines of the squadron, who so gloriously supported the honour of the American flag, under the orders of their gallant commander in the several attacks.

*Resolved*, That the President of the United States be also requested to communicate to the parents or other near relatives of Captain Richard Somers, lieutenants Henry Wadsworth, James Decatur, James R. Caldwell, Joseph Israel, and midshipman John Sword Dorsey, the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

APPROVED, March 3, 1805.

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A sword to be presented to each of the commissioned officers and midshipmen.

One month's additional pay allowed to the petty officers, seamen and marines.