

ACTS OF THE NINTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of December, 1805, and ended on the twenty-first day of April, 1806.

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, on the 11th of December, 1805, and from the 28th of March, 1806; NATHANIEL MACON, Speaker of the House of Representatives.

STATUTE I.

Dec. 11, 1805.

CHAPTER I.—*An Act making an additional appropriation for the Naval service, during the year one thousand eight hundred and five.*

[Obsolete.]
Additional
sum appropriat-
ed for 1805.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the sum heretofore appropriated for that object, the sum of two hundred and fifty thousand dollars be, and the same hereby is appropriated towards defraying the expenses of the navy of the United States, during the year one thousand eight hundred and five.

Out of what
fund it is to be
paid.

1804, ch. 46.

SEC. 2. *And be it further enacted,* That the aforesaid sum 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;" and secondly, out of any monies in the treasury not otherwise appropriated.

APPROVED, December 11, 1805.

STATUTE I.

Dec. 31, 1805.

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

[Obsolete.]

The unex-
pended balance
of a sum here-
tofore appropri-
ated for paying
claims under the
French conven-
tion, not to go
to the surplus
fund.
Act of Nov. 10,
1803, ch. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the balance of the appropriation of three millions seven hundred and fifty thousand dollars, made by the act to which this is a supplement, which may remain unexpended on the thirty-first of December, one thousand eight hundred and five, shall not be carried to the credit of the surplus fund, but shall remain appropriated to the same purpose for which it was originally appropriated, any act to the contrary notwithstanding.

APPROVED, December 31, 1805.

CHAP. III.—*An Act making an additional appropriation to supply the deficiency in the appropriation for the naval service, during 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 supplying the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five, the further sum of three hundred and fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby is appropriated.

APPROVED, January 22, 1806.

STATUTE I.

Jan. 22, 1806.

A further sum appropriated to supply a deficiency in a former appropriation.

STATUTE I.

CHAP. IV.—*An Act to provide for Lighthouses in Long Island sound; and to declare Roxbury, in the state of Massachusetts, to be a port of delivery.*

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 shall be, and he hereby is authorized and required, to cause two good and sufficient lighthouses to be erected in Long Island sound, one to be placed on Watch Hill Point, in the town of Westerly, and state of Rhode Island, and the other on Sands's or Watch Point, in the town of Northampsted, on Long Island, in the state of New York, and to appoint the keepers of the said lighthouses, (under the direction of the President of the United States,) and otherwise provide for such lighthouses, at the expense of the United States: Provided, that sufficient land, for the accommodation of such lighthouses, can be obtained, at a reasonable price, and the legislatures of Rhode Island and New York shall cede the jurisdiction over the same to the United States. And a sum not exceeding six thousand dollars, is hereby appropriated for the purpose of defraying the expense of erecting the said lighthouses, to be paid out of any monies in the treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted, That it shall be the duty of the Secretary of the Treasury to cause the said lighthouses so to be constructed, that their lights, on being discovered, may with certainty be distinguished from those of all other lighthouses, heretofore erected in their neighbourhood.*

SEC. 3. *And be it further enacted, That the town or landing place of Roxbury, 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 and restrictions, as other ports of delivery in the United States.*

APPROVED, January 22, 1806.

Jan. 22, 1806.

A lighthouse to be placed on Watch Hill Point, and one on Sands's or Watch Point in Long Island Sound.

Keepers to be appointed.

Proviso.

The houses to be so constructed, as that their lights, on being discovered, may be distinguished from other lights.

Roxbury, in Massachusetts, to be annexed to the district of Boston and Charlestown.

1799, ch. 22.

STATUTE I.

CHAP. V.—*An Act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.*

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

SEC. 2. *And be it further enacted, That the President of the United States be, and hereby is authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum, per annum, redeemable at the will of the*

Feb. 13, 1806.

[Obsolete.]

Sum appropriated.

President authorized to cause the money to be borrowed.

Rates of interest.

Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

Fund made subject to the reimbursement of principal and the paying of the interest.

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

APPROVED, February 13, 1806.

STATUTE I.

Feb. 21, 1806.

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

Unexpended balance revived and continued: additional appropriation made: to be applied under the direction of a joint committee of the Senate and House of Representatives.

1802, ch. 2.
1811, ch. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the unexpended balance of the former appropriation made to purchase books for the use of Congress, which is hereby revived and continued, there shall be appropriated the sum of one thousand dollars yearly, for the term of five years; to be paid out of any monies in the treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

APPROVED, February 21, 1806.

STATUTE I.

Feb. 21, 1806.

CHAP. VII.—*An Act to repeal in part, the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned."*

Act of March 3, 1795, ch. 49.

Repeal of the 4th sec. of a former act, which imposes the condition of actual settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fourth section of an act, intituled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned," as imposes the condition of an actual settlement on the said inhabitants, or any of them, their heirs or assigns, be, and the same is hereby repealed. And in every case where a patent has issued, in conformity with the said fourth section, to any of the inhabitants aforesaid, their heirs or assigns, the conditions aforesaid, inserted in any such patent, shall be considered null and void; and the fee simple be vested to all intents and purposes, in the person to whom such patent has been issued, his or her heirs or assigns.

APPROVED, February 21, 1806.

STATUTE I.

Feb. 21, 1806.

CHAP. VIII.—*An Act for the relief of the Governor, Secretary, and Judges of the late territory of the United States, northwest of the river Ohio.*

[Obsolete.]

Their accounts to be settled by the accounting officers of the treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they hereby are authorized and directed to settle, at the rate of compensation heretofore established, the accounts of the governor, secretary and judges of the late territory of the United States, northwest of the river Ohio, for their services while acting in those capacities, respectively, at any time between the twenty-ninth day of November, one thousand eight hundred and two, and the first Tuesday of March, one thousand eight hundred and three.

APPROVED, February 21, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. IX.—*An Act to suspend the commercial intercourse between the United States, and certain parts of the island of St. Domingo.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged government of France, shall be, and is hereby prohibited; and any ship or vessel, owned, hired or employed, wholly or in part, by any person or persons resident within the United States, and sailing from any port of the United States, after due notice of this act at the custom-houses, respectively, which contrary to the intent hereof, shall be voluntarily carried; or shall be destined to proceed, whether directly, or from any intermediate port or place, to any port or place within the island of St. Domingo, and not in possession, and under the acknowledged government of France; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage, to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

SEC. 2. *And be it further enacted,* That after due notice of this act at the several custom-houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France: nor shall any clearance be granted for a foreign voyage to any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons, resident within the United States, until the owner or the employer for the voyage, or his factor or agent, with the master, shall give bond to the United States, in a sum equal to the value of the vessel and of her cargo, with condition that the ship or vessel, for which a clearance shall be required, is destined to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France, and during the intended voyage shall not be voluntarily carried, or permitted to proceed, whether directly or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged government of France; and in case of being forced by any casualty into any port or place hereby interdicted, shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo, except so much as may be absolutely necessary to defray the expenses requisite to enable such vessel to proceed on her intended voyage; and generally, that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce, with or for any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged government of France.

SEC. 3. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, and which may be recovered, shall be distributed and accounted for, in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned;" passed the third of March, one thousand seven hundred

[Expired.]

Commercial intercourse with certain parts of St. Domingo interdicted.

Penalties for violating the provision above stated.

Clearances to be given to no vessel destined to any parts of St. Domingo but those in possession of France.

Bonds to be given in cases of destinations to foreign ports, not to touch at such parts of the island of St. Domingo, &c. &c.

How the penalties and forfeitures, are to be accounted for.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

(a) This act was continued in force until the next session of Congress after February 24, 1807. Act of February 24, 1807, chap. 17.

Act of Feb. 11, 1800, ch. 16.

Continuance of this act.

President authorized to remit the disabilities, &c. &c.

and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for one year, and no longer.

SEC. 5. *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order, to remit and discontinue the restraints and prohibitions on the commerce aforesaid.

APPROVED, February 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. X.—*An Act authorizing the sale of a tract of land, in the town of Cincinnati, and state of Ohio.*

Secretary of the Treasury to cause a tract of land to be surveyed, the site of fort Washington, and sold, &c. &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the disposal of a certain tract or lot of land, belonging to the United States, in the town of Cincinnati, on the Ohio, being the same on which Fort Washington was erected, the Secretary of the Treasury shall cause the said tract to be surveyed and laid off into town lots, streets and avenues, in such manner, and of such dimensions as he may judge proper, conforming as near as may be to the original plan of the town; when the survey is completed, a plat thereof shall be returned to the surveyor-general, on which the lots shall be denominated by progressive numbers, who shall therefrom cause two copies to be made, one to be transmitted to the Secretary of the Treasury, and the other to the register of the land-office at Cincinnati: on the receipt of which plat, the Secretary of the Treasury shall cause the said town lots to be offered to the highest bidder at public sale, to be held at Cincinnati, under the superintendence of the register and receiver of the land-office in the district of Cincinnati, on the same terms and conditions as have been provided for the public sale of the public lands of the United States. Six weeks' notice shall be given of the day of sale, in at least two newspapers published in the state of Ohio.

APPROVED, February 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XI.—*An Act extending the powers of the Surveyor-general to the territory of Louisiana; and for other purposes.*

Act of March 2, 1805, ch. 26.

Powers of the surveyor general to be extended to the territory of Louisiana.

Deputy surveyors to be appointed.

Their duties, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers vested by law in the surveyor-general, shall extend over all the public lands of the United States, in the territory of Louisiana, to which the Indian title has been or hereafter shall be extinguished. It shall be the duty of the said surveyor-general to appoint a sufficient number of skilful surveyors, as his deputies, in the said territory, one of whom he shall, with the approbation of the Secretary of the Treasury, designate as his principal deputy for the same. (a) Which said deputies shall severally take an oath, or affirmation, truly and faithfully to discharge the duties of their respective offices. The said principal deputy shall reside and keep an office in the said territory, and shall, under the superintendence of the surveyor-general, execute or cause to be executed by the other deputies, such surveys as may hereafter be authorized by law, or as he may be directed to execute by the commissioners appointed for the purpose of ascertaining the titles and claims to land within the territory aforesaid; and shall generally perform therein, in conformity with the regulations

(a) By the 3d section of the act of April 29, 1816, chap. 51, so much of the act of February 28, 1806, as provides for the appointment of a principal deputy as is inconsistent with the act of 1816, is repealed.

and instructions of the said surveyor-general, the duties imposed by law on the said surveyor-general.

SEC. 2. *And be it further enacted*, That all the plots of surveys, and all other papers and documents pertaining, or which did pertain to the office of surveyor-general, under the Spanish government, within the limits of the territory aforesaid, or to any other office heretofore established or authorized, for the purpose of executing or recording surveys of lands within the said limits, shall be delivered to the principal deputy aforesaid; and no plot of survey shall be admitted as evidence, in any court of justice, unless certified by the said principal deputy, to be a true copy of the record in his office.

SEC. 3. *And be it further enacted*, That so much of the act, intituled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as makes it the duty of every claimant to lands, within the territory of Louisiana, to deliver to the recorder of land titles a plot of the tract or tracts, claimed by him, be, and the same is hereby repealed, so far as relates to claimants whose tracts had not been surveyed by the proper officer, under the Spanish government, prior to the twentieth day of December, one thousand eight hundred and three. And the commissioners appointed for ascertaining the titles and claims to lands, within either the territory of Louisiana, or that of Orleans, are hereby authorized to direct the officer exercising the powers of surveyor-general, within the same, to execute such surveys as they may think necessary, for the purpose of deciding on claims presented for their decision: *Provided*, that the expense of executing such surveys shall be defrayed by the parties claiming the land, unless the same be claimed by a legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred: *And provided also*, and it is hereby further enacted, that every such survey, as well as every other survey, by whatever authority heretofore executed, those of the above-mentioned legal and complete titles only excepted, shall be held and considered as private surveys only; and all the tracts of land, the titles to which may be ultimately confirmed by Congress, in conformity with the provisions of the act above mentioned, shall, prior to the issuing of patents, be re-surveyed, if judged necessary, under the authority of the person exercising the powers of surveyor-general, and at the expense of the parties.

SEC. 4. *And be it further enacted*, That the surveyor-general shall fix the compensation of the deputy surveyors, chain carriers, and axe men, in the territory of Louisiana: *Provided*, that the whole expense of surveying and marking the lines, whether paid by the United States, or by individuals, shall not exceed three dollars per mile, for every mile that shall be actually run, or surveyed and marked. And the principal deputy aforesaid, shall be entitled to receive from individuals the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey, and for a certified copy of any plot of a survey in his office, twenty-five cents.

APPROVED, February 23, 1806.

Plots of surveys appertaining to the office of surveyor-general under the Spanish government to be delivered to the principal deputy: What copies are good evidence.

Part of a former act respecting plots of land, &c. &c. repealed.

Act of March 2, 1805, ch. 26, sect. 4.

Commissioners authorized to direct such surveys as they may think necessary for the ascertainment of titles.

Proviso.

Private surveys excepted.

All tracts to which the title shall be confirmed by Congress, shall be re-surveyed.

Compensations.

Proviso.

STATUTE I.

Feb. 28, 1806.

[Obsolete.]

CHAP. XII.—*An Act declaring the consent of Congress to an act of the state of Pennsylvania, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned."*

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 it is hereby granted and declared to the operation of an act of the legislature of Pennsylvania, passed on the first day of April, in the

Assent of Congress to an act of the legislature of Pennsylvania, laying a

duty on tonnage.

year one thousand eight hundred and five, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the state of Pennsylvania to collect a duty of four cents per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

APPROVED, Feb. 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XIII.—*An Act for altering the time for holding the circuit court, in the district of North Carolina; and for abolishing the July term of the Kentucky district court.*

June term of the court changed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June term of the circuit court now holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, any thing contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court; and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made: *Provided nevertheless,* that when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.

Process made returnable accordingly.

Altered 1807, ch. 5.

SEC. 2. *And be it further enacted,* That from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be, and the same is hereby repealed.

APPROVED, Feb. 28, 1806.

July district court of Kentucky abolished.

STATUTE I.

March 8, 1806.

CHAP. XIV.—*An Act to extend jurisdiction in certain cases to state judges and state courts.*(a)

Jurisdiction given to certain state courts in cases of forfeitures and penalties under the revenue laws of the U. S.

1808, ch. 51.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the respective county courts within, or next adjoining the revenue districts herein after mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Genessee, Niagara, and Buffaloe Creek, in the state of New York, and in the district of Presque Isle, in the state of Pennsylvania, and the district attornies of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as prosecutor aforesaid: *Provided,* that this authority shall not be construed to extend

(a) In the case of *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539, where the question presented to the court arose out of the proceedings of a magistrate of the commonwealth of Pennsylvania, under the law of Pennsylvania which interfered with the provisions of the act of Congress relating to the arrest of fugitives from labour, (act of February 12, 1793, chap. 7,) the magistrate of the state, having refused to execute the provisions of that law, the Court said, "As to the authority conferred on state magistrates by the fugitive law, while a difference of opinion exists, and may exist, on this point, in different states, whether state magistrates are bound to act under it; none is entertained by the court that state magistrates may, if they choose, exercise the authority, unless prohibited by the state legislatures." 16 Peters, 632.

jurisdiction to the county courts aforesaid, over any civil cause, which may arise in any of those revenue districts, for the collection of duties payable to the United States; or of bonds or securities given for the security and payment of duties to the United States.

SEC. 2. *And be it further enacted*, That the county courts aforesaid, or the first judge of each of said courts, shall be, and hereby are further authorized to exercise all and every power in the cases of a criminal nature, cognizable before them by virtue of the first section of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them by virtue of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned." And in the exercise of the authority, by this section given to said county courts, or to the first judges thereof, they shall be governed in every respect by the regulations, restrictions and provisoes of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, aforesaid; with this difference only, that instead of notifying the district attornies, respectively, said county courts, or the first judges thereof, as the case may be, shall, before exercising said authorities, cause reasonable notice to be given to the attorney who may have been appointed and sworn or affirmed to prosecute for the United States, in such court, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

SEC. 3. *And be it further enacted*, That this act shall remain in force during the term of one year, from its passage, and from thence to the end of the next session of Congress thereafter, and no longer. (a)

APPROVED, March 8, 1806.

Criminal jurisdiction in certain cases conferred upon the courts.

Powers given by the act of March 3, 1797, ch. 13, for the remission of forfeitures, to the judges of state courts.

Continuance of this act. Continued 1808, ch. 51.

STATUTE I.

March 8, 1806.

CHAP. XV.—*An Act declaring the town of Jersey, in the state of New Jersey, to be a port of delivery; and for erecting a Lighthouse on Wood Island, or Fletcher's neck, in the state of Massachusetts.*

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 Jersey, in the state of New Jersey, shall be a port of delivery, to be annexed to the district of Perth Amboy, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States. And there shall be appointed a surveyor to reside at the said port of delivery, who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

Jersey, in the state of New Jersey, made a port of delivery.

1799, ch. 22, sec. 7.

Surveyor to reside at the said place.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorized and required, to cause a good and sufficient lighthouse to be erected on Wood island, or on Fletcher's neck, in the district of Maine, (selecting either place, as the President of the United States may deem most eligible) and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided*, that sufficient land for the accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the sum of five thousand dollars is hereby appropriated for the erection of said lighthouse, to be paid out of any monies in the treasury, not otherwise appropriated.

A lighthouse to be erected on Wood island, or on Fletcher's neck.

Proviso.

APPROVED, March 8, 1806.

(a) By an act passed April 21, 1808, chap. 51, the provisions of this law are made perpetual and extended to the ports and harbors in Ohio.

STATUTE I.

March 28, 1806.

CHAP. XVI.—*An Act to incorporate the trustees of the Presbyterian congregation of Georgetown.*

Stephen B. Balch, &c. made a corporation or body politic.

Their style and title.

Corporation made capable of holding and alienating property, &c.

Proviso.

Made capable of suing or being sued, &c.

Have authority to use a common seal &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Stephen B. Balch, William Whann, James Melvin, John Maffit, John Peter, Joshua Dawson, James Calder, George Thompson, Richard Elliott, David Wiley, and Andrew Ross, and their successors, duly elected, or appointed, in manner herein after directed, be, and they are hereby made, declared, and constituted a corporation, and body politic in law, and in fact, to have continuance forever, by the name, style, and title of "The Trustees of the Presbyterian Congregation, in Georgetown."

*SEC. 2. And be it further enacted, That all and singular, the lands, tenements, rents, annuities, rights, privileges, goods, and chattels, heretofore given, granted, devised, or bequeathed to the said congregation, or to any person or persons, for the use thereof, or that have been purchased for, or on account of the same, be, and are hereby vested in and confirmed to the said corporation: And further, that the said corporation may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights or privileges, or any goods, chattels or other effects, of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed or devised, unto them by any person or persons, bodies politic, or corporate, capable of making such gift, grant, sale, or bequest; and the said property, real and personal, to rent, sell, convey and confirm, or otherwise dispose of, as fully and effectually as any person or persons, bodies politic, or corporate, may or can do: *Provided*, that the clear annual income of all such property may not exceed the sum of three thousand dollars; that no part of the ground now appropriated, and inclosed for a graveyard, be disposed of for any other purpose; and that the aforesaid property, real and personal, be considered as held in the trust, under the management, and at the disposal of said corporation, for the purpose of defraying the expenses incident to their mode of religious worship; of enclosing and keeping in decent repair, their graveyards, and other lots, with the buildings thereon; and of affording such relief to the poor, as their funds may from time to time allow, and for no other purpose.*

SEC. 3. And be it further enacted, That the said corporation, by the name, style, and title aforesaid, be, and shall be hereafter, forever, able and capable in law, to sue, and to be sued, plead, and be pleaded, answer and be answered unto, defend, and be defended, in any court, or courts, or other places, and before any judge, or judges, justice or justices, or other person whatsoever, within the district of Columbia, or elsewhere, in all, and all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatsoever kind or nature they may be, in as full and effectual a manner, as any other person, or persons, bodies politic, or corporate, may or can do.

SEC. 4. And be it further enacted, That the said corporation shall have full power and authority, to make, have, and use a common seal, with such device and inscription, as they shall think proper, and the same to break, alter, and renew, at their pleasure; to appoint a treasurer, secretary, and such other officers, as they may deem necessary and proper; to assign them their duties, and fix their compensation, and to remove any, or all of them from office; appoint another, or others, in their place, as often as they shall think fit; to make, ordain, establish, and execute, such by-laws, and ordinances, of a secular nature, as may be deemed useful, for their own government, and the same to alter, amend, or abrogate, at pleasure; to fill up vacancies that may happen in their number, between two annual elections; and to determine upon, do and transact all business, and matters appertaining to the said cor-

poration, and to the secular affairs of said congregation, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided*, that not less than five trustees be a quorum to do business; that no by-law, rule or ordinance shall be made, repugnant to the laws of this district.

Proviso.

SEC. 5. *And be it further enacted*, That there shall be an annual meeting of the members belonging to said congregation, held on the first Tuesday of April, in every year hereafter, at the church or usual place of public worship, at which time and place the said members, or such of them as may be present, shall elect, and choose, by ballot, from their own number, nine trustees, to serve for the year ensuing their election, and until others shall be elected or appointed to serve in their place.

Annual meetings of the members of the congregation for the choice of trustees, &c.

SEC. 6. *And be it further enacted*, That the trustees shall keep, or cause to be kept, in suitable books for the purpose, just and proper entries of all the proceedings and accounts of said congregation and corporation, and have them laid before the members, at every annual meeting, previous to taking the votes, and shall always deliver the said books, together with all the property of said congregation and corporation, in good order to their successors in office, whenever required.

Suitable books to be kept by the trustees.

APPROVED, March 23, 1806.

STATUTE I.

CHAP. XVII.—*An Act declaring the consent of Congress to an act of the state of South Carolina, passed on the twenty-first day of December, in the year one thousand eight hundred and four, so far as the same relates to authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports.*

March 28, 1806.

[Expired.]

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 it is hereby granted and declared to the operation of an act of the general assembly of the state of South Carolina, passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, intituled "An act to authorize the city council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purposes therein mentioned," so far as the same extends to authorizing the city council of Charleston to impose and levy a duty not exceeding six cents, per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston from any foreign port or place whatever.

Act of the legislature of South Carolina, laying a duty on tonnage, assented to by Congress.

SEC. 2. *And be it further enacted*, That the collector of Charleston is hereby authorized to collect the duty imposed by this act, and to pay the same to such persons as shall be authorized to receive the same by the city council of Charleston.

The collector of Charleston to collect the duty and pay it over.

SEC. 3. *And be it further enacted*, That this act shall be in force for three years, and from thence to the end of the next session of Congress thereafter, and no longer.

Limitation of the law.

APPROVED, March 28, 1806.

Continued 1809, ch. 5.

STATUTE I.

CHAP. XIX.—*An Act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio.*(a)

March 29, 1806.

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

(a) The acts which have been passed relating to the "Cumberland road," are:

An act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, March 29, 1806, chap. 19.

An act in addition to the "act to regulate the laying out and making a road from Cumberland in the state of Ohio," March 3, 1811, chap. 45.

An act in addition to the act to regulate the laying out and making a road from Cumberland in the state of Maryland, to the state of Ohio, May 6, 1812, chap. 78.

Three disinterested persons to be appointed commissioners to lay out a road.

United States be, and he is hereby authorized to appoint, by and with the advice and consent of the Senate, three discreet and disinterested citizens of the United States, to lay out a road from Cumberland, or a point on the northern bank of the river Potomac in the state of Maryland, between Cumberland and the place where the main road leading from Gwinn's to Winchester, in Virginia, crosses the river, to the state of Ohio: whose duty it shall be, as soon as may be, after their appointment, to repair to Cumberland aforesaid, and view the ground, from the points on the river Potomac herein before designated, to the river Ohio; and to lay out in such direction as they shall judge, under all circumstances, the most proper, a road from thence to the river Ohio, to strike the same at the most convenient place, between a point on its eastern bank, opposite to the northern boundary of Steubenville, in said state of Ohio, and the mouth of Grave creek, which empties into the said river, a little below Wheeling, in Virginia.

Width, &c. of the road.

SEC. 2. *And be it further enacted*, That the aforesaid road shall be laid out four rods in width, and designated on each side by a plain and distinguishable mark on a tree, or by the erection of a stake or monument, sufficiently conspicuous, in every quarter of a mile of the distance, at least, where the road pursues a straight course so far or farther, and on each side, at every point where an angle occurs in its course.

Commissioners to present a plan of the road to the President, &c.

SEC. 3. *And be it further enacted*, That the commissioners shall, as soon as may be, after they have laid out said road, as aforesaid, present to the President an accurate plan of the same, with its several courses and distances, accompanied by a written report of their proceedings, describing the marks and monuments by which the road is designated, and the face of the country over which it passes, and pointing out the particular parts, which they shall judge require the most and immediate attention and amelioration; and the probable expense of making the same passable in the most difficult parts, and through the whole distance: designating the state or states, through which said road has been laid out, and the length of the several parts which are laid out on new ground, as well as the length of those parts laid out on the road now travelled. Which report the President is hereby authorized to accept or reject, in the whole, or in part. If he accepts, he is hereby further authorized and requested to pursue such measures, as in his opinion shall be proper, to obtain consent for making the road, of the state or states, through

President authorized to accept or reject it, and to pursue measures for having it executed.

- An act in addition to the act to regulate the laying out a road from Cumberland in the state of Maryland, to the state of Ohio, February 14, 1815, chap. 43.
- An act to authorize the appointment of commissioners to lay out the road therein mentioned, May 15, 1820, chap. 122.
- An act for the preservation of the Cumberland road, March 2, 1827, chap. 44.
- An act for the construction of the Cumberland road, westwardly of Zanesville, March 2, 1829, chap. 50.
- An act for the continuation of the Cumberland road, March 2, 1829, chap. 31.
- An act for the preservation and repair of the Cumberland road, March 2, 1829, chap. 52.
- An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, March 2, 1831, chap. 63.
- An act declaring the assent of Congress to an act of the general assembly of the state of Ohio, hereinafter recited, March 2, 1831, chap. 97.—[The act of the state of Ohio provides for the erection of toll gates, the appointment of toll gatherers and rates of toll on the part of the Cumberland road, which is in the state of Ohio.]
- An act declaring the assent of Congress to an act of the general assembly, hereinafter recited, March 2, 1833, chap. 79.—[This act provides for the erection of toll gates, and the collection of tolls in that part of the road which passes through the state of Virginia.]
- An act for the continuation and repair of the Cumberland road, June 24, 1834, chap. 68.—[By the 4th section of this act the road is surrendered to the states respectively, through which it passes.]
- An act for the continuation and repair of the Cumberland road, in the states of Ohio, Indiana, and Illinois, March 3, 1835, chap. 29.
- An act amendatory of the act for the continuation of the Cumberland road, March 3, 1835, chap. 30.
- An act for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois, July 2, 1836, chap. 264.
- An act to provide for the continuing the construction, and for the repairs of certain roads, and for other purposes, during the year 1837, March 3, 1837, chap. 44.
- An act making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, and for other purposes, May 25, 1838, chap. 84.

which the same has been laid out. Which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts of the same as he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose.

SEC. 4. *And be it further enacted*, That all parts of the road which the President shall direct to be made, in case the trees are standing, shall be cleared the whole width of four rods; and the road shall be raised in the middle of the carriage way with stone, earth, or gravel and sand, or a combination of some or all of them, leaving or making, as the case may be, a ditch or water-course on each side, and contiguous to said carriage way: and in no instance shall there be an elevation in said road, when finished, greater than an angle of five degrees with the horizon. But the manner of making said road, in every other particular, is left to the direction of the President.

SEC. 5. *And be it further enacted*, That said commissioners shall each receive four dollars per day, while employed as aforesaid, in full for their compensation, including all expenses. And they are hereby authorized to employ one surveyor, two chainmen, and one marker, for whose faithfulness and accuracy, they, the said commissioners, shall be responsible, to attend them in laying out said road, who shall receive in full satisfaction for their wages, including all expenses, the surveyor three dollars per day, and each chainman and the marker, one dollar per day, while they shall be employed in said business; of which fact, a certificate signed by said commissioners shall be deemed sufficient evidence.

SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby appropriated, to defray the expense of laying out and making said road. And the President is hereby authorized to draw, from time to time, on the treasury, for such parts, or at any one time, for the whole of said sum, as he shall judge the service requires. Which sum of thirty thousand dollars, shall be paid, first, out of the fund of two per cent. reserved for laying out and making roads to the state of Ohio, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, intituled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes." Three per cent. of the appropriation contained in said seventh section, being directed by a subsequent law, to the laying out, opening, and making roads within the said state of Ohio. And secondly, out of any money in the treasury not otherwise appropriated, chargeable upon, and reimbursable at the treasury by said fund of two per cent. as the same shall accrue.

SEC. 7. *And be it further enacted*, That the President be, and he is hereby requested, to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures, as may, from time to time, be proper, under existing circumstances.

APPROVED, March 29, 1806.

CHAP. XX.—*An Act for establishing Rules and Articles for the government of the Armies of the United States.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the pass-

(a) The acts for establishing rules and articles for the government of the army of the United States. An act for the better organization of the troops of the United States, and for other purposes, March 3, 1799, repealed.

Mode in which the road is to be made.

Compensation of the commissioners.

Commissioners authorized to employ surveyor, chainmen, &c. &c.

Their compensation.

Specific appropriation.

President authorized to draw for the whole or a part of the sum appropriated.

Out of what fund the money is to be paid. 1802, ch. 40.

President to make a statement to Congress of the proceedings under this act.

STATUTE I.

April 10, 1806.

Armies of the U. S. to be go-

verned by the following rules, &c.

Rules and regulations.

Officers to subscribe these rules.

Officers and soldiers recommended to attend divine service.

Indecent and irreverent conduct punished.

Profane swearing.

Absence of chaplains offence.

Contemptuous words against the President & Vice President.

Contempt or disrespect to commanding officers.

Exciting to mutiny.

Officers present at mutiny or sedition not giving information or endeavouring to

ing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed :

Article 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Article 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit *one sixth of a dollar*, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Article 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence *one dollar*, to be applied as in the preceding article.

Article 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Article 5. Any officer or soldier, who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Article 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

Article 7. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Article 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavour to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding

An act fixing the military peace establishment of the United States, March 16, 1802, chap. 9.

An act for establishing rules and articles for the government of the army of the United States, April 10, 1806, chap. 20.

An act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, section 14. This section provides, "That the system of 'General regulations of the army,' compiled by Major General Scott, shall be and the same is hereby approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States." This section was repealed by the act of May 7, 1822, chap. 88.

An act to alter and amend the sixty-fifth article of the first section of "An act establishing rules and articles for the government of the army of the United States," passed tenth April, 1806. May 29, 1830, chap. 179.

officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

suppress the mutiny.

Article 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence be inflicted upon him by the sentence of a court martial.

Striking a superior officer.

Death.

Article 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation: "I, A. B. do solemnly swear, or affirm, (as the case may be) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Rules and articles to be read on enlistment.

Oath.

To be taken before a magistrate.

Article 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him, shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

After enlistment not to be discharged unless in writing.

Discharges how given.

Article 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort or barrack of the United States, (his field officer being absent) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion shall require it.

Furloughs to non-commissioned officers or soldiers.

Article 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of mus-

Certificates signifying how long officers have been absent, to be given to the commissary of musters.

The certificates to be sent

to the department of war.

False certificates.

False musters.

Taking money for false musters.

Muster of a person not a soldier.

Making false returns.

Monthly returns of the regiment.

Punishment for neglect.

Desertion.

Absence without leave.

Enlistment in other regiments without having been discharged.

Advising to desert.

ters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

Article 14. Every officer who shall be convicted, before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Article 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Article 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have, or hold any office or employment in the service of the United States.

Article 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Article 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Article 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall, in the beginning of every month, remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime by the judgment of a general court martial.

Article 20. All officers and soldiers, who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Article 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

Article 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Article 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of

the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Article 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Reproachful speeches by soldiers.

Article 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Sending a challenge to fight.

Article 26. If any commissioned or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Allowing a person to go forth to fight a duel.

Article 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Quarrels and affrays.

Article 28. Any officer or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Upbraiding another for not sending a challenge.

Article 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveillies, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttlng.

Prohibition of sale of liquors and victuals after nine at night.

Article 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Suttlers.

Article 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Rents of stalls, &c. to suttlers.

Article 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating, or otherwise ill treating, any person, of disturbing fairs or markets, or of committing any kinds of riots to the disquieting

Good order to be kept.

Reparation for injuries.

of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered or otherwise punished as a general court martial shall direct.

Officers or soldiers who commit offences against the persons or property of citizens of the United States to be delivered over to the officers of justice.

Article 33. When any commissioned officer or soldier, shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person, or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of the party or parties injured, to use their utmost endeavours to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer, or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

Punishment for neglect.

Officers who shall think themselves wronged by their commanding officer may complain to the general.

Article 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

Inferior officers who think themselves wronged.

Article 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court martial.

Embezzlement &c. of public property by commissioned officers.

Article 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall, at his own expense, make good the loss, or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Embezzlement, &c. by soldiers.

Article 37. Any non-commissioned officer, or soldier, who shall be convicted, at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale of his horse, arms, &c. by non-commissioned officers or soldiers.

Article 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages, (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other corporeal punishment as his crime shall deserve.

Article 39. Every officer, who shall be convicted before a court

martial, of having embezzled, or misapplied any money, with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Embezzlement of money.

Article 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Every captain of a troop to be accountable for the arms of the troop.

Article 41. All non-commissioned officers and soldiers, who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

Absence from camp without leave.

Article 42. No officer, or soldier, shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Officer or soldier out of garrison without leave in writing.

Article 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Retirement to quarters at beating the retreat.

Article 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

Attendance at parade.

Article 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Drunkenness.

Article 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

Sentinel sleeping on his post.

Article 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Excuses from duty.

Hiring of duty.

Article 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Connivance at hiring.

Article 49. Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

False alarms by officers.

Article 50. Any officer or soldier, who shall, without urgent necessity or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Quitting guard.

Article 51. No officer or soldier shall do violence to any person who

Violence to

persons bringing provisions.

brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Misbehaviour before the enemy.

Article 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Casting away arms.

Plunder.

Making known the watchword.

Article 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Behaviour on march.

Article 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Forcing a safe guard.

Article 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Relieving or assisting the enemy.

Article 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Correspondence with the enemy.

Article 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy either directly or indirectly, shall suffer death or such other punishment as shall be ordered by the sentence of a court martial.

All public stores taken in the enemy's camp to be secured.

Article 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Compelling the surrender of a fort, &c.

Article 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

Suttlers to be subject to orders.

Article 60. All suttlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Rank of brevets.

Article 61. Officers having brevets, or commissions, of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Article 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Command on march.

Article 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

Engineers.

Article 64. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively, but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

General court martial.

Article 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial, whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismissal of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders, in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be. (a)

General officers may appoint court martial.

Article 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment, or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers, commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Proceedings of court martial.

Commanding officers of regiments may appoint courts martial.

Article 67. No garrison, or regimental court martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labour, any non-commissioned officer or soldier, for a longer time than one month.

No garrison or regimental court martial shall have power to try officers.

Article 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

Limitation of powers.

Court martial how composed.

Article 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might

Judge advocate.

tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

Oath of officers of court martial.

“You A. B. do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of ‘An act establishing rules and articles for the government of the armies of the United States,’ without partiality, favour, or affection: and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless, required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*”

Oath of judge advocate.

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

“You A. B. do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in due course of law; nor divulge the sentence of the court, to any but the proper authority, until it shall be duly disclosed by the same. *So help you God.*”

Prisoner standing mute.

Article 70. When a prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

Challenges of members of courts martial by prisoners.

Article 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Behaviour of the members of a court martial.

Article 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Evidence.

Article 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation in the following form:

“You swear or affirm, (as the case may be,) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*”

Depositions.

Article 74. On the trials of cases not capital, before courts martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: provided, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

Officers not to be tried, if it can be avoided, by inferior officers.

Article 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

Sessions of courts martial.

Officers before courts martial.

Article 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Article 77. Whenever any officer shall be charged with a crime, he

shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Arrest of officers.
Confinement of offenders.

Article 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court martial, or released by proper authority.

Confinement of persons charged with crimes.

Article 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

No officer to be confined more than eight days before trial.

Article 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Officers refusing to keep prisoners.

Article 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Releasing prisoners or suffering them to escape.

Article 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Report to be made of prisoners.

Article 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Behaviour before courts martial.

Article 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Sentences of courts martial.

Article 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Punishment for cowardice or fraud.

Article 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Courts martial where the officers adequate to form a court martial are not in sufficient number at the post.

Article 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Sentence of a court martial shall be by the concurrence of two-thirds.

Article 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself or some other manifest impediment, shall not have been amenable to justice within that period.

Limitation of trials.

Article 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such

Power of pardon, or mitigating sentences.

court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Duty of the judge advocate.

Article 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Copies of proceedings and sentence of court martial.

The party tried by any general court martial, shall, upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Courts of inquiry.

Article 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Authentication of proceedings of courts of inquiry.

Article 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer: and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonourable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Where proceedings of courts of inquiry are evidence.

Oath to members of courts of inquiry.

Article 93. The judge advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You A. B. do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

Effects of a commissioned officer who dies to be secured for his executors

Article 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall imme-

diately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

Article 95. When any non-commissioned officer, or soldier, shall die, or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

Article 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery, or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Article 97. The officers and soldiers, of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Article 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Article 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

Article 100. The President of the United States shall have power to prescribe the uniform of the army.

Article 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service.

SEC. 2. And be it further enacted, That in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

SEC. 3. And be it further enacted, That the rules and regulations, by

or administrators.

The effects of non-commissioned officers or soldiers who die or shall be killed to be taken care of.

These articles to govern all officers, &c.

Officers and soldiers of the militia when in service to be governed by these articles.

Rank of militia officers when serving with officers of the army.

Crimes not capital, and all disorders and neglects not mentioned in these articles to be taken cognizance of by court martial.

Uniform of the army.
Publication of these articles once in six months.

Persons lurking about fortifications as spies.

Rules and regulations, formerly in force, abolished.

which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXI.—*An Act relating to bonds given by Marshals.*(a)

Bond of the marshal shall be

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

(a) By the 27th section of the act of September 24, 1789, chap. 20, vol. i. 87, the appointment of a marshal in each district, is provided for, and his duties and powers regulated.

The decisions of the courts of the United States as to the duties, powers, and liabilities of Marshals are:—

The marshal may have an attachment to enforce the payment of his fees of office, against suitors in the court; so also against the endorser on the writ, who by the *lex loci*, is liable to respond for costs. Anonymous, 2 Gallis. C. C. R. 101.

The marshal is entitled to his full commissions according to the act of 1799, chap. 19, upon all interlocutory sales of prize property. The act of 27th January, 1813, applies only to sales after final condemnation. The Avery, 2 Gallis. C. C. R. 308.

It is the duty of the marshal, upon all interlocutory sales, to bring the proceeds into court, with a regular account of the sales. *Ibid.*

The marshal is entitled to commissions upon prize property, removed from his district, by consent of parties, and there sold. The San Jose Indiana, 2 Gallis. C. C. R. 311.

After a rule on the marshal to return the *capias ad satisfaciendum* issued against the defendants, on the return of the marshal that the plaintiff had directed him not to serve the writ on one defendant, and that the other could not be found, the court have nothing more to do with the rule. If the marshal has misconducted himself, the remedy is an action for a false return. *Segourney v. Ingraham et al.*, 2 Wash. C. C. R. 336.

Where an individual, acting in pursuance of what he conceives a just claim to property, proceeds by legal process to enforce it, and causes a levy to be made on property which is claimed by another, without abusing or perverting its true object, there is and ought to be a very different rule for damages, from the case in which vindictive damages may be allowed, if after a due course of legal investigation, his case is not well founded. Where the defendant had acted as the marshal of the United States, in the execution of his duties as a public officer, and had made a levy, but had done nothing out of the strictest line of duty, the circuit court instructed the jury to allow compensation for the injury sustained, and nothing more. *Pacific Ins. Co. v. Conard, Baldwin's C. C. R. 143.*

It has long been settled that a jury ought not in any case to find exemplary damages against a public officer, acting in obedience to orders from the government, without any circumstances of aggravation, if he violates the law in making a seizure of property. *Ibid.*

A marshal is not removed by the appointment of a new one, until he receives notice of such appointment; all acts done by the old marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. *Wallace's C. C. R. 119.*

If a debtor, committed to the state jail under process from the courts of the United States, escape, the marshal is not liable. *Randolph v. Donaldson*, 9 Cranch, 76; 3 Cond. Rep. 280.

The act of Congress has limited the responsibility of the marshal to his own acts and the acts of his deputies. The keeper of a state jail is, neither in fact nor in law, the deputy of the marshal; he is not appointed by, nor removable at the will of the marshal. When a prisoner is regularly committed to a state jail by the marshal, he is no longer in the custody of the marshal, or controllable by him. *Ibid.*

If a marshal, before the date of his official bond, receive, upon an execution, money due to the United States, with orders from the comptroller to pay it into the Bank of the United States, which he neglects to do, the sureties in his official bond, executed afterwards, are not liable therefor upon the bond; although the money remain in the marshal's hands after the execution of the bond. *The United States v. Giles and others*, 9 Cranch, 212; 3 Cond. Rep. 377.

Query. Whether the sureties in a marshal's bond conditioned for the faithful execution of his duty, "during his continuance in the said office," are liable for money received by him after his removal from office, upon an execution which remained in his hands at the time of such removal? *Ibid.*

The comptroller of the treasury has a right to direct the marshal to whom he shall pay money received upon executions, and a payment according to such directions is good; and it seems he may avail himself of it upon the trial without having submitted it as a claim to the accounting officers of the treasury. *Ibid.*

It is the duty of the marshal of a court of the United States, to execute all process which may be placed in his hands; but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exigent of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. *Life and Fire Ins. Co. of New York v. Adams*, 9 Peters, 573.

The marshal makes distribution of proceeds of prize sales in his hands, at his peril; and on his mispayment a libel lies against him. For safety the marshal should obtain the order of the court, which ought not to be made without previous measures guarding against fraud, and providing for latent claims. *Keene et al. v. The Gloucester*, 2 Dallas, 36.

given, or which may hereafter be given by the marshal of any district, for the faithful performance of the duties of his office, shall be filed and recorded in the office of the clerk of the district court or circuit court, sitting within the district for which such marshal shall have been appointed, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

SEC. 2. *And be it further enacted*, That it shall be lawful, in case of the breach of the condition of any such bond, for any person, persons, or body politic, thereby injured, to institute a suit upon such bond, in the name and for the sole use of such party, and thereupon to recover

filed in the office of the clerk of the court, &c.

Suits may be instituted on the breach of the condition of the bond, &c.

The marshal is bound to serve a subpoena in chancery as soon as he reasonably can; and he will, in case of neglect, be answerable to the complainant, who may have sustained a loss in consequence of his neglect. *Kennedy v. Brent*, 6 Cranch, 187; 2 Cond. Rep. 345.

The court will not dictate to the marshal what return he shall make to process in his hands; he must return it at his peril; and any person injured by it, may have his legal remedy for the return. *Wortman v. Conyngham*, Peters' C. C. R. 241.

The return of the marshal to a writ, cannot be traversed in an action between the parties to the suit in which the writ issued. *Wilson v. The Executor of Hurst*, Peters' C. C. R. 441.

An officer of the United States, who has levied a sum of money on an execution in favour of the United States, to whom the United States are indebted for fees of office in a sum greater than the amount of the execution, has a right to retain it by way of set-off; and on a motion made on the part of the United States to commit the officer for failure to pay over the money so levied, he will be permitted to show that the United States are indebted to him: and if this be shown, it is sufficient cause why he should not be attached. *United States v. Mann*, 2 Brockenb. C. C. R. 9.

A marshal is liable upon his official bond, for the failure of his deputy to serve original process; but the measure of his liability is the extent of the injury received by the plaintiff, produced by such negligence. If the loss of the debt be the direct legal consequence of the failure to serve the process, the amount of the debt is the measure of damage; but the mere failure to execute the process, does not, in itself, necessarily infer the loss of the debt to the plaintiff, by the negligence of the officer, because the plaintiff might sue out other process, on the failure of the officer to execute the first process. The question, whether the loss of the debt was or was not the direct legal consequence of the negligence of the officer, is a question of fact, depending on circumstances, of which the jury must judge. *United States v. Moore's Administrators*, 2 Brockenb. C. C. R. 317.

Where a writ of *capias ad respondendum*, comes to the hands of a deputy marshal, who arrests the debtor, and the debtor thereupon pays to the deputy the amount of the debt for which he was sued, and the officer discharges the debtor from custody, and returns the writ, "debt and costs satisfied," this is not an official act which binds his principal. The deputy marshal is a mere ministerial officer, and he has no right to adjust the debt, and make himself responsible to the plaintiff. He is bound to pursue the mandate of the writ, and that requires him to arrest the debtor, and take bail. The discharge of the debtor from custody, without taking bail, is indeed a misfeasance in office, for which his principal, the marshal, is responsible; but he is only responsible for the injury done to the plaintiff. The return of the deputy, shows that no bail was taken; and if by taking out other process, the plaintiff could have secured his debt, which is a fact to be determined by the jury; the loss of the debt to the plaintiff, is not the necessary legal consequence of the conduct of the deputy, and no injury, in a legal sense, is done to the plaintiff thereby. *Ibid.*

Where a decree directs an officer of the court to sell property, "and bring the proceeds of sale into court," and the sale is on a credit of one, two, and three years, and bonds are given for the payment of the instalments, these bonds are the immediate proceeds of sale. As a matter of convenience, they may be permitted to remain in the hands of the officer; but as matter of strict right, the creditor may require that they shall be brought into court. *Wallis v. Thornton's Administrators et al.* 2 Brockenb. C. C. R. 422.

Where bonds are made payable to the marshal of a court, he has a right to collect them. In such case, the marshal must be considered as a trustee for the creditor. *Query*. Whether the direction to take bond implies, that it shall be taken to the marshal, rather than to the creditor? Where bonds are taken, not to the marshal and his successors, but to J. P., marshal, &c., his executors, administrators, and assigns, could his successor, in the event of the marshal being changed before the money is paid, act on these bonds without an assignment? *Ibid.*

By the 69th section of the collection act of 1799, ch. 22, the goods or merchandise seized under that act, are to be put into custody of the collector, or such other persons as he may appoint for that purpose, no longer than until the proper proceedings are instituted under the 89th section of the same act, to ascertain whether they are forfeited or not; and as soon as the marshal seizes the goods under the proper process of the court, the marshal is entitled to the sole and exclusive custody thereof, subject to the future orders of the court. *Ex parte Jesse Hoyt*, Collector of the Port of New York, 13 Peters, 279.

By the statute of Indiana, the marshal on a replevy bond is required to take one or more sufficient freehold securities, and if freehold security be not taken, the marshal is liable. *Bispham v. Taylor*, 2 M'Lean's C. C. R. 355.

If the sureties be not freeholders, however ample at the time they may have been considered, the marshal is liable. In this respect the statute must be pursued. *Ibid.*

To examine the county records, is not an unreasonable duty on the marshal. *Ibid.*

Where the marshal takes insufficient bail for the appearance of a defendant, he is only answerable for the actual injury sustained by the plaintiff. In such a case the insolvency of the defendant may be shown in mitigation of damages. *Ibid.*

But where a judgment is replevied, good freehold security must be taken for the payment of the judgment. If insufficient security be taken, the marshal is liable. *Ibid.*

Executions may issue on judgments, &c.

Bonds to remain as a security on judgments rendered, &c.

Within what period suits are to be commenced, &c.

Saving of the rights of infants, &c.

such damages, as shall be legally assessed, with costs of suit; for which execution may issue for such party in due form, and in case such party shall fail to recover in the suit, judgment shall be rendered and execution may issue for costs in favour of the defendant or defendants against the party who shall have instituted the suit; and the United States shall in no case be liable for the same.

SEC. 3. *And be it further enacted*, That the said bonds shall, after any judgment or judgments rendered thereon, remain as a security, for the benefit of any person, persons, or body politic, injured by breach of the condition of the same, until the whole penalty shall have been recovered; and the proceedings shall be always in the same manner, and as herein before directed.

SEC. 4. *And be it further enacted*, That all suits on marshals' bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, *feme covert*s, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXII.—*An Act regulating the currency of foreign coins in the United States.*(a)

Foreign gold and silver coins to be current in the U. S. at the following rates:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz :

Coins and rates.

The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents, for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents, for every twenty-seven grains and two-fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar. Crowns of France at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins made current by this act, to be had at the mint of the United States, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling them to make such alterations in this act, as may become requisite, from the real standard value of such foreign coins. And it shall be the duty of the Secretary of the Treasury, to cause assays of the foreign gold and silver coins of the description made current by this act, which shall issue subsequently to the passage of this act, and shall circulate in the United States, at the mint aforesaid, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling Congress to make such coins current, if they shall deem the same to be proper, at their real standard value.

Secretary of the Treasury to cause assays of the foreign coins, &c. to be had at the mint, &c. and to make report of the result to Congress.

(a) See act of August 4, 1790, sec. 39, vol. i. 167.

An act relative to the rix dollar of Denmark, March 3, 1791, chap. 19, vol. i. 215.

An act regulating foreign coins, and for other purposes, February 9, 1793, vol. i. 300.

An act supplementary to "an act regulating foreign coins, and for other purposes," February 1, 1798, chap. 11, vol. i. 539.

An act to regulate the duties on imports and tonnage, March 2, 1799, chap. 22, sec. 61, vol. i. 673.

SEC. 2. *And be it further enacted*, That the first section of the act, intituled "An act regulating foreign coins, and for other purposes," passed the ninth day of February, one thousand seven hundred and ninety-three, be, and the same is hereby repealed. And the operation of the second section of the same act shall be, and is hereby suspended for, and during the space of, three years from the passage of this act.

APPROVED, April 10, 1806.

Part of a former section repealed.
Vol. i. 300.
Operation of the other section suspended.

STATUTE I.

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

April 10, 1806.

[Obsolete.]
Compensations.

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

SEC. 2. *And be it further enacted*, That the sergeant at arms of the Senate, who also performs the duty of a doorkeeper, the sergeant at arms, and the doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive, nine hundred and fifty dollars per annum, each; and that the assistant doorkeeper of the Senate, and the assistant doorkeeper of the House of Representatives, shall be, and they are hereby entitled to receive nine hundred dollars, per annum, each.

Compensations to the sergeants at arms of the Senate and House of Representatives.

SEC. 3. *And be it further enacted*, That any appropriation which shall be made by the Senate, or House of Representatives, out of the contingent fund of either house, towards the compensation of any of the officers of the Senate, or House of Representatives, shall be taken and considered as a part of the salary allowed by this act.

Appropriations out of the contingent fund of either house, to be taken as part of the salary.

SEC. 4. *And be it further enacted*, That the compensations provided for in this act, shall commence and take effect from and after the thirty-first day of March, one thousand eight hundred and six.

Time at which the compensations are to commence.

SEC. 5. *And be it further enacted*, That the act intituled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," passed on the twenty-ninth of April, one thousand eight hundred and two, shall, from and after the thirty-first of March, one thousand eight hundred and six, be, and the same is hereby repealed.

Repeal of a former act.
Act of April 29, 1802, ch. 35.

APPROVED, April 10, 1806.

STATUTE I.

CHAP. XXIV.—*An Act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed.*

April 10, 1806.

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 directed, to cause the coast of North Carolina to be correctly surveyed, between Cape Hatteras and Cape Fear; together with the shoals lying off and between these respective capes, or head lands, and to report at the next session of Congress on the practicability of erecting a lighthouse, lighted beacon or buoy, on or near the extreme point of these shoals, or either of them. And the sum of five thousand dollars is hereby appropriated for the purpose of defraying any expense which may be incurred in making such survey, to be paid out of any money in the treasury, not otherwise appropriated.

Secretary of the Treasury to cause the coast of N. Carolina to be surveyed, to report to Congress on the practicability of erecting a lighthouse.

Appropriation.

APPROVED, April 10, 1806.

STATUTE I.

April 10, 1806.

CHAP. XXV.—*An Act to provide for persons who were disabled by known wounds received in the Revolutionary war.*

Act of April

25, 1812, ch. 19.

Act of March

18, 1818, ch. 18.

Act of March

3, 1819, ch. 58.

Who are to be

placed on the

pension list.

Officers, sol-

diers, marines

or seamen who

did not de-

sert, or resigned

from disabili-

ties which ren-

der them incapa-

ble to procure a

subsistence by

manual labour,

to be placed on

the pension list.

See note to act

of April 25,

1812, ch. 59.

Rules and re-
gulations for
substantiating
claims to a pen-
sion.

Evidence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or non-commissioned officer, musician, soldier, marine or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labour; whether such officer, musician, soldier, marine or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner herein after described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations herein after mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. *And be it further enacted,* That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence, at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify in writing, his opinion of the credibility of the witnesses, whose affidavits

Terms and
conditions.

Affidavit of
claimant.

he shall take, in all those cases, where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. *And be it further enacted*, That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

District judge to transmit list of claims, &c. to the Secretary of War.

Secretary of War to make a statement to Congress.

SEC. 4. *And be it further enacted*, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

Commencement of pensions.

SEC. 5. *And be it further enacted*, That an increase of pension may be allowed to persons, already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided*, that the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Increase of pensions to be allowed in certain cases.

Proviso.

Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district, where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labour, which report shall be transmitted by said physicians or surgeons, to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

Invalids to be examined by physicians authorized by the district judge, who are to report, &c.

Report to be sent to the Secretary of War.

SEC. 6. *And be it further enacted*, That a full pension given by this act to a commissioned officer, shall be one half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension, shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant colonel.

Of what sums the pensions are to consist.

SEC. 7. *And be it further enacted*, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

How pensions, &c. are to be paid.

SEC. 8. *And be it further enacted*, That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And

Transfers of pensions before due, not valid.

Claimants of pensions under powers of attorney, to take an oath that they have not been sold or transferred.

every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Former laws respecting pensions under disabilities from the war, repealed.

SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consequence of, disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby repealed: *Provided*, that nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

Proviso.

Duration of this act.

SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, that this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

Proviso.

APPROVED, April 10, 1806.

STATUTE I.

April 15, 1806.

CHAP. XXVI.—*An Act to authorize the Secretary of War to issue land warrants; and for other purposes.*

Act of March 21, 1808, ch. 37.
Act of Dec. 19, 1809, ch. 3.
Secretary of War authorized to issue land warrants.

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 authorized to issue military land warrants, to such persons as have or shall, before the first day of March, one thousand eight hundred and eight, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall, and may be located in the names of the holders or proprietors thereof, at any time prior to the first day of October, one thousand eight hundred and eight, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law, for original holders of military land warrants.

Within what time those warrants may be located.

Surveyor-general to cause surveys to be made of the quarter townships.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor-general, under the direction of the Secretary of the Treasury, to cause to be surveyed so much of the fifty quarter townships, and the fractional quarter townships aforesaid, as have been, or hereafter may be located according to law, in conformity with the locations made on the plats of the said quarter townships: *Provided*, the whole expense of surveying the same shall not exceed three dollars for every mile actually surveyed.

APPROVED, April 15, 1806.

STATUTE I.

April 15, 1806.

CHAP. XXVIII.—*An Act to suspend the sale of certain lands in the state of Ohio, and the Indiana territory.*(a)

Operation of the sixth condi-

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

(a) See note to act of May 18, 1796, chap. 30, vol. i. 464.

sixth condition of the fifth section of the act, intituled "An act to amend the act, intituled An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river," be, and the same is hereby suspended until the first day of October next, in favour of such purchasers of lands under the said act, who shall exhibit satisfactory proof to the register and receiver of public monies in the respective districts where they reside, that they were actual settlers on the land so purchased, at the time of passing this act.

APPROVED, April 15, 1806.

tion of the 5th section in a former act suspended.

1800, ch. 55.
In favour of actual settlers.

STATUTE I.

CHAP. XXIX.—*An Act to prohibit the importation of certain goods, wares and merchandise.*

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fifteenth day of November next, it shall not be lawful to import into the United States, or the territories thereof, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, any goods, wares or merchandise, of the following description, that is to say:

Act of March 1, 1809, ch. 24.
Act of June 28, 1809, ch. 9.
Importation of certain articles from G. Britain and its dependencies interdicted.

Articles prohibited.

All articles of which leather is the material of chief value.

All articles of which silk is the material of chief value.

All articles of which hemp or flax is the material of chief value.

All articles of which tin or brass is the material of chief value, tin in sheets excepted; woollen cloths whose invoice prices shall exceed five shillings sterling per square yard; woollen hosiery of all kinds; window glass, and all other manufactures of glass; silver and plated wares; paper of every description; nails and spikes; hats; clothing ready made; millinery of all kinds; playing cards; beer, ale and porter; and pictures and prints.

Being of the produce or manufacture of G. Britain, &c.

Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any of the above-mentioned goods, wares or merchandise, being of the growth, produce or manufacture of Great Britain or Ireland, or any of the colonies or dependencies of Great Britain: *Provided however,* that no articles which shall within fifteen months after the passing of this act, be imported from any place beyond the Cape of Good Hope, on board any vessel cleared out before the passing of this act, from any port within the United States or the territories thereof, for the said Cape of Good Hope, or any place beyond the same, shall be subject to the prohibition aforesaid.

Proviso as to goods imported from beyond the Cape of Good Hope.

SEC. 2. *And be it further enacted,* That whenever any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall moreover forfeit and pay treble the value of such articles.

Prohibited articles if imported into the U. States contrary to this act, to be forfeited, together with all other goods imported in the same vessel, and belonging to the same owner.

SEC. 3. *And be it further enacted,* That if any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, such ship or vessel, boat, raft or carriage,

The ship or vessel in which such prohibited articles shall be imported or shipped with the knowledge of the owner, to be also forfeited;

and treble the value of the goods to be likewise recovered.

The like penalties as are usual to be incurred in case of the omission of the interdicted goods in the permits or manifests of vessels arriving in the U. States.

Powers of search now confided to the custom-house officers in other cases extended to them in those under this act.

Penalties upon persons buying goods prohibited by this act.

Addition to custom-house oath of the captains or masters of vessels.

Addition to the oath of importers, &c.

Penalties and forfeitures how to be sued for and recovered. 1799, ch. 22.

shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SEC. 4. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board any ship or vessel, boat, raft or carriage, arriving after the said fifteenth day of November next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner, or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed, without a permit, the same penalties, fines and forfeitures shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the United States.

SEC. 5. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited, or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise, which he or they now have by law, in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

SEC. 6. *And be it further enacted*, That the following additions shall be inserted to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the said fifteenth day of November next, viz: "I further swear (or affirm) that there are not to the best of my knowledge and belief on board (insert the denomination and name of the vessel) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 7. *And be it further enacted*, That the following addition be inserted after the said fifteenth day of November next, to the oath or affirmation taken by importers, consignees or agents, at the time of entering goods imported into the United States, or the territories thereof, viz: "I also swear (or affirm) that there are not to the best of my knowledge and belief amongst the said goods, wares and merchandise imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately, and without delay, report the same to the collector of this district."

SEC. 8. *And be it further enacted*, That all penalties and forfeitures arising under this act may be sued for and recovered, and shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage:"

and such penalties and forfeitures may be examined, mitigated or remitted in like manner, and under the like conditions, regulations and restrictions as are prescribed, authorized and directed by the act, intitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned."

APPROVED, April 18, 1806.

1797, ch. 13.

STATUTE I.

CHAP. XXX.—*An Act supplementary to the act making provision for the payment of claims of citizens of the United States on the government of France.*

April 18, 1806.

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 shall cause to be paid, at the treasury of the United States, the amount of certain claims of citizens of the United States against the government of France, arising from the Bordeaux embargo, in conformity with a certified list of liquidations, attested by the minister of the public treasury of France, and transmitted by the minister plenipotentiary of the United States, at Paris, to the said secretary; which payments shall be made for such sums, respectively, as are stated in the above-mentioned list of liquidations, to such persons, respectively, as the accounting officers of the treasury shall determine to be rightfully entitled to the same, and out of the monies heretofore appropriated for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which was assumed by the government of the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three.

APPROVED, April 18, 1806.

Claims of citizens of the U. States under the Bordeaux embargo to be paid at the treasury.

STATUTE I.

CHAP. XXXI.—*An Act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.*(a)

April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the state of North Carolina, intitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three) thence with the military boundary line, west to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the state of Tennessee.

A line established for defining the limits of the vacant lands of the U. S. in Tennessee.

Courses thereof.

(a) The state of North Carolina, by her act of cession of the western lands, of 1789, recited in the act of Congress of April 2, 1790, chap. 6, vol. 1. page 106, accepting that cession, and by her act of 1803, chap. 3, ceding to Tennessee the right to issue grants, has parted with her right to issue grants for lands within the state of Tennessee, upon entries made before the cession. *Burton's lessee v. Williams*, et al., 3 Wheat. 529; 4 Cond. Rep. 315.

Under the cession act, ratified by the act of Congress, the United States held the domain of the vacant lands in Tennessee, subject to the right which North Carolina retained, of perfecting the inchoate titles created under her laws. *Ibid.*

But it seems that the holder of such a grant must resort to the equity jurisdiction of the United States for relief. *Ibid.*

After the cession of land by North Carolina to the United States, the former had no right to grant those lands to any grantee who had not an incipient title before the cession. *Polk's lessee v. Wendall*, 9 Cranch, 87; 3 Cond. Rep. 286.

Upon relinquishment of the claim of Tennessee to certain lands.

SEC. 2. *And be it further enacted*, That upon the senators and representatives from the state of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the general assembly of the state of Tennessee, intituled "An act to appoint agents to settle the dispute between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same," and by a resolution of the senate and house of representatives of the said state of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for, and in behalf of the state of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the state of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the state of Tennessee, shall thereafter for ever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the state of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the state of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the state of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the state of North Carolina, intituled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said state of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before described line, within the limits of the said state, as Congress now have, or the state of Tennessee might have, by virtue of an act of the state of North Carolina, intituled "An act to authorize the state of Tennessee to perfect titles to lands reserved to this state by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions: that is to say,

The U. S. to cede to that state certain other lands.

Certain entries, &c. to be located within the territory ceded to the state of Tennessee.

Lands to be appropriated by the state of Tennessee for the support of seminaries and schools of learning.

FIRST. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the state of North Carolina, and which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the state of Tennessee.

SECONDLY. That the state of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the state of North Carolina, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid, for the use of academies; one in each county in said state to be established by the legislature thereof; which said several tracts

shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, for ever. And the state of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children for ever: *Provided*, that nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also*, that the lowest price of all lands granted or sold within the ceded territory, shall be the same, as shall be established by Congress for the lands of the United States: *And provided nevertheless*, that the people residing in said state, south of French Broad and Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided further*, that nothing herein contained shall be construed to enable any person or persons, until authorized by the legislature of the state of Tennessee, to locate any warrant issued under the authority of the state of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said state, intituled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

SEC. 3. *And be it further enacted*, That if the territory herein before ceded to the state of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by the state of North Carolina, to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

APPROVED, April 18, 1806.

Nothing in this act to affect the Indian title.

Prices of the land.

Proviso.

Proviso, that this act shall not affect titles under the laws of North Carolina and Tennessee.

If the territory hereby ceded to the state of Tennessee falls short, the deficiency to be made up elsewhere.

STATUTE I.

April 18, 1806.

[Expired.]

President authorized to call upon the executives of the several states to have their proportions of militia ready for immediate service.

Apportionment how to be made.

1808, ch. 39.

President may authorize the acceptance of volunteer corps.

CHAP. XXXII.—*An Act authorizing a detachment from the Militia 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, at such time as he shall deem necessary, to require of the executives of the several states, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included; to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorize the executives of the several states, to accept, as part of the said detachment, any corps of volunteers, who shall

engage to continue in service six months after they arrive at the place of rendezvous.

How the militia are to be officered.

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

President apportioning the general officers.

Length of time which the militia may be compelled to serve.

SEC. 4. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous: and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, that are established by law, as the pay, rations and allowance for clothing of the army of the United States.

Their pay, &c.

President may call into service any proportion of the detachment.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of the said detachment, when he shall judge the exigencies of the United States require it; if a part of the said detachment only shall be called into actual service, they shall be taken from such part thereof as the President in his discretion shall deem most proper.

Appropriation.

SEC. 6. *And be it further enacted*, That two millions of dollars be, and are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the pay and subsistence of such part of the said detachment as may be called into service.

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

SEC. 7. *And be it further enacted*, That an act, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," approved the third of March, one thousand eight hundred and three, be, and the same is hereby repealed.

1812, ch. 55. Commencement and duration of this act.

SEC. 8. *And be it further enacted*, That this act shall continue, and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, April 18, 1806.

STATUTE I.

April 18, 1806.

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

Objects of appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands, in the territories of Indiana and Mississippi; and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific appropriations.

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

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

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and six, four hundred and fifty 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, including the sum of twelve 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, twelve thousand five hundred and sixty dollars.

Specific appropriations.

1799, ch. 40.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

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

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, twelve thousand three hundred dollars.

For the expense 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 of the comptroller's office, eight hundred dollars.

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

For expense of stationery, 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 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 to 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, three thousand four 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 six, 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 six, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand five hundred dollars.

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

Specific ap-
propriations.

For expense 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 expenses incidental to the removal of the purveyor's office to Germantown, during the prevalence of the yellow fever in Philadelphia, in the year one thousand eight hundred and five, one hundred dollars.

1799, ch. 40. For compensation to the Secretary of the Navy, clerks and persons employed in his office, including the sum of seven hundred dollars, in addition to the sum of four thousand two hundred dollars, allowed by the act of the second of March, one thousand seven hundred and ninety-nine, nine thousand eight hundred and ten dollars.

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

1799, ch. 40. For compensation to the accountant of the navy, clerks and persons employed in his office, including the sum of one thousand one hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars.

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

1799, ch. 40. For compensation to the Postmaster-General, assistant Postmaster-General, clerks, and persons employed in the Postmaster-General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c. exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incidental to the department, these being paid for by the Postmaster-General, out of the funds of the office, two thousand five hundred dollars.

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

For expenses incurred by removal of the loan office from New York, during the prevalence of the epidemic fever in the year one thousand eight hundred and five, one hundred dollars.

For expenses incurred by removal of the loan office from Philadelphia, during the prevalence of the epidemic fever, in the year one thousand eight hundred and five, one hundred 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. Specific appropriations.

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 in the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including the sum of eight hundred dollars, per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand two 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, four thousand two hundred dollars.

For compensation to the governor, judges, and secretary of the territory of Orleans, including the sum of two thousand seven hundred and fifty dollars, for the salaries from the first of October to the thirty-first of December, one thousand eight hundred and four, fifteen thousand seven hundred and fifty dollars.

For incidental and contingent expenses of the executive offices of the said territory, including the sum of eight hundred and fifty dollars, a deficiency in the appropriation for one thousand eight hundred and five, and for express hire, and compensation of an Indian interpreter, three thousand seven hundred dollars.

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

For expense of stationery, office rent, and other contingent expenses in the said territory, and to make good a deficiency in the appropriations for the years one thousand eight hundred and four, and one thousand eight hundred and five, five hundred and eighty-two dollars and fifty cents.

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

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

For compensation to the governor, judges, and secretary of the Michigan territory, including a deficiency of two thousand five hundred and seventy-five dollars, in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent, and other contingent expenses in the said territory, including the sum of six hundred and forty dollars, to defray similar expenses and others attending the organization of the government in the year one thousand eight hundred and five, nine hundred and ninety dollars.

For compensation to the governor, judges, and secretary of the Louisiana territory, including a deficiency of two thousand five hundred and

Specific ap-
propriations.

seventy-five dollars in the appropriation for the year one thousand eight hundred and five, for the support of the said government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent and other contingent expenses in the said territory, for the years one thousand eight hundred and five, and one thousand eight hundred and six, five hundred and twenty-five dollars.

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

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

For compensation granted by law to the chief justice, associate judges, and district judges of the United States, including the chief justice, and two associate judges of the district of Columbia; to the attorney general, and to the judge of the district of Orleans, including a deficiency in the appropriation for his compensation in the year one thousand eight hundred and four, fifty-six thousand four 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 expenses of prosecution for offences against the United States, and for safe keeping of prisoners, forty thousand dollars.

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

For the payment of an annuity granted to the children of the late Colonel John Harding, and Major Alexander Trueman, by an act of Congress, passed the fourteenth 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 six, to the fourth of March one thousand eight hundred and seven, 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, eighty-one thousand and eighty-eight dollars and two cents.

For the payment of a commission of two and a half per cent. to the commissioners who superintended the erection of public piers in the river Delaware, four hundred and forty-eight dollars and seventy-one cents.

For fixing buoys in Long Island sound, in addition to the sums heretofore appropriated for that object, one thousand three hundred and forty-two dollars and thirty-four cents.

For expenses of intercourse with foreign nations, thirty-nine 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 the several Barbary powers, forty-nine thousand five hundred dollars.

For the contingent expenses of the intercourse with foreign nations, twenty-six thousand nine hundred and fifty dollars.

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

For defraying the expense of carrying into effect the sixth article of the British treaty, in addition to the sums heretofore appropriated for that purpose, seven thousand seven hundred and fifty dollars.

Towards completing the surveys of public lands in the state of Ohio, and in the Indiana and Mississippi territories, one hundred and twenty 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 the expenses incident to the investigation of claims under the French convention of the thirtieth of April, one thousand eight hundred and three, in addition to the sums heretofore appropriated to that purpose, six thousand dollars.

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

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

For the amount admitted at the treasury as due, on the first of January, one thousand seven hundred and ninety-one, to the legal representatives of the late Baron de Beaumarchais, for military stores furnished the United States during the late war, including interest on the same, a sum not exceeding seventy-nine thousand dollars.

For exploring the waters of the country ceded by the convention of the thirtieth of April, one thousand eight hundred and three, and establishing commerce with the Indian tribes inhabiting the same, five thousand dollars.

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

APPROVED, April 18, 1806.

Specific appropriations.

1790, ch. 34.

STATUTE I.

April 21, 1806.

CHAP. XXXIV.—*An Act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to every witness summoned to attend the trial of the impeachment of Samuel Chase, there shall be allowed and paid for every day's attendance upon the said trial the sum of three dollars; and also for mileage at the rate of twelve and an half cents for every mile distance coming to the city of Washington, and returning to the usual place of residence of the witnesses, respectively.

SEC. 2. *And be it further enacted*, That it shall be the duty of the secretary of the Senate to ascertain and certify the amount due to each witness for attendance and mileage; which certificate shall be a sufficient voucher to entitle the witness to receive from the treasury of the United States the amount certified to be due, unless otherwise ordered by the Senate.

SEC. 3. *And be it further enacted*, That the sum of six thousand

[Obsolete.]
Per diem allowance to the witnesses.

Secretary of the Senate to ascertain and certify the amount due to each witness.
This certificate to be a good voucher at the treasury.

Appropriation. dollars be appropriated to defray the expenses to be incurred under the provisions of this act, to be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XXXV.—*An Act in addition to an act, intituled "An act supplementary to the act providing for a naval peace establishment, and for other purposes."*

Second and fourth sections of the act of March 3, 1801, ch. 20, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and fourth sections of "An act providing for a naval peace establishment, and for other purposes," be, and the same are hereby repealed.

President to keep in actual service, in time of peace, as many frigates as he may think proper.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

Rest to be laid up.

Armed vessels to be officered and armed as the President chooses.

SEC. 3. *And be it further enacted,* That the public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned, as the President of the United States shall direct; provided that the officers shall not exceed the following numbers and grades, that is to say; thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen: but the said officers shall receive no more than half their monthly pay, during the time when they shall not be under orders for actual service; and provided further, that the whole number of able seamen, ordinary seamen and boys shall not exceed nine hundred and twenty-five; but the President may appoint, for the vessels in actual service, so many surgeons, surgeon's mates, sailing masters, chaplains, pursers, boatswains, gunners, sail makers, and carpenters, as may in his opinion be necessary and proper.

Number of officers.

Half pay to officers not under orders.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XXXVI.—*An Act for the regulation of the times of holding the courts of the district of Columbia, and for other purposes.*

Session of the court of Washington changed.

Of Alexandria likewise.

Present courts adjourned accordingly.

Process made returnable according to the change.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court for Washington county, in the district of Columbia, shall hereafter commence and be held on the first Monday in June in each year, instead of the fourth Monday in July, as now fixed by law; and the circuit court for Alexandria county, in said district, on the first Monday in July, instead of the fourth Monday in June, as now established; and that the circuit court for Washington county, which now stands adjourned to the fourth Monday in July next, shall be, and is hereby adjourned to the first Monday in June next; and the circuit court for Alexandria county shall be adjourned to, and held on the first Monday in July next; and that all process whatsoever, now issued, or that may be issued in the respective counties of Washington and Alexandria, in said district, returnable to the fourth Mondays in June and July next, respectively, or to any particular day in the first, second, or other succeeding weeks during the said terms, as heretofore established, shall be returnable, and returned to the first Mondays in June and July next, or to corresponding days in the first, second, or other succeeding weeks during the said terms, respectively, as now by this law established; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before the said courts, at the respective times of holding

the same as heretofore established, shall be returned and continued to the said first Monday in June and July next, in the same counties, respectively, in the same manner, as if the said causes, recognizances, pleas and proceedings, had been regularly returned or continued to the said respective times appointed by this act, for holding the said courts.

SEC. 2. *And be it further enacted*, That the provisions of the act, intituled "An act for the relief of insolvent debtors within the district of Columbia," shall extend to any debtor who may have been, or hereafter shall be arrested and holden to bail in the said district, and who at the time of his arrest shall have been a resident in the said district one year, next preceding his arrest.

APPROVED, April 21, 1806.

Provisions of a former act extended to insolvent debtors.
1803, ch. 31.

STATUTE I.

April 21, 1806.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed on the twenty-fifth (sixth) 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," as is contained in the first section of the said act, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

APPROVED, April 21, 1806.

[Obsolete.]

Act of March 26, 1804, ch. 46.
1807, ch. 30.
1808, ch. 11.
1809, ch. 7.
1809, ch. 5.
1811, ch. 3.
1812, ch. 18.
1813, ch. 40.

STATUTE I.

April 21, 1806.

CHAP. XXXIX.—*An Act supplementary to an act intituled "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 every person or persons claiming a tract of land, by virtue of the second section of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person or persons to produce sufficient evidence of such permission.

SEC. 2. *And be it further enacted*, That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act, to which this act is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated, were not at the time when the same originated, above the age of twenty-one years: *Provided*, that the tract of land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

SEC. 3. *And be it further enacted*, That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land-office notices in writing, and the written evidences of claims to land in the territory of Orleans, be, and the same is hereby extended,

Act of March 26, 1805, ch. 26.

What shall be considered an actual settlement according to the second section of the act to which this is a supplement.

Claimants to land not exceeding 640 acres under persons who were not of the age of 21 years confirmed in their titles, if their claims are in other respects regular.

Provido that the claimants shall have been in possession of the lands for 10 years.

(a) See notes to act of March 2, 1805, chap. 26.

Times for delivering notices in writing to claims of land in the territory of Orleans extended.

Persons neglecting, to be barred.

Registers of the land-offices to appoint deputies.

Their duty.

Evidences of claims to land, how, to whom and when delivered.

Commissioners, their duties under this act.

Transcripts of decisions to be filed and transmitted.

Lands not to be disposed of until the decision of Congress.

Compensations of the commissioners and registers.

till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior to the first day of March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

SEC. 4. *And be it further enacted*, That the registers of the land-offices in the territory of Orleans, respectively, be, and they are hereby authorized to appoint so many deputies, not exceeding one for each county, in their respective districts, as they may think necessary; whose duty it shall be to receive, enter, and file notices, and to receive and record written evidences of claims to lands lying in the county, or counties, to them respectively assigned, in the same manner as the register might do; and also, to transmit to the register the said notices and evidences, or such transcripts of abstracts of the same, as the said register, or the commissioners, may direct; and generally to do and perform all such acts, in relation to such claims, as the said register may direct. Persons having claims to land, may deliver the notices and evidences of the same, at their option, either to the register of the proper land-office, or to his deputy, for the county in which such land lies; and each of the said deputies shall be entitled to receive the recording fees, allowed to the register, by the act to which this act is a supplement, and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the monies appropriated for carrying into effect the act to which this act is a supplement.

SEC. 5. *And be it further enacted*, That the commissioners, appointed for the purpose of ascertaining the rights of persons, claiming lands in the territory of Orleans shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall likewise be the duty of the said commissioners, to inquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession on the back of grants or concessions heretofore made, or from grants or concessions heretofore made to minors, and not embraced by the provisions of this act, or from grants or concessions made by the Spanish government, subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the twentieth day of December, one thousand eight hundred and three; and to make a special report thereon to the Secretary of the Treasury; which report shall be, by him, laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

SEC. 6. *And be it further enacted*, That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars for the services to be performed, under this act, prior to the first day of January next; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day for every day's

actual attendance on the duties of his office, subsequent to the first day of January next: *Provided*, that the whole amount of compensation thus allowed, shall not for any commissioner exceed two thousand dollars: *And provided also*, that the President of the United States may, if he shall think proper, reduce, after the first day of January next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act, to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year; the translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved. *Provided*, that no more than one year's compensation be thus allowed to each of the said clerks, translators, and agents: *And provided also*, that the Secretary of the Treasury may discontinue either one or both of said agents, whenever he shall think it proper.

Compensation not to exceed 2000 dollars.
President may reduce the number of commissioners.

Salaries of officers.

Proviso.

Commissioners may change the places of their sessions.

Compensation for travel.

Proviso.

Boards to prepare and make reports, &c. &c. to the Secretary of the Treasury, according to forms prescribed by him.

Surveyor of public lands south of Tennessee to appoint deputies, &c.

Their duties.

Compensations.

SEC. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons, claiming lands in the territories of Orleans and Louisiana, be, and they are hereby authorized, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places, within their respective districts, as they may think necessary: And each of the commissioners going for that purpose, to such other place or places, shall, in addition to his compensation, receive at the rate of six dollars for every twenty miles, going to and returning from such place or places: *Provided*, that no commissioner shall receive in the whole, on that account, more than for the distance, from the usual place of the sittings of the board to the extreme settlements within his respective district.

SEC. 8. *And be it further enacted*, That each of the boards aforesaid, shall prepare and cause to be prepared, the reports and transcripts, which by law they are directed to make to the Secretary of the Treasury, in conformity with such forms as he may prescribe; and they shall also, in their several proceedings and decisions, conform to such instructions, as the said secretary may, with the approbation of the President of the United States, transmit to them in relation thereto.

SEC. 9. *And be it further enacted*, That the surveyor of the public lands, south of Tennessee, be, and he is hereby directed to appoint a principal deputy for each of the two land districts of the territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute, or cause to be executed by the other deputies, such surveys as have been or may be authorized by law, or as the commissioners aforesaid may direct; to file and record all such surveys, to form as far as practicable, connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the public lands south of the state of Tennessee, the duties imposed by law on said surveyor. And each of the said principal deputies shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents.

Receiver of public monies for the western district of Orleans may be appointed by the President, &c.

His compensation.

President may authorize a sale of public lands in the western district of Orleans, &c. &c.

Lands to be offered for sale.

Days of sale to be designated by the President's proclamation.

How long to remain open.

Prices, &c. &c.

Compensation to superintendents of sales.

Lands remaining unsold may be disposed of at private sale.

In what manner, and on what terms.

Patents how to be obtained.

Locations made for General La Fayette, may be received though containing less than 1000 acres.

Proviso.

Survey of the coast of the territory of Orleans to be made.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, whenever he shall think it proper, to appoint a receiver of public monies for the western district of the territory of Orleans, 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 receivers of public monies, in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. And the said receiver, and the register of the land-office, for the same district shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees, which are by law respectively allowed to the same officers, north of the river Ohio, and above the mouth of Kentucky river.

SEC. 11. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think it proper, to direct so much of the public lands lying in the western district of the territory of Orleans, as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such land shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same; with the exception also of an entire township to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception also of the salt springs, and lands contiguous thereto, which by direction of the President of the United States, may be reserved for the future [disposal] of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land-office, of the receiver of public monies, and of the principal deputy surveyor; and on such day or days, as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks and no longer; the lands shall be sold for a price not less than that which has been, or may be fixed by law, for the public lands in the Mississippi territory, and shall in every other respect be sold in tracts of the same size, on the same terms and conditions as have been, or may be by law provided for the lands sold in the Mississippi territory. The superintendents of the said public sales shall receive six dollars, each, for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale, by the register of the land-office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions as are, or may be provided by law, for the sale of the lands of the United States in the Mississippi territory. And patents shall be obtained for all lands granted or sold in the territory of Orleans, in the same manner and on the same terms, as is, or may be provided by law for lands sold in the Mississippi territory.

SEC. 12. *And be it further enacted*, That the location or locations of land, which may be made in the territory of Orleans, by Major General La Fayette, by virtue of the ninth section of the act to which [this] act is a supplement, shall and may be received, though containing less than one thousand acres: *Provided*, that no such location or survey shall contain less than five hundred acres.

SEC. 13. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause a survey to be made of the sea-coast of the territory of Orleans, from the mouth of the Mississippi to Vermilion bay inclusively, and as much farther westwardly as the President of the United States shall direct, and also of the bays, inlets, and navigable

waters connected therewith: *Provided*, that the expense of such survey shall not exceed five thousand dollars.

Limitation of expense.

SEC. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and 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.

Appropriation.

APPROVED, April 21, 1806.

STATUTE I.

CHAP. XL.—*An Act respecting the claims to land in the Indiana territory and state of Ohio.*(a)

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the registers and receivers of public monies of the districts of Vincennes and Kaskaskias, respectively, be, and they are hereby authorized and empowered, under the direction of the Secretary of the Treasury, to lay out one or more tracts of land, in their respective districts, for the purpose of locating therein, tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress: *Provided*, that the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which, in conformity with former laws, had been laid out for similar purposes by the governors of the northwest or Indiana territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress.

Act of March 26, 1804, ch. 35. Registers and receivers of public monies in Vincennes and Kaskaskias authorized to lay out one or more tracts in their respective districts.

Proviso.

SEC. 2. *And be it further enacted*, That any person or persons entitled to grants of land by virtue of any former resolution or act of Congress, which are not specifically designated in the patents issued by the governors aforesaid, or which have not yet been located, shall have a right to locate the same in the tract or tracts, to be laid out in each district, respectively, by virtue of the preceding section, the priority of such locations shall be determined by lot in presence of the register of the land-office, with whom the location shall be entered: and the surveyor-general shall cause the same to be surveyed at the expense of the parties; *Provided*, that all the lands thus located, shall, in each tract laid out for that purpose, be laid out in a body, without leaving any intervals of vacant land, and shall each be surveyed in the form of a square or of a parallelogram, the length of which shall not exceed three times its breadth.

Resolution warrants not specific, how to be entered.

Proviso.

SEC. 3. *And be it further enacted*, That the registers and receivers aforesaid, shall complete and transmit their reports to the Secretary of the Treasury, before the first day of December next. Each of the said officers shall be allowed an additional compensation of five hundred dollars; and each of the clerks of the respective boards shall be allowed an additional compensation of two hundred and fifty dollars, in full for his services, as such, in relation to such claims.

Registers and receivers of public monies to transmit reports to the Secretary of the Treasury.—By what time.

Additional compensation to them.

SEC. 4. *And be it further enacted*, That the register and receiver of public monies in the district of Cincinnati be, and they are hereby authorized to grant certificates of a right of pre-emption to any person residing on any reserved section (other than section No. 16) for the tract on which he resides, on the applicant's producing satisfactory evidence that his claim was within the provisions of the seventh section of an act, intituled "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes:" *Provided*, that the person shall exhibit the evidence of his claim, and shall have paid at least one twentieth part of the purchase money, on or before the first day of August next: *And provided also*, that such certificates shall not

Registers and receivers of public monies in Cincinnati to grant certificates of pre-emption to residents.

Proviso.

1804, ch. 35.

(a) See notes to act of March 26, 1804, chap. 35.

Certificates not to be granted for lands previously sold, &c.

be granted for any lands previously granted or sold, or for a larger tract than a quarter of a section, nor for any other tract than that on which he resides, and such land shall be granted at the same price, and on the payments being made, as for other public lands sold at private sale.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XLI.—*An Act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads; and for other purposes.*

Heads of departments authorized to apportion the salaries of their clerks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretaries of state, treasury, war, and navy departments, shall be, and they are hereby authorized to apportion the compensations for clerks in their respective departments, in such manner, as the services to be performed shall, in their judgment, require: *Provided,* that the whole amount of ordinary compensations for clerks in the said departments, respectively, shall not exceed the following sums, annually, that is to say:

Proviso.

For the department of state, seven thousand one hundred and fifty dollars.

Limitation of allowance for each of the officers.

For the treasury department, forty-four thousand two hundred and twenty-seven dollars and twenty-eight cents, that is to say: in the office of the Secretary of the Treasury, ten thousand two hundred and eighty-nine dollars and eighty-one cents; in the office of comptroller of the treasury, nine thousand and sixty-seven dollars; in the office of the auditor, eight thousand eight hundred and eleven dollars; in the office of the treasurer of the United States, two thousand eight hundred and seventeen dollars forty-five cents; and in the office of the register of the treasury, thirteen thousand two hundred and forty-two dollars and two cents.

For the department of war, sixteen thousand five hundred and forty dollars, that is to say: in the office of the secretary, six thousand three hundred and forty dollars; in the office of the accountant of the war department, eight thousand five hundred dollars; and in the office of the purveyor of public supplies, one thousand seven hundred dollars.

For the department of the navy, twelve thousand nine hundred dollars, that is to say: in the office of the secretary, four thousand nine hundred dollars; and in the office of the accountant of the navy department, eight thousand dollars.

Postmaster-General may appoint what number of clerks he pleases, and apportion their salaries.

SEC. 2. *And be it further enacted,* That the Postmaster-General of the United States shall be, and hereby is authorized to appoint such number of clerks in his office, as he shall judge proper, and to apportion their compensations in such manner as the services to be rendered by each shall, in his judgment, require: *Provided,* that the whole amount of ordinary compensations for clerks in the said office, shall not exceed the sum of nine thousand three hundred and forty-five dollars, annually.

Proviso.

Salary to one of the clerks in the mint.

SEC. 3. *And be it further enacted,* That the director of the mint be, and he is hereby authorized to allow to one of the clerks employed in his office, seven hundred dollars per annum; and the said director is hereby authorized to expend the further sum of one thousand dollars, annually, in clerk hire, in such manner as his discretion shall dictate. And the surveyor-general is hereby allowed to expend twelve hundred dollars, annually, for clerk hire.

A further allowance for clerk hire.

Sum allowed the surveyor-general, to be expended in clerk hire.

Allowance to commissioners of loans in certain states for clerk hire.

SEC. 4. *And be it further enacted,* That there shall be allowed to the commissioners of loans, in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars, each, per annum: to the commissioner of loans in Connecticut, not exceeding two clerks, at the rate of four hundred dollars, each, per annum: to the commissioner of loans in Pennsylvania, not exceeding six clerks, at the rate of five hundred dollars, each, annually: to the

commissioners of loans in Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars, each, annually: the aggregate of compensations for clerks employed by either of said commissioners, to be apportioned among them at his discretion. And there shall be annually allowed in lieu of clerk hire, to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars: to the commissioner of loans in the state of Rhode Island, four hundred dollars: to the commissioner of loans in the state of New Jersey, three hundred dollars: and to the commissioner of loans in the state of Maryland, two hundred and fifty dollars.

SEC. 5. *And be it further enacted*, That the compensations allowed by this act to clerks, shall commence with the year one thousand eight hundred and seven; and it shall be the duty of the secretaries for the departments of state, treasury, war and navy, and of the Postmaster-General, and surveyor-general, and of the commissioners of loans in the several states, to report to Congress, at the beginning of each year, the names of the clerks they have employed, respectively, in the preceding year, and the sum given to each; and whether the business for clerks increases or diminishes in their respective departments, that Congress may be enabled to make further arrangements by law, respecting clerk hire. And it shall be the duty of the Secretary of the Treasury particularly to report, whether the business in the loan office of Pennsylvania shall, from year to year, continue to require the additional sum of two thousand dollars allowed by this act for clerk hire, in consequence of the removal of the treasury office from Philadelphia, in eighteen hundred, to the permanent seat of government; and likewise he shall report the necessity, if such shall continue, of employing clerks on the business belonging to the office of the late commissioner of the revenue.

SEC. 6. *And be it further enacted*, That hereafter, in case of the removal of any public office, by reason of sickness, which may prevail in the town or city where such office is located, a particular account of the cost of such removal shall be laid before Congress, that they may be enabled to judge of the proper sum to be allowed for the same.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to cause to be opened a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude: *Provided*, he shall not expend more than six thousand four hundred dollars in opening the same. And to cause to be opened a road or roads through the territory lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Grenville: *Provided*, he shall not expend, in opening the same, more than six thousand dollars. And to cause to be opened a road from Nashville, in the state of Tennessee, to Natchez, in the Mississippi territory: *Provided*, he shall not expend more than six thousand dollars in opening the same.

SEC. 8. *And be it further enacted*, That to defray the expense authorized by this act beyond the appropriation for the support of government, for the year one thousand eight hundred and six, there is hereby appropriated a sum not exceeding twenty-eight thousand dollars, payable out of any money in the treasury, not otherwise appropriated. And that the act, intitled "An act to regulate and fix the compensation of clerks," which passed on the second day of March, one thousand seven hundred and ninety-nine, shall, from and after the first day of January next, be, and the same is hereby repealed.

APPROVED, April 21, 1806.

Aggregate compensations.

When the compensations allowed by this act are to commence.

Heads of departments, &c. &c. to report to Congress the number and names of their clerks.

Secretary of the Treasury to report whether the business in the loan office of Pennsylvania requires additional allowance for clerk hire, &c. To report the necessity likewise of employing clerks on the business of the late commissioner of revenue's office.

In case of the removal of any public office on account of sickness, the cost of such removal to be laid before Congress.

A road to be opened from the frontier of Georgia to New Orleans.

Limitation of expenditures.

Appropriation.

Repeal of a former act. Act of March 2, 1799, ch. 40.

STATUTE I.

April 21, 1806.

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

For defraying the expenses of the navy for the year 1806.

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

Specific appropriations.

For pay and subsistence of the officers, and pay of the seamen, two hundred and ninety-one thousand one hundred and nineteen dollars.

For provisions, one hundred and fifty-seven thousand two hundred and fifty-four dollars and thirty-four cents.

For medicine, instruments and hospital stores, seven thousand five hundred dollars.

For repairs of vessels, store rent, pay of armorers, freight and other contingent expenses, four hundred and eleven thousand nine hundred and fifty dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, sixty-six thousand and twenty-eight dollars and ten cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

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

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

For quartermaster's and barrack master's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

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

For ordnance, fifty 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, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XLIII.—*An Act to provide for the adjustment of titles of land in the town of Detroit and territory of Michigan, and for other purposes.*(a)

Act of March 3, 1807, ch. 34.

A town to be laid out by the governor and judges of Michigan.

Titles to lots to be adjusted and settled by them.

Lots to be given to actual settlers of the town of Detroit when it was burnt, if they

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor and the judges of the territory of Michigan shall be, and they, or any three of them, are hereby authorized to lay out a town, including the whole of the old town of Detroit, and ten thousand acres adjacent, excepting such parts as the President of the United States shall direct to be reserved for the use of the military department, and shall hear, examine, and finally adjust all claims to lots therein, and give deeds for the same. And to every person, or the legal representative or representatives of every person, who not owning or professing allegiance to any foreign power, and being above the age of seventeen years, did on the eleventh day of June, one thousand eight hundred and five, when the old town of Detroit was

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

burnt, own or inhabit a house in the same, there shall be granted by the governor and the judges aforesaid, or any three of them, and where they shall judge most proper, a lot not exceeding the quantity of five thousand square feet.

SEC. 2. *And be it further enacted*, That the land remaining of the said ten thousand acres, after satisfying claims provided for by the preceding section, shall be disposed of by the governor and judges aforesaid, at their discretion, to the best advantage, who are hereby authorized to make deeds to purchasers thereof, and the proceeds of the lands so disposed of, shall be applied by the governor and judges aforesaid, towards building a courthouse and jail in the town of Detroit, and the said governor and judges are required to make a report to Congress, in writing, of their proceedings under this act.

APPROVED, April 21, 1806.

were citizens of the United States.

Land undisposed of according to the preceding section to be sold by the governor and judges.

STATUTE I.

CHAP. XLIV.—*An Act making a further appropriation towards completing the south wing of the Capitol, at the city of Washington.*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding forty 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, which said sum shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

Specific appropriation.

STATUTE I.

CHAP. XLV.—*An Act to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage."*

April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the "Act to regulate the collection of duties on imports and tonnage," as requires the collector for the district of Great Egg Harbor, in the state of New Jersey, to reside at Somer's Point, be, and the same hereby is repealed; and the said collector shall reside at such place within said district, as may be directed by the Secretary of the Treasury.

1799, ch. 22.
Collector of Great Egg Harbor may reside any where in his district approved of by the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That the town or landing place of Darien, on the Alatamaha river, in the state of Georgia, shall be a port of delivery, to be annexed to the district of Brunswick, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and a surveyor shall be appointed to reside at the said port of delivery, who shall be entitled to receive one hundred dollars, annual salary, together with the other emoluments of office, as fixed by existing laws.

Town of Darien in Georgia made a port of delivery, to be annexed to the district of Brunswick.

SEC. 3. *And be it further enacted*, That Ocracoke inlet, in North Carolina, together with Shell Castle and Beacon islands, and all the shores, islands, shoals, bays and waters within two miles of the shores of said inlet, on each side thereof, shall be a district, to be called the district of Ocracoke; the President of the United States shall be authorized to designate such place in the said district, as he shall think proper, to be the port of entry; and a collector for said district shall be appointed to reside at such port of entry, who, in addition to his other emoluments, shall be entitled to receive the salary now allowed to the surveyor of Beacon island, and no other; and shall also perform the duties heretofore enjoined by law on the said surveyor; but no duties shall be paid, or secured to be paid, in the said district of Ocracoke, on any articles intended for any other port connected with the waters of the

Ocracoke inlet in North Carolina, made the district of "Ocracoke."

Port of entry to be designated by the President.

Collector to reside there.

His compensation.

Duties on what articles to be laid and collected.

Office of surveyor of Beacon island abolished.

1799, ch. 22.

said inlet of Ocracocke, such only excepted as may be cast away within the said district. The office of surveyor of Beacon island shall be henceforth abolished, and the masters or commanders of every ship or vessel coming in at Ocracocke inlet, and intending to unlade her cargo, or any part thereof, at any port, other than the district of Ocracocke, connected with the waters of the said inlet, as well as the masters or commanders of all lighters or coasting vessels, who shall receive goods, wares or merchandise, to be transported to any such port, shall be bound to exhibit their reports and manifests to the said collector, and to perform all the other duties, which, by the eighteenth section of the act, intituled "An act to regulate the collection of duties on imports and tonnage," they are now bound to perform, under similar circumstances, in the inlet aforesaid.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

1803, ch. 27.
Persons losing their lands under pre-emption certificates entitled to others.

Interfering claims under British patents and certificates from the commissioners, how to be settled.
Proviso.

Rights of pre-emption to lands in the Mississippi territory by what time to be paid for.
Penalty of neglect of payment.

Compensation of commissioners.

Proviso.

CHAP. XLVI.—*An Act in addition to 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 whenever any person who shall have received pre-emption certificates from either of the boards of commissioners, appointed for the purpose of ascertaining the rights of persons to lands in the Mississippi territory, shall, by a final judgment or decree of the highest court of law, or equity, in which a decision could be had, within the said territory, rendered in favour of another person claiming by virtue of a British patent, lose the whole or part of the tract of land to which he was entitled by virtue of such certificate, it shall be lawful for the receiver of public monies for the district where the land lies, to repay to such person or his assigns, so much of the purchase money as had been paid by him for the land thus recovered, by the holder of the British patent.

In all cases where only a part of a tract of land, to which any person may be entitled by virtue of a certificate granted by the commissioners aforesaid, is also claimed by the holder of a British patent, a patent may issue in favour of the owners of such certificate, for so much of such tract of land as is not claimed by virtue of such British patent: *Provided*, that he shall in every other respect have complied with the provisions of the acts of Congress, regulating the grants of land in the Mississippi territory. And the lands contained in British grants, which have been duly recorded in conformity with the provisions of former laws, and for which certificates have not been granted by the commissioners aforesaid, shall not be disposed of until otherwise directed by Congress.

SEC. 2. *And be it further enacted,* That persons entitled to a right of pre-emption to lands in the Mississippi territory, by virtue of certificates granted by either of the boards of commissioners aforesaid, shall be allowed till the first day of January, one thousand eight hundred and seven, to make the first payment of the purchase money of such lands: and if any such person shall neglect to make such first payment, on or before the first day of January, one thousand eight hundred and seven, his right of pre-emption shall cease and become void.

SEC. 3. *And be it further enacted,* That each of the commissioners appointed to ascertain the claims to lands in the above-mentioned territory, west of Pearl river, shall be allowed at the rate of six dollars for every day he shall attend, subsequent to the first day of April, one thousand eight hundred and six: *Provided*, that such additional allowance shall not exceed five hundred dollars for each commissioner; and

(a) See act of March 3, 1803, chap. 27.

the agent appointed in behalf of the United States for the said board shall be allowed an additional compensation of three hundred and fifty dollars for the whole of his services. And the register and receiver of public monies, in each of the districts of the above-mentioned territory, shall, and they are hereby authorized, in their districts, respectively, and after the dissolution of the board of commissioners for their district, to regulate the location of any tract of land lying within such district, for which a certificate shall have been granted by the commissioners, whenever it shall appear that the location specified in such certificates, interfere with each other, or do not include the improvements, by virtue of which such certificates were granted: *Provided*, that the said register and receiver shall not be authorized to allow any location on land not improved and settled, in the manner provided by the former acts of Congress, regulating the grants of land in the above-mentioned territory; nor to allow, in any case, a greater quantity of land than had been allowed by the commissioners.

Registers and receivers of public monies to have discretionary powers with regard to certain locations, &c. &c.

Proviso.

SEC. 4. *And be it further enacted*, That whenever it shall appear to the satisfaction of the register and receiver of the district, east of Pearl river, that the settlement and occupancy, by virtue of which a pre-emption certificate had been granted by the commissioners, had been made and taken place, prior to the 30th day of March, one thousand seven hundred and ninety-eight, they shall be authorized to grant to the party a donation certificate, in lieu of such pre-emption; and the patent shall issue as in other cases of donations: *Provided*, that application shall be made for such an exchange, and evidence produced of the date of such settlement and occupancy, on or before the thirty-first day of December next.

Register and receiver of the district east of Pearl river authorized to grant donation certificates in certain cases.

Proviso.

SEC. 5. *And be it further enacted*, That the right of the United States, to all the land lying between the front street of the city of Natchez and the Mississippi river, and bounded on the north by north Fourth street, and the land granted to Stephen Minor, and on the south, by the lands annexed to the old fort, and those granted to William Barland, be, and the same hereby is, for ever vested in the corporation of said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic, or corporate, if any such there be: *Provided*, that the said land, as above described, be neither cultivated nor occupied by buildings, but that it be planted with trees, and preserved as a common, for the use, comfort, and health of the inhabitants of the city aforesaid, and all other persons who may occasionally resort thither.

Right of the United States in land near and adjoining to Natchez, vested in the corporation of that city.

Proviso.

SEC. 6. *And be it further enacted*, That whenever the section No. 16, shall fall upon land already granted, by virtue of any act of Congress, or claimed by virtue of a British grant, the Secretary of the Treasury shall locate another section, in lieu thereof, for the use of schools, which location shall be made in the same township, if there be any other vacant section therein, and otherwise, in an adjoining township.

Sec. No. 16, how to be located if it shall have fallen upon any land claimed by virtue of a British grant.

SEC. 7. *And be it further enacted*, That Richard Sparks be permitted to enter with the register of the land-office, for the district west of Pearl river, his claim to three hundred and twenty acres of land, lying within said district; and that Richard S. Bryan, and George Brewer, senior, be permitted to enter with the register of the land-office, for the district east of Pearl river, their certificate of a right of pre-emption for three hundred and twenty acres of land, lying within the district last mentioned: and such entry of the claim of the said Richard Sparks shall have the same effect, as if it had been made prior to the first day of December, one thousand eight hundred and four, and such entry of the certificate of the said Richard S. Bryan and George Brewer, senior, shall have the same effect as if it had been made within three months from the time it was issued.

Where Richard Sparks' claim is to be entered.

Also those of Richard S. Bryan and George Brewer, Senr.

STATUTE I.

April 21, 1806.

CHAP. XLVII.—*An Act for fortifying the ports and harbors of the United States, and for building Gun Boats.*

Sum appropriated for the fortification of the ports and harbors of the U. States.

Sum appropriated for building gun boats for the protection of the harbors, &c. &c. of the U. States.

President authorized to officer, man and equip them.

Armed vessels of the United States may be sold, at the discretion of the President.

Appropriations—out of what funds to be paid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

SEC. 2. *And be it further enacted,* That a sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause to be built and completed a number of gun boats, not exceeding fifty; for the protection of the harbors, coasts, and commerce of the United States; and the President is hereby authorized to officer, man and equip any part, or all of said gun boats, when he shall judge the same expedient, for the purposes aforesaid; and a sum not exceeding twenty thousand dollars is hereby appropriated to defray any expense which may be incurred by officering, manning and equipping gun boats, as aforesaid.

SEC. 3. *And be it further enacted,* That the President of the United States may direct any of the armed vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair, that it will not be for the interest of the United States to repair the same.

SEC. 4. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 21, 1806.

CHAP. XLVIII.—*An Act for establishing trading houses with the Indian tribes.*

Act of April 18, 1796, ch. 13. Trading houses how to be established at such ports and places on the frontiers as the President may choose.

Superintendent of Indian trade.

His duties.

Supplemental act 1809, ch. 34. Repealed 1811, ch. 30.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the frontiers, or in the Indian country, on either or both sides of the Mississippi river, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the United States, or their territories.

SEC. 2. *And be it further enacted,* That the President of the United States shall be authorized to appoint a superintendent of Indian trade, whose duty it shall be to purchase and take charge of all goods intended for trade with the Indian nations aforesaid, and to transmit the same to such places as he shall be directed by the President. And he shall take an oath or affirmation faithfully to execute the trust committed to him, and that he will not directly, or indirectly, be concerned, or interested in any trade, commerce; or barter, but on the public account; and he shall also give bond, in the penal sum of twenty thousand dollars, with sufficient security, to be approved of by the Secretary of the Treasury of the United States, truly and honestly to account, for all the money, goods and other property, whatever, which shall come into his hands, or for which in good faith he ought so to account, and to perform all the duties required of him by this act; and his accounts shall be made up quarter yearly, and transmitted to the Secretary of the Treasury.

SEC. 3. *And be it further enacted,* That the superintendent of Indian trade shall receive an annual salary of two thousand dollars, payable quarter yearly, at the treasury of the United States.

SEC. 4. *And be it further enacted,* That the President of the United

His compensation.

States shall be authorized to appoint an agent for each trading house established under the provisions of this act; and every such agent shall give bond with sufficient security in such sum as the President shall direct, truly and honestly to account for all the money, goods, and other property whatever, which shall come into his hands, and for which he ought so to account, and to perform all the duties required of him by this act.

SEC. 5. *And be it further enacted*, That it shall be the duty of each of the said agents, to receive from the superintendent of Indian trade, and dispose of, in trade with the Indian nations aforesaid, such goods as may be transmitted to him by the said superintendent; to be received and disposed of as aforesaid, according to the rules and orders which the President of the United States shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, but on the public account, and he shall render an account quarter yearly to the superintendent of Indian trade, of all money, goods, and other property whatsoever, which shall be transmitted to him, or which shall come into his hands, or for which, in good faith he ought to account; and he shall transmit duplicates of his accounts to the Secretary of the Treasury of the United States.

SEC. 6. *And be it further enacted*, That the superintendent of Indian trade, the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned in exporting to a foreign country, any peltries or furs belonging to the United States, or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during his or their appointment, agency or employment, other than provided by this act, or excepting for or on account of the United States. And if any such person shall offend against any of the prohibitions aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such office, agency or employment, and forever thereafter, be incapable of holding any office under the United States: *Provided*, that if any person, other than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half of the aforesaid penalty, when received, shall be for the use of the person giving such information: *And provided also*, that if such misdemeanor be committed by the superintendent of Indian trade, or by any agent, it shall be deemed a breach of the condition of his bond, and the penalty thereof may be recovered in any court having competent jurisdiction of the same.

SEC. 7. *And be it further enacted*, That the prices of goods supplied to, and to be paid for, by the Indians, shall be regulated in such manner, that the capital stock, furnished by the United States, shall not be diminished.

SEC. 8. *And be it further enacted*, That during the continuance of this act, the annual sum of three thousand dollars be, and the same is hereby appropriated for the payment of the salary of the superintendent of Indian trade and his clerks, to be paid out of any money in the treasury of the United States, not otherwise appropriated.

SEC. 9. *And be it further enacted*, That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States a sum not exceeding ten thousand dollars, to be applied under his direction to the payment of the agents and clerks; which agents shall be allowed to

Agents for the trading houses established by this act to be appointed by the President.

Agents to receive and dispose of in trade among the Indians, goods from the superintendent: according to rules and regulations of the President.

Oath of the agents.

Quarter yearly accounts to be rendered by them to the superintendent.

Duplicates to be sent to the Secretary of the Treasury.

Agents, &c. not to be concerned in exporting, directly or indirectly, the furs and peltries of the United States, or be concerned in trade, &c. &c. but on the public account.

Their emoluments limited to the pay of the United States.

Penalties. Proviso.

Proviso.

Prices of goods furnished the Indians to be so regulated as that the capital stock is not to be diminished.

Annual appropriation for paying superintendent and his clerks.

President may draw a sum of money every year for the payment of agents and clerks.

Agents and

clerks entitled to draw rations.

Sum appropriated for the trade and intercourse of the United States with the Indian tribes.

Penalties for purchasing certain articles from the Indians.

Proviso.

The furs and peltries belonging to the U. States to be sold at public auction after notice shall have been published.

Duration of this act.

Continued 1809, ch. 34.

STATUTE I.

April 21, 1806.

Penalties for falsely making and uttering coins of the U. States, or of foreign countries made current here.

draw out of the public supplies two rations each, and each clerk one ration per day.

SEC. 10. *And be it further enacted*, That the sum of two hundred and sixty thousand dollars, including the sums heretofore appropriated, and applied to the like purpose, and exclusive of the salary of the superintendent of Indian trade, and of the allowances to agents and clerks, be, and the same is hereby appropriated, for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforesaid, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

SEC. 11. *And be it further enacted*, That if any agent or agents, their clerks, or other person employed by them, shall purchase or receive from any Indian, in the way of trade or barter, any gun, or other article commonly used in hunting; any instrument of husbandry or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people, or any article of clothing, excepting skins or furs, he or they shall respectively forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name and to the use of the United States, in any court having jurisdiction in like cases: *Provided*, that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or in which the defendant may reside. And it shall be the duty of the superintendent of Indian trade, or of the superintendents of Indian affairs, and their deputies respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, to prosecute the offender without delay.

SEC. 12. *And be it further enacted*, That it shall be the duty of the said superintendent of Indian trade, under the direction of the President of the United States, to cause the said furs and peltry to be sold at public auction, public notice whereof shall be given three weeks previous to such sale, in different parts of the United States, making an equal distribution of the same, in proportion to the demand of the market, and as may be deemed most advantageous to the United States, and upon such terms and conditions as shall be prescribed by the Secretary of War: *Provided*, that there shall not be less than six annual public sales, of the said furs and peltry, and that the superintendent of Indian trade shall not hold more than two such sales in any state, during any one year.

SEC. 13. *And be it further enacted*, That this act shall be in force for and during the term of three years, and no longer.

APPROVED, April 21, 1806.

CHAP. XLIX.—*An Act for the punishment of counterfeiting the current coin of the United States; and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist, in falsely making, forging or counterfeiting, any gold or silver coins, which have been or which hereafter shall be coined at the mint of the United States, or who shall falsely make, forge, or counterfeit, or cause, or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any foreign gold or silver coins, which, by law now are or hereafter shall be made current, or be in actual use and circulation as money within the United States; or who shall utter, as true, any false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged or counter-

feited; any such person, so offending, shall be deemed and adjudged guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment, and kept at hard labour for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding five years, and fined not exceeding five thousand dollars.

SEC. 2. *And be it further enacted*, That if any person shall import or bring from any foreign place into the United States, any false, forged, or counterfeit gold or silver coins, which are by law made current, or are in actual use and circulation, as money within the United States, with the intent to utter, or make payment with the same, knowing the same to be falsely made, forged, or counterfeited; or who shall utter, as true, any such false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged, or counterfeited, the person so offending shall be deemed guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to imprisonment and kept at hard labour for a period not less than two years, nor more than eight years; or shall be imprisoned not exceeding two years, and fined not exceeding four thousand dollars.

SEC. 3. *And be it further enacted*, That if any person shall fraudulently and for gain's sake, by any art, way, or means whatsoever, impair, diminish, falsify, scale, or lighten the gold or silver coins, which have been, or which shall hereafter be coined at the mint of the United States; or any foreign gold or silver coins, which are by law made current, or are in actual use and circulation as money within the United States, every person so offending shall be deemed guilty of a high misdemeanor, and shall be imprisoned not exceeding two years, and fined not exceeding two thousand dollars.

SEC. 4. *And be it further enacted*, That nothing in this act contained, shall be construed to deprive the courts of the individual states of jurisdiction, under the laws of the several states, over offences made punishable by this act.

APPROVED, April 21, 1806.

CHAP. L.—*An Act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States; and for other purposes, relative to the public debt.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall from and after the thirtieth day of April, one thousand eight hundred and six, be repealed: *Provided*, that the right of all persons who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in no wise be affected or impaired: *And provided further*, that there shall be allowed on every payment made in money, at or before the same shall fall due, for lands purchased before the thirtieth day of April, one thousand eight hundred and six, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value of its unredeemed amount, which market price shall, from time to time, be stated by the Secretary of the Treasury to the officers of the several land-offices.

SEC. 2. *And be it further enacted*, That the commissioners of the sinking fund shall not be authorized to purchase any of the several species of the public debt, at a higher price than at the rates following, that is to say; they shall not pay more for three per cent. stock than sixty

Penalties upon those who shall import into the United States any false or counterfeit coins to be circulated in this country.

Act of March 3, 1825, ch. 65, sec. 20.

Penalties for impairing, falsifying, &c. &c. the coins of the United States, or those of foreign countries in circulation here.

Jurisdiction of the individual states not to be affected by this act.

STATUTE I.

April 18, 1806.

Repeal of such acts as authorize the receipt of evidences of public debt in payment for land after the 30th of April, 1806.

Proviso.

Rates at which purchases may be made of the public debt of the United States.

per cent. of its nominal value; nor for any other species of the public debt more than the nominal value of its unredeemed amount, the eight per cent. stock only excepted; for which they shall be authorized, in addition thereto, to give at the rate of one half of one per cent. on the said nominal value, for each quarterly dividend which may be payable on such purchased stock, from the time of such purchase to the first day of January, one thousand eight hundred and nine.

Repeal of part of a former law, restricting the commissioners as to the mode and time of purchases.

SEC. 3. *And be it further enacted*, That so much of any act as directs that purchasers of the public debt, by the commissioners of the sinking fund, shall be made within the thirty days next ensuing after each day on which a quarterly payment of interest on the debt of the United States shall become due: and also so much of any act as directs that the said purchases shall be made by open purchase or by sealed proposals, be, and the same hereby is repealed. And the said commissioners are hereby authorized to make such purchases, under the restrictions laid by the preceding section, in such manner, and at such times and places as they shall deem most eligible; and for that purpose to appoint a known agent or agents, to whom they may allow a commission, not exceeding one fourth of one per cent. on the respective purchases of such agents.

1792, ch. 38, sec. 7, 8.

APPROVED, April 18, 1806.

STATUTE I.

April 21, 1806.

CHAP. LI.—*An Act for erecting certain Lighthouses in the state of Massachusetts; for building a beacon, or pier, at Bridgeport, in the state of Connecticut; and for fixing buoys in Pamptico sound, in the state of North Carolina.*

Lighthouses to be built.

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 cause to be erected the following lighthouses in the state of Massachusetts:

Franklin island.

One on Franklin island, at the mouth of St. George's river, in the district of Maine.

West Passamaquoddy head.

One on West Passamaquoddy head, at the entrance into the bay and harbor of Passamaquoddy, in the district of Maine.

And a double lighthouse at or near Chatham harbor, on the back of Cape Cod.

Proviso.

Provided sufficient land for the accommodation of the said lighthouses can be obtained at reasonable prices, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby authorized to agree for the salaries, or wages, of the persons who may be appointed by the President for the superintendence and care of said lighthouses, and otherwise to provide for the same, at the expense of the United States.

Beacons or piers to be also erected—at what places.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby required to cause a beacon, or pier, to be erected near the mouth of the harbor of Bridgeport, in the state of Connecticut; and to cause buoys to be fixed on Bluff Shoal, Royal Shoal, northwest Straddle, and southwest Straddle, in the waters of Pamptico sound, in the state of North Carolina.

Appropriations for erecting the lighthouses and piers.

SEC. 3. *And be it further enacted*, That there be appropriated for defraying the expense of erecting each of the aforesaid lighthouses, the sum of five thousand dollars: for the expense of erecting the said beacon, or pier, the sum of one thousand dollars; and for the expense of fixing the said buoys, one thousand dollars, to be paid, respectively, out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

CHAP. LII.—*An Act supplementary to the act intituled "An act to extend jurisdiction in certain cases to the territorial courts."*

STATUTE I.
April 18, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act, intituled "An act for providing compensation for the marshals, clerks, attorneys, jurors and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," passed February the twenty-eighth, one thousand seven hundred and ninety-nine, be, and the same hereby are extended to the territories of the United States, so far as the said act may relate to the provisions of the act, intituled "An act to extend jurisdiction in certain cases to the territorial courts," passed March the third, one thousand eight hundred and five, excepting that the clerks of the said territorial courts shall not receive the additional five dollars per day, allowed to the clerks of the circuit and district courts by the third section of the act first above mentioned.

Provisions of a former act extended to the territories of the United States.

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

1805, ch. 38.

APPROVED, April 18, 1806.

CHAP. LIII.—*An Act making appropriations for carrying into effect certain Indian treaties.*

STATUTE I.
April 21, 1806.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect a treaty between the United States and the Delawares, Potawatimies, Miamies, Eel river and Weaws, holden at Grouseland, near Vincennes, on the twenty-first day of August, one thousand eight hundred and five, the sum of one thousand six hundred dollars is hereby appropriated, to be paid to the said tribes, annually, as follows: to the Miamies, six hundred dollars; to the Eel river tribe, two hundred and fifty dollars; to the Weaws, two hundred and fifty dollars; which several annuities shall be permanent: and to the Potawatimies, annually, for the term of ten years, and no longer, the sum of five hundred dollars, in addition to former annuities.

Specific appropriations.

SEC. 2. *And be it further enacted,* That for the purpose of carrying into effect a treaty between the United States and the Wyandot, Ottawa, Munsee and Delaware, Shawanee, and Potawatimie nations, holden at Fort Industry, on the fourth day of July, one thousand eight hundred and five, the annual sum of eight hundred and twenty-five dollars be, and the same is hereby appropriated.

Specific appropriation.

SEC. 3. *And be it further enacted,* That for the purpose of carrying into effect two treaties between the United States and the Cherokee Indians, holden at Tellico, on the twenty-fifth and twenty-seventh days of October, one thousand eight hundred and five, a sum of fifteen thousand six hundred dollars, and the further annual sum of three thousand dollars be, and the same is hereby appropriated.

Specific appropriations.

SEC. 4. *And be it further enacted,* That for the purpose of carrying into effect a convention between the United States and the Creek nation of Indians, concluded at the city of Washington, on the fourteenth day of November, one thousand eight hundred and five, a sum of twelve thousand dollars, annually, for eight years, and the sum of eleven thousand dollars, annually, for the term of ten years, next thereafter succeeding, be, and the same are hereby appropriated.

Specific appropriations.

SEC. 5. *And be it further enacted,* That the several sums appropriated by this act, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, April 21, 1806.

STATUTE I.

April 18, 1806.

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

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 six; 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:

Specific ap-
propriations.

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

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and twenty-four thousand nine hundred and ninety-four dollars, five cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, twelve thousand dollars.

For camp equipage, fuel, tools and transportation, eighty-five thousand dollars.

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty-two dollars, five cents.

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

For the contingent expenses of the war department, eighteen thousand dollars.

For the pay and subsistence of the commandants in Louisiana, six thousand and sixty-six dollars, sixty-seven cents.

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

SEC. 2. *And be it further enacted, That the several appropriations herein before made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the military establishment; and secondly, out of any monies in the treasury not otherwise appropriated.*

APPROVED, April 18, 1806.

STATUTE I.

April 21, 1806.

CHAP. LV.—*An Act further to alter and establish certain Post Roads; and for other purposes.*

Repealed 1810,
ch. 30.

Post roads dis-
continued.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following post roads shall be discontinued: from Dixon's Spring, to Lebanon, in Tennessee; and from Raleigh, by Haywood, Chatham Courthouse, and Chapel Hill, to Hillsborough in North Carolina.

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

Post roads
established.

In Massachusetts.—From Granville, through Sandisfield and New Marlborough, to Stockbridge; and from Rochester, by Middleborough, East Meeting House, to East Bridgewater; from Brookfield, through Brimfield in Massachusetts, to Stafford Springs, and thence to Tolland in Connecticut.

In the district of Maine.—From Brewer's to Plantation number five; from Vassalborough, through Fairfax, Unity, Collegetown, to Hamden; from Buckfield, through Hartford, to Livermore; and from New Milford, through Ballstown, Palermo, and Davistown, to Belfast.

In Vermont.—From Royalton, through Tunbridge, Chelsea, and Ver-shire, to Corinth.

In Connecticut.—From Pomfret, through Gloucester, to Providence in Rhode Island.

In New York.—From the town of Cherry Valley, through Springfield, Richfield, Plainfield, and Bridgewater, to Sangersfield; and from Harrisburg, through Williamstown, Ogdensburg, Potsdam, Chautaugay, to Plattsburg; from Rome, through Redfield, Adams, by Smith's mills to Sacket Harbor, and from thence to Chemangh; from Bath, through Canistio-town, Danville, and Williamsburg, to Hartford; and from Onandago to the village of Oswego in Lysander; and a cross post from West Hampton, to River Head; from New Lebanon, in the state of New York, by Hancock, Richmond, Lennox, Lee, Becket, Loudon, and Sandisfield, in Massachusetts, to New Hartford in Connecticut.

Post roads established.

In New Jersey.—From Belvidere to Stroudsburg, in Pennsylvania.

In Pennsylvania.—From Berlin, through Salisbury, to Cumberland; from Greensburgh to Kittanning; from Tuckhannok to Chenango Point in New York; and from Greensburgh, through Mount Pleasant, Robbstown, and Williamsport, to Washington; and from Washington, through Alexandria, to Wheeling; from Gettysburg, through Miller's town, Nicholson's Gap, and Waynesburg, to Green Castle.

In Delaware.—From the village of Christiana, through Newark, to Strasburgh in Pennsylvania; and from Georgetown, through Concord, to Laurel.

In Maryland.—The post road from Vienna, in Dorchester county, to Snow Hill, in Worcester county, and thence returning to Vienna, may, in the discretion of the Postmaster-General, be so altered as to pass over Wicomico lower ferry and Quantico mills: *Provided*, no additional expense in transporting the mail shall be incurred thereby.

In Virginia.—From Lynchburgh to Lexington; from Waterford to Sniker's Gap, by the stores of Robert Braden and Jessy Janny, and from thence to Upperville, and to return by Israel Janny's mill; from Wythe Courthouse, by Tazewell Courthouse, Russel Courthouse, Lee Courthouse, to Robinson's mills; and from Madison Courthouse to Stanardsville; the post road from Manchester to Colesville, shall pass by Chesterfield Courthouse and Spring Hill.

In North Carolina.—From Averysborough by Haywood, Chatham Courthouse, to cross Haw river near Jones' ferry, to Hillsborough; from Raleigh, by Chapel Hill, to Hillsborough; from Wilmington through Conwayborough to Georgetown, in South Carolina; and from Wilksborough to Ashe Courthouse.

In South Carolina.—From Portserry to Conwayborough; and from Portserry, by Marion Courthouse, to Thomas Harley's.

In Georgia.—From Washington to Petersburg, and from Athens to Knoxville in Tennessee.

In Ohio.—From Cincinnati, by North Bend, to Lawrenceburgh in the Indiana territory; from Austinburg to Erie in Pennsylvania, and from Franklinton to Worthington.

In Kentucky.—From New Castle or Henry Courthouse, by Gallatin Courthouse and Boone Courthouse, to Laurenceburgh, in the Indiana territory; and the post road from Henderson to Eddeville shall pass by Livingston Courthouse.

In Tennessee.—From Mount Granger to Carthage, thence, by Kavenaugh, to Lebanon; from Nashville to Charlotte; from Burville by Walnut Cove, thence along the turnpike road, by way of Chitwood's, to Pulaski in Kentucky; and from Palmyra to Stuart Courthouse, and thence to Eddyville.

In Orleans Territory.—From Rapid settlement to Opelousa.

SEC. 3. *And be it further enacted*, That a sum not exceeding two hundred and fifty dollars, be, and the same is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to enable the Postmaster-General to defray the expenses which already are, or hereafter may be incurred in providing for the accommodation of Josiah H.

Sum appropriated on account of Joseph H. Webb.

Webb, who, in August last, was wounded by some person unknown, whilst he was employed in carrying the mail of the United States, and who is now under the care of the commandant at fort Stoddert.

SEC. 4. *And be it further enacted*, That this act shall not be so construed as to affect any existing contract for carrying the mail.

APPROVED, April 21, 1806.

April 10, 1806.

Acknowledgement of the sense of Congress of the services of the Danish consul at Tripoli.

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 cause to be made known to Nicholas C. Nissen, Esquire, his Danish majesty's consul residing at Tripoli, the high sense entertained by Congress, of his disinterested and benevolent attentions, manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

APPROVED, April 10, 1806.