

# ACTS OF THE NINTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the first day of December, 1806, and ended on the third day of March, 1807.*

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 3d of March, 1807; NATHANIEL MACON, Speaker of the House of Representatives.

### STATUTE II.

CHAPTER I.—*An Act to suspend the operation of an act, intituled "An act to prohibit the importation of certain goods, wares and merchandise," and to remit the penalties incurred under the same.*

Dec. 19, 1806.

[Obsolete.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the operation of the act, passed on the eighteenth day of April last, intituled "An act to prohibit the importation of certain goods, wares and merchandise," be, and the same hereby is suspended until the first day of July next.

Operation of a former act suspended.  
Act of April 18, 1806, ch. 29.

SEC. 2. *And be it further enacted,* That all penalties, fines and forfeitures, which may have been incurred by virtue of the provisions of the aforesaid act, be, and the same hereby are, respectively, remitted, on payment, by the parties, by whom such penalty, fine or forfeiture may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attornies of the several districts of the United States.

Remission of certain penalties, &c.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it: *Provided,* that such suspension shall not extend beyond the second Monday in December next.

Further suspension.

Proviso.

APPROVED, December 19, 1806.

### STATUTE II.

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

Jan. 7, 1807.

[Obsolete.]

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

For the pay and subsistence of the officers and pay of the seamen, two hundred and ninety-six thousand and forty-eight dollars.

Specific appropriations.

For provisions, one hundred and twenty thousand eight hundred and fifty dollars and three cents.

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

Specific ap-  
propriations.

For repairs of vessels, one hundred and ninety thousand two hundred and eight dollars and sixty-seven cents.

For freight, store rent, commissions to agents, and other contingent expenses, seventy-five thousand dollars.

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

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

For military stores for the same, five hundred and sixty 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, comprising docks and other improvements, pay of superintendents, store-keepers, clerks and labourers, sixty thousand dollars.

For ordnance, fifty thousand 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, January 7, 1807.

STATUTE II.

Jan. 10, 1807.

[Obsolete.]

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

*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 seven; 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 nine hundred and fifty-two dollars.

For forage, four thousand six hundred and eight dollars.

For the subsistence of the army and corps of engineers, two hundred and thirty-five thousand five hundred and fifty-two dollars and fifty cents.

For clothing, eighty-five thousand dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, fifteen thousand dollars.

For camp equipage, fuel, tools and transportation, ninety thousand dollars.

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

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

For contingencies, eighteen thousand dollars.

For the payment of such balances as have been ascertained, and which may be ascertained during the years one thousand eight hundred and six and one thousand eight hundred and seven, from actual settlements by the accountant of the war department, and which cannot be discharged out of any existing appropriation, eight thousand dollars.

For the Indian department, one hundred thousand and six hundred dollars.

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

APPROVED, January 10, 1807.

## STATUTE II.

CHAP. V.—*An Act to alter the time of holding the circuit and district courts in the district of North Carolina.*

Feb. 4, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That instead of the times heretofore established by law, for the sessions of the circuit court for the district of North Carolina, the said courts shall hereafter commence and be holden on the twelfth day of May, and the twelfth day of November, in each year, any thing contained in any former act or acts to the contrary notwithstanding. And 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 twentieth day of June next, 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 twelfth day of May, or the twelfth day of November shall happen on Sunday, the next succeeding day shall be the first juridical day of the term.

Sessions of the circuit court changed.

Actions, suits, process, &c. to have day, and made returnable accordingly.

Proviso.

Sessions of the district court also changed.

SEC. 2. *And be it further enacted*, That the district courts of the United States for the district of North Carolina, shall, after the passing of this act, commence and be holden on the following days, instead of the times heretofore established by law, that is to say; at Wilmington, in and for the district of Cape Fear, on the first Mondays in February, June and October; at Newbern, in and for the district of Pamptico, on the Friday next after the first Mondays in February, June, and October; and at Edenton, in and for the district of Albemarle, on the first Tuesday which shall follow the Friday next after the first Mondays in February, June and October. And that all actions, suits, writs, process, pleadings or other proceedings, commenced or to commence, or which shall be now depending in any of the district courts of the district of North Carolina, shall be continued over, and have day in the next district court to be holden in the several districts as hereby established, any thing in any former act or acts to the contrary notwithstanding.

1808, ch. 29, sec. 3.

Actions, suits, &c. made returnable and to have day, accordingly.

APPROVED, February 4, 1807.

## STATUTE II.

CHAP. VIII.—*An Act to provide for surveying the coasts of the United States.*

Feb. 10, 1807.

*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 shall be, and he is hereby authorized and requested, to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts within the extent aforesaid.

President of the U. States authorized to cause a survey of the coast of the U. States to be made, and an accurate chart to be prepared.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to cause such examinations and observa-

President also authorized to

cause examinations to be made with respect to St. George's bank, &c.

President authorized to cause proper persons to be employed, and such of the public vessels as may be wanted, &c.

Act of April 14, 1818, ch. 56. Fifty thousand dollars appropriated.

tions to be made, with respect to St. George's bank, and any other bank or shoal and the soundings and currents beyond the distance aforesaid to the Gulf Stream, as in his opinion may be especially subservient to the commercial interests of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and requested, for any of the purposes aforesaid, to cause proper and intelligent persons to be employed, and also such of the public vessels in actual service, as he may judge expedient, and to give such instructions for regulating their conduct as to him may appear proper, according to the tenor of this act. (a)

SEC. 4. *And be it further enacted*, That for carrying this act into effect there shall be, and hereby is appropriated, a sum not exceeding fifty thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, February 10, 1807.

## STATUTE II.

Feb. 10, 1807.

CHAP. IX.—*An Act authorizing the erection of certain Lighthouses, and the fixing of stakes, buoys and beacons, at certain places therein named.*

Secretary of the Treasury to have light-houses built at Fair Weather and Naushawn islands.

To appoint keepers, &c. Proviso.

Proviso.

Secretary of the Treasury to cause the light-house at Smith's point to be rebuilt.

Proviso.

Secretary of the Treasury to have the light-house at North island rebuilt.

Secretary of the Treasury to cause buoys and stakes to be fixed in Winyaw bay, and near

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause a good and sufficient lighthouse to be built at each of the following places, that is to say; on Fair Weather island, in the state of Connecticut, and at Naushawn island near Tarpaulin cove, in the state of Massachusetts, at such points as the President of the United States may select for those purposes; and to appoint keepers, and otherwise provide for such light-houses, at the expense of the United States: *Provided*, that sufficient ground for the accommodation of said lighthouses, respectively, can be obtained at a reasonable price: *And provided also*, that the legislatures of the states of Connecticut and Massachusetts shall cede the jurisdiction over each place respectively to the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause the light-house at present established on Smith's point, at the mouth of the river Potomac, to be taken down, and to cause another good and sufficient one to be built at such other spot on the said point, as the President of the United States may select: *Provided*, that sufficient ground for the accommodation thereof, can be obtained at a reasonable price: *And provided also*, that the legislature of the state of Virginia shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby further authorized and directed to cause the lighthouse heretofore established on North island, at the entrance into Winyaw bay, in the state of South Carolina, to be rebuilt in such manner as may in his opinion be most likely to secure its future safety.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause proper and sufficient buoys and stakes to be fixed in, and along the channel in Winyaw bay, leading to the harbor of Georgetown, in the state of South Carolina: and also, to cause proper and sufficient buoys and beacons to

(a) Coast Survey.—By an act for the repeal of part of this act, passed April 14, 1818, chap. 56, no persons but those belonging to the army are to be employed in the coast survey.

By the 1st section of the act of June 17, 1844, chap. 65, officers of the army and navy shall, as far as practicable, be employed in the coast survey, wherever, and in the manner required by the department having charge thereof.

By an act passed June 3, 1844, maps and charts of the survey of the coast are to be disposed of at such prices as may be fixed by the Secretary of the Treasury; and copies of the same shall be presented to "foreign governments, departments of our own government, and literary and scientific associations."

be placed on, or near the rocks and shoals in the channel leading into the harbor of Salem, in the state of Massachusetts.

SEC. 4. *And be it further enacted*, That for the purpose of defraying the expenses which may be incurred in the execution of this act, the following sums shall be, and the same are hereby respectively appropriated, to be paid out of any monies in the treasury, not otherwise appropriated: that is to say, for building the lighthouse on Fair Weather island, five thousand dollars; for building the lighthouse at Naushawn island, two thousand five hundred dollars; for pulling down, and rebuilding the lighthouse on Smith's point, six thousand dollars; for rebuilding the lighthouse on North island, twenty thousand dollars; for fixing buoys and stakes in Winyaw bay, one thousand five hundred dollars; for fixing buoys and beacons in the channel leading to Salem harbor, one thousand five hundred dollars.

APPROVED, February 10, 1807.

the shoals and rocks leading to Salem.

Specific appropriations.

#### STATUTE II.

CHAP. XII.—*An Act supplementary to the act, intituled "An act making provision for the redemption of the whole of the public debt of the United States."*(a)

Feb. 11, 1807.

WHEREAS it is desirable to adapt the nature of the provision for the redemption of the public debt to the present circumstances of the United States, which can only be done by a voluntary subscription on the part of the creditors:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a subscription to the full amount of the old six per cent. deferred and three per cent. stocks be, and the same is hereby proposed; for which purpose books shall be opened at the treasury of the United States, and by the several commissioners of loans, on the first day of July next, to continue open until the seventeenth day of March next following, inclusively, the fourteen last days of each quarter excepted, for such parts of the above mentioned descriptions of stock, as shall, on the day of subscription, stand on the books of the treasury, and of the several commissioners of loans, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock subscribed.

SEC. 2. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed, in old six per cent. or deferred stock, credits shall be entered to the respective subscribers, and the subscriber or subscribers shall be entitled to a certificate, or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the amount of principal of the stock thus subscribed, which shall remain unredeemed on the day of such subscription, bearing an interest of six per centum per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, transferable in the same manner as is provided by law for the transfers of the

The redemption of the public debt can only be done by voluntary subscription.

Act of April 29, 1802, ch. 32.

Subscription books to the full amount of the old 6 per cent. deferred and 3 per cent. stock, to be opened at the treasury and the several loan offices.

Mode of effecting the subscription.

Credits to be given for any sums subscribed in old 6 per cent. stock, and new certificates given in 6 per cent. stock.

Subject to redemption at the pleasure of the United States.

(a) The acts for the redemption of the public debt, have been:—

An act making further provision for the support of public credit, and for the redemption of the public debt, March 3, 1795, chap. 45. "1790, chap. 47."

An act making provision for the redemption of the whole of the public debt of the United States, April 29, 1802, chap. 32.

An act supplementary to the act entitled, "An act making provision for the redemption of the whole of the public debt of the United States," February 11, 1807, chap. 12.

An act supplementary to the act entitled, "An act making further provision for the support of public credit, and for the redemption of the public debt," &c., June 28, 1809, chap. 10.

An act to provide for the redemption of the public debt, March 3, 1817, chap. 87.

An act to authorize the commissioners of the sinking fund to redeem the public debt of the United States, April 24, 1830, chap. 78.

Proviso as to reimbursement.  
Notice to be given previous to reimbursement.

At what rate credits are to be given for 3 per cent. stock subscribed.

Sums subscribed to bear an interest of 6 per cent.

When reimbursable.

Commissioners of the sinking fund to appoint agents in London and Amsterdam; their duties.

Interest on certificates issued by agents.

Dividend on the old 6 per cent. stock to be paid to subscribers.

Agents to transmit abstracts of the certificates of stock subscribed to the register of the treasury, &c.

Agents to take an oath, &c.

stock subscribed, and subject to redemption at the pleasure of the United States: *Provided*, that no single certificate shall be issued for an amount greater than ten thousand dollars: *And provided further*, that no reimbursement shall be made except for the whole amount of any such new certificate, nor till after at least six months' previous public notice of such intended reimbursement.

SEC. 3. *And be it further enacted*, That for the whole or any part of any sum which shall thus be subscribed in three per cent. stock, credits shall likewise be entered to the respective subscribers; and the subscriber, or subscribers, shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to sixty-five per centum of the amount of the principal of the stock thus subscribed, bearing an interest of six per centum, per annum, payable quarter yearly, from the first day of the quarter, during which such subscription shall have been made, and transferable and subject to redemption in the same manner, and under the same regulations and restrictions, as the stock created by the preceding section of this act: *Provided*, that no part of the stock thus created, shall be reimbursable without the assent of the holder, or holders of such stock, until after the whole of the eight per cent. and four and a half per cent. stocks, as well as all the six per cent. stock which may be created by virtue of the preceding section, shall have been redeemed.

SEC. 4. *And be it further enacted*, That the commissioners of the sinking fund shall be, and they are hereby authorized to appoint an agent in London, and another in Amsterdam, whose duty it shall be to receive subscriptions and transfers, and to issue new certificates in the manner, and at the times above mentioned, and as the officers of the treasury department, or the commissioners of loans might do; that is to say, the agent in London in favour of such stockholders residing in the dominions of Great Britain, in Europe, and the agent in Amsterdam, in favour of such stockholders, residing in any other part of Europe, as may respectively become subscribers: *Provided*, that the certificates issued by the said agents shall bear interest only from the first day of the quarter next succeeding that in which the subscription shall have taken place, and that in relation to subscriptions made in old six per cent. or deferred stocks, the sums expressed in such new certificates shall be equal to the amount of the principal of the old six per cent. or deferred stocks thus subscribed, which shall remain unredeemed after payment of the dividend payable on such stock, on that day from which the interest on the new certificates shall commence. The foreign stockholders thus subscribing with either of the said agents shall be entitled to receive the dividend on the old six per cent. deferred, or three per cent. stock subscribed by them, respectively, which shall be payable on that day, from which the interest on the new certificates shall commence. And it shall be the duty of the said agents, respectively, to transmit, before the end of each quarter, to the register of the treasury, and to the several commissioners of loans, respectively, triplicate abstracts of the certificates of stocks subscribed, and of the new certificates issued by them, during such quarter, in order that the proper credits may be entered on the books of the treasury, and of the commissioners of loans, as the case may be, to the holders of such new certificates. And the said agents before they enter upon the execution of their several offices, shall, respectively, take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the commissioners of the sinking fund, or of the Secretary of the Treasury, in the penal sum of twenty thousand dollars, with condition for their good behaviour in their said offices.

SEC. 5. *And be it further enacted*, That the holders of old six per cent. deferred, or three per cent. stock, who may become subscribers, as aforesaid, either in the United States or in Europe, and who, on the first day of July next, and also on the day of the subscription, shall be resident in Europe, may at their option, which must be made at the time of subscribing, receive the interest accruing on the stock created by virtue of the preceding sections of this act, either in the United States as other creditors, or at London, or Amsterdam: that is to say, the stockholders residing, at the times above mentioned, in the dominions of Great Britain, in Europe, at London, and at the rate of four shillings and sixpence, sterling, for each dollar; and the stockholders residing, at the times above mentioned, in any other part of Europe, at Amsterdam, and at the rate of two guilders and a half guilder, current money of Holland, for each dollar; in which last mentioned option the condition shall be expressed in the new certificates to be issued, and the credit, or credits, to be given to the proprietors thereof, shall be entered, and shall thereafter be transferable only on the books of the treasury: *Provided however*, that the interest thus payable in London and Amsterdam, shall not be payable until the expiration of six calendar months from the day on which the same would be payable in the United States, and shall be subject to a deduction of one half of one per cent. on the amount payable, for commission to the bankers paying the same: *And provided also*, that every proprietor of such stock may, on surrendering his certificate, receive another to the same amount, the interest whereof shall be payable quarter yearly in the United States, in the same manner as that accruing on the stock held by persons residing in the United States.

SEC. 6. *And be it further enacted*, That the same funds which heretofore have been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied, and paid out of the said fund, yearly, and every year, such sum, and sums, as may be annually wanted to discharge the annual interest and charges accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said fund, as they may think proper, towards redeeming, by purchase, or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And the annual sum of eight millions of dollars, vested by law in the said commissioners, shall be, and continue appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created by the preceding sections of this act, shall have been redeemed, or reimbursed.

SEC. 7. *And be it further enacted*, That there shall be allowed to each of the agents to be appointed by virtue of this act, in addition to the necessary expenses incurred by them for printing, stationery, and postage, a sum of three thousand dollars, as a full compensation for their services. The said agents, and the commissioners of loans, shall also be allowed such additional sum as may be actually and necessarily expended for the clerk hire requisite for carrying this act into effect. And for defraying the said compensations and allowances, and such other contingent charges as may be incurred for carrying this act into effect, a sum not exceeding sixteen thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, is hereby appropriated.

SEC. 8. *And be it further enacted*, That whensoever notice of reimbursement shall be given, as prescribed by the second and third sections

Foreign stockholders may receive the interest on the stock subscribed by them, either in Europe or the United States.

Rate of the pound sterling.

Rate of guilders.

Dividend payable in London and Amsterdam.

Every proprietor on surrendering of certificate to receive another, the interest payable quarterly in the United States.

Funds now pledged for the payment of interest and the reimbursement of principal of the public debt to remain pledged for the payment of interest and reimbursement of principal of stock subscribed.

Commissioners of sinking fund to cause to be applied, annually, such sums as may be required for the interest and charges: and so much as they may think proper towards redeeming, &c.

Eight millions to remain appropriated, &c.

Allowance to commissioners under this act.

Their expenses, &c. to be defrayed.

Allowance to commissioners of loans and agents for clerk hire.

Certificates intended to be re-

imbursed to be designated.

In every reimbursement the preference to be given to such holders of certificates as may have given notice of their wish to be reimbursed.

Secretary of the Treasury to determine by lot, &c.

Agents and commissioners of loans to perform such regulations as shall be prescribed by the Secretary of the Treasury.

Saving of the rights of non-subscribers to the loan created by this act.

of this act, the certificates intended to be reimbursed, shall be designated therein. In every reimbursement the preference shall be given to such holders of certificates as, previous to the said notice, shall have notified in writing to the treasury department their wish to be reimbursed. If there should not be applications to the treasury sufficient to require the payment of the whole sum to be applied to that purpose, the Secretary of the Treasury, after paying off all sums for the payment of which application shall have been made, shall determine, by lot, what other certificates shall be reimbursed so as to make up the whole amount to be discharged: and in case the applications shall exceed the amount to be discharged, the Secretary of the Treasury shall proceed to determine, by lot, what applications shall be entitled to priority of payment.

SEC. 9. *And be it further enacted*, That the agents appointed by virtue of this act, and the several commissioners of loans, shall observe and perform such directions and regulations, as shall be prescribed to them by the Secretary of the Treasury, touching the execution of this act.

SEC. 10. *And be it further enacted*, That nothing in this act contained shall be construed, in any wise, to alter, abridge, or impair the rights of those creditors of the United States, who shall not subscribe to the loan created by virtue of this act.

APPROVED, February 11, 1807.

#### STATUTE II.

Feb. 13, 1807.

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

A co-ordinate power of granting writs of injunction conferred upon the judges of the district courts in cases before the circuit courts of their districts.

#### Proviso

CHAP. XIII.—*An Act to extend the power of granting writs of injunctions to the judges of the district courts of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, the judges of the district courts of the United States shall have as full power to grant writs of injunctions to operate within their respective districts, in all cases which may come before the circuit courts within their respective districts, as is now exercised by any of the judges of the supreme court of the United States, under the same rules, regulations and restrictions, as are prescribed by the several acts of Congress, establishing the judiciary of the United States, any law to the contrary notwithstanding: *Provided*, that the same shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge, in any case where a party has had a reasonable time to apply to the circuit court for the writ.

APPROVED, February 13, 1807.

#### STATUTE II.

Feb. 13, 1807.

Act of March 2, 1799, ch. 22, sec. 17.

Act of March 2, 1811, ch. 33, sec. 7.

All the shores and waters of the Ohio and its branches, and of the Mississippi and its branches added to the district of Mississippi.

Surveyors to be appointed for Pittsburg, &c.

CHAP. XIV.—*An Act to annex certain shores and waters to the district of Mississippi; and to authorize the building a custom-house at New Orleans.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June next, all the shores and waters of the river Ohio, and of the several rivers and creeks emptying into the same; and also, all the shores and waters of the rivers which empty into the river Mississippi, or any of its branches, be, and the same are hereby annexed to, and shall make part of the district of Mississippi.

SEC. 2. *And be it further enacted*, That a surveyor shall be appointed for each of the following towns or places, that is to say; Pittsburg, Charlestown, Marietta, Cincinnati, Limestone, Louisville, Massac, and Natchez, who shall be authorized to grant temporary registers to vessels of the United States, in the same manner and on the same terms and conditions as may be done by the collectors of the several districts of



the United States; and each of the said surveyors, besides the fees paid in relation to the admeasurement, and registering of vessels, shall receive an annual salary of one hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That the collector of the district of Mississippi shall, on the surrender of any temporary register, granted to a vessel of the United States as aforesaid, issue a permanent register for such vessel: *Provided*, that the master of such vessel shall take the usual oath, and perform all the other conditions required by the registering act, except that he shall not be obliged to give any new bond to the said collector.

SEC. 4. *And be it further enacted*, That so much of any act or acts as erects any of the shores or waters, annexed by this act to the Mississippi district, into separate districts, be, and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized and directed to cause to be built upon some convenient site, belonging to the United States, in the city of New Orleans, a good and sufficient house, to serve as an office and place of deposit for the collector of the customs at that place. And the sum of twenty thousand dollars is hereby appropriated to defray the expense of erecting the same, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, February 13, 1807.

CHAP. XV.—*An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed, and furnished with horses, at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall, respectively, belong: *Provided*, that where any company, battalion, regiment, brigade, or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division shall continue to be commanded by the officers holding commissions in the same, at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory, wherein the said company, battalion, regiment, brigade, or division shall have been originally raised.

SEC. 2. *And be it further enacted*, That any company, battalion, regiment, brigade, or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged, and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States. *Provided*, that in lieu of clothing, every non-commissioned officer and private, in any company, who may thus offer them-

Their powers and emoluments.

Permanent registers to be issued by the collector of Mississippi.

Proviso.

Repeal of any act making separate districts of the shores and waters referred to.

Secretary of the Treasury to cause a custom-house to be built at N. Orleans.

#### STATUTE II.

Feb. 24, 1807.

[Obsolete.]

President authorized to accept of the services of volunteer corps.

How to be officered, equipped, &c.

Corps offering themselves liable to be called upon to do duty, &c.

How long to continue in service, &c.

Pay, &c.

Proviso.

selves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer, or private (as the case may be) in the regular troops of the United States.

President authorized to have them organized, when called into service.

In the mean time they are to perform militia duty, &c.

Volunteers to be saved harmless except in cases of negligence or accidental losses and damage.

Specific appropriation.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized to organize the companies so tendering their service, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but until called into actual service, such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act.

SEC. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

SEC. 5. *And be it further enacted*, That the sum of five hundred thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated towards defraying any expense incurred by virtue of the provisions of this act.

APPROVED, February 24, 1807.

#### STATUTE II.

Feb. 24, 1807.

CHAP. XVI.—*An Act establishing Circuit Courts, and abridging the jurisdiction of the district courts in the districts of Kentucky, Tennessee and Ohio.*

Repeal of so much of any act as gives jurisdiction of circuit to the district courts of Kentucky, E. and W. Tennessee, and Ohio.

Act of March 23, 1804, ch. 31, sec. 6.

Districts established for the circuit courts.

These districts to compose the seventh circuit.

Sessions of the circuit courts, and places where to be held.

Kentucky.

Act of March 22, 1808, ch. 38, sec. 1, 2, 3, 4.

Tennessee.  
Ohio.

1797, ch. 2.

All the authority, &c. vested in the several circuit courts, vested in this court.  
Causes, &c. returnable to the circuit court and tried therein.

*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 of Congress, as vests in the district courts of the United States, in the districts of Kentucky, East and West Tennessee and Ohio, the powers, authority and jurisdiction of the circuit courts of the United States, shall be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That for the purpose of holding therein the circuit courts, to be established by this act; the state of Kentucky shall constitute one district, the state of Tennessee one district, and the state of Ohio one district, and the said districts of Kentucky, Tennessee, and Ohio, shall constitute and be denominated the seventh circuit. And there shall be holden annually in each district of the said circuit, two courts, to be called circuit courts, and to consist of one justice of the supreme court of the United States, and the judge of the district where such court shall be holden. And the sessions of the said courts, in the district of Kentucky, shall be held at Frankfort, and commence on the first Monday in May and November, annually; in the district of Tennessee, at Knoxville and Nashville, alternately, to commence on the first Monday in June and third Monday in October, annually, beginning at Nashville; and in the district of Ohio, at Chillicothe, to commence on the first Monday in January and September, annually. And the circuit court of Tennessee, shall designate at which of the two places where the said court is hereby directed to be holden, the office of clerk thereof shall be kept.

SEC. 3. *Be it further enacted*, That all the authority, powers and jurisdiction, vested in the several circuit courts of the United States, or the judges thereof, or either of them, shall be, and hereby are vested in, and may be exercised by the several circuit courts of the seventh circuit, and the judges thereof: and that all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall be returnable to, or depending in the several district courts of Kentucky, Tennessee and Ohio, acting as circuit courts, on the first day of May

next, shall be, and hereby are declared to be respectively transferred, returnable, and continued, to the several circuit courts constituted by this act, at the times herein appointed for the session of each of the said courts, and shall be heard, tried, and determined therein, in the same manner, and with the same effect, as if no change had been made hereby in the courts of the said district. And the said circuit courts of the seventh circuit, shall be governed by the same laws and regulations as apply to the other circuit courts of the United States, and shall appoint clerks for the said courts respectively, who shall reside, and keep the records of the said courts, at the places of holding the courts, whereto they shall respectively belong, except as herein before provided, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, respectively, which are by law established for the clerks of the other circuit courts of the United States.

The circuit courts of the seventh circuit to be governed by the same laws as other circuit courts.

SEC. 4. *Be it further enacted*, That the state of Tennessee shall be divided into two districts, for the purpose of holding district courts in the same, one to consist of that part thereof, which by the laws of the said state, now forms the districts of Washington and Hamilton, which shall be called the district of East Tennessee; and one other to consist of all that part of the state of Tennessee, which by the laws of the said state now forms the districts of Winchester, Mero and Robertson, which shall be called the district of West Tennessee; and all the authority, powers and jurisdiction, vested in the several district courts of the United States, and the judges thereof, in those districts in which circuit courts are now held, shall be retained, and may be exercised by the several district courts of Kentucky, East and West Tennessee, and Ohio, and the several judges thereof. And the sessions of the said district courts shall, after the first day of May next, be as follows: in Kentucky, at Frankfort, two sessions, to commence on the first Mondays in June and December, annually; in East Tennessee, at Knoxville, two sessions, to commence on the third Monday in April and second Monday in October, annually; and at Nashville, two sessions, to commence on the fourth Mondays in May and November, annually; and in Ohio, at Chillicothe, three sessions, to commence on the first Mondays in February, June and October, annually; and all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall have been issued, and shall be returnable to, or depending in the said several district courts of the United States, acting as district courts, on the said first day of May next, shall be returned and held continued to the said several district courts, respectively, at the times herein before appointed for holding the same.

State of Tennessee to be divided into two districts, &c.

East Tennessee.

West Tennessee.

Ohio.

Act of March 26, 1810, ch. 18. 1809, ch. 14.

SEC. 5. *Be it further enacted*, That the supreme court of the United States shall hereafter consist of a chief justice, and six associate justices, any law to (the) contrary notwithstanding. And for this purpose there shall be appointed a sixth associate justice, to reside in the seventh circuit, whose duty it shall be, until he is otherwise allotted, to attend the circuit courts of the said seventh circuit, and the supreme court of the United States, and who shall take the same oath, and be entitled to the same salary as are required of, and provided for the other associate justices of the United States.

Supreme court to consist in future of seven judges, &c.

APPROVED, February 24, 1807.

STATUTE II.

CHAP. XVII.—*An Act to continue in force for a further time, an act intituled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo."*

Feb. 24, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to suspend the commercial intercourse between the United States

Former act continued in force.

Act of Feb.  
28, 1806, ch. 9.

Prohibitions  
of former act  
extended fur-  
ther.

and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonoave and Tortuga, and to any other dependency of the said island of St. Domingo, not in possession of, or under the acknowledged government of France.

APPROVED, February 24, 1807.

#### STATUTE II.

Feb. 24, 1807.

Act of Feb.  
27, 1801, ch. 15.  
Act of May 3,  
1802, ch. 53.

Provisions of  
a former act re-  
specting writs  
of *capias ad sat-  
isfaciendum* re-  
pealed.

Said writs  
made returnable  
as if that act  
had not passed,  
&c.

Part of former  
act repealed.

CHAP. XVIII.—*An Act further supplementary to the act, intituled "An act concerning the District of Columbia."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of executions against the goods and chattels of the debtor.

SEC. 3. *And be it further enacted*, That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

APPROVED, February 24, 1807.

#### STATUTE II.

Feb. 24, 1807.

Costs to be  
paid by claim-  
ants when there  
was a reasona-  
ble cause for  
seizure.

Proviso.

CHAP. XIX.—*An Act respecting seizures made under the authority 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 when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof: and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: (a) *Provided*, that the ship or vessel, goods, wares, or

(a) Seizure. "Probable cause" means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion. *Locke v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 521.

A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a certificate of probable cause. *The United States v. Riddle*, 5 Cranch, 311; 2 Cond. Rep. 266.

If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25, 1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the opinion in which he acted. *Otis v. Watkins*, 9 Cranch, 339; 3 Cond. Rep. 424.

Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful and without probable cause by the courts, the party may proceed, at his election, by a suit at common law, or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must be sought in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws, in suits at common law, until the case shall have passed through the state courts. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.

merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agent or agents.

SEC. 2. *And be it further enacted*, That the accounting officers of the treasury be, and they are hereby authorized and directed to allow to the collector of New York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments rendered in the supreme court of the state of New York, on account of the seizure of the ship *Liberty*, and of the ship *Two Marys*; which vessels had been seized and libelled for a presumed infraction of the provisions of the act, intitled "An act concerning the registering and recording of ships or vessels."

APPROVED, February 24, 1807.

Officers of the treasury to allow the collector of New York for certain sums recovered of him, &c.

1792, ch. 1.

#### STATUTE II.

CHAP. XX.—*An Act to punish frauds committed on the Bank of the United States.* (a)

Feb. 24, 1807.

*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 bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check on the said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check, on the said bank or corporation, or any cashier thereof, or shall pass, utter

Act of April 10, 1816, ch. 44, sec. 18.

Punishment for falsely making, forging, or counterfeiting notes of the Bank of the U. States.

If a suit be brought against the seizing officer for a supposed trespass in making a seizure of a vessel for a supposed forfeiture, while the suit is depending, the fact of such pendency may be pleaded in abatement, or as a temporary bar to the action; if after a decree of condemnation, then that fact may be pleaded as a bar; if after an acquittal without a certificate of probable cause, then the officer is without any justification for the seizure, and it is definitively settled to be a tortious act. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244.

To justify a seizure there must be probable cause of seizure; and if an officer of the customs seize without probable cause, no indictment lies for resisting him in the seizure, for he is not in the execution of his office. *United States v. Gay*, 2 Gallis. C. C. R. 359.

Seizures for breach of municipal laws, are made at the peril of the seizers. If made without probable cause, the seizers are liable for all the consequences; for the act is construed a tortious act, and his diligence for the preservation of the property, is no defence against losses occasioned by the superior force, or inevitable casualty. *Burke v. Trevitt*, 1 Mason's C. C. R. 96.

(a) Indictment in the circuit court of North Carolina, for the forging of, and an attempt to pass a certain paper writing in imitation of, and purporting to be, a bill or note issued by the president and directors of the Bank of the United States, provided in the 18th section of the act of 1816, establishing the Bank of the United States. The note was signed with the name of "John Huske," who had not been at any time president of the Bank of the United States; but who at the date of the counterfeiting was president of the office of discount at Fayetteville; and was countersigned by the name of "John W. Sanford," who at no time was cashier of the mother Bank, but was at the said date cashier of the said office of discount and deposit. Held, that this was an offence within the provisions of the law. *United States v. Turner*, 7 Peters, 132.

Indictment on the 18th section of the act of Congress, entitled, "An act to incorporate the Bank of the United States," passed April 15, 1816. The indictment charged the defendant with uttering and forging "a counterfeit bill in imitation of a bill used by the president, &c., of the bank." The forged paper was in these words and figures: "Cashier of the Bank of the United States, pay C. W. Earnest or order, five dollars. Office of discount and deposit in Pittsburg, 10th day of December, 1829. A. Brackenridge, Pres't, J. Correy, Cash'r." "Pay bearer, C. W. Earnest." Held, that a genuine instrument of which the forged and counterfeited instrument is an imitation, is not a bill issued by order of the president of the Bank of the United States, according to the true intent and meaning of the 18th section of the act incorporating the bank. *The United States v. Brewster*, 7 Peters, 164.

Counterfeiting an indorsement on a post note of the Bank of the United States, is not an offence under the 18th section of the act incorporating the bank. *United States v. Stewart*, 4 Wash. C. C. R. 226.

In a prosecution for forging the notes of the Bank of the United States, it is not necessary to prove that it was committed with intention to defraud some corporation or person, and that the notes stated in the indictment, and given in evidence as forged, and those alleged to be forged, are the same. *United States v. Reuben Moses*, 4 Wash. C. C. R. 726.

An order on the cashier of the Bank of the United States, is evidence for supporting an indictment for forging an order on the cashier of the corporation of the Bank of the United States. *United States v. Hinman*, Baldwin's C. C. R. 292.

or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeited bill, or note, purporting to be a bill, or note, issued by order of the president, directors and company of the Bank of the United States, or any false, forged, or counterfeited order or check, upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the president, directors and company of the Bank of the United States, or any falsely altered order or check, on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation, or any other body politic, or person; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: *Provided*, that nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states, over the offence, declared punishable by this act.

Or checks or orders thereon.

Saving of the jurisdiction of state courts.

Repeal of act of June 27, 1798, ch. 61.

SEC. 2. *And be it further enacted*, That the act, intituled "An act to punish frauds committed on the Bank of the United States," passed the twenty-seventh day of June, one thousand seven hundred and ninety-eight, shall be and the same is hereby repealed: *Provided nevertheless*, that the repeal of the said act shall not be so construed, as to prevent the trial, condemnation or punishment of any person, or persons, charged with or guilty of a violation of any of its provisions, previous to the passing of this act.

APPROVED, February 24, 1807.

#### STATUTE II.

March 2, 1807.

CHAP. XXI.—*An Act to extend the time for locating Virginia military [land] warrants, for returning surveys thereon to the office of the Secretary of the department of War, and appropriating lands for the use of schools, in the Virginia military reservation, in lieu of those heretofore appropriated.*(a)

Act of Aug. 10, 1790, ch. 40.  
Act of June 9, 1794, ch. 62.

Act of June 26, 1812, ch. 109.

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

(a) Under the reserve contained in the cession act of Virginia, and under the acts of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The territory lying between the two rivers, is the whole country from their sources to their mouths; and if no branch of either of them has acquired the name exclusively of another, the main branch to its source must be considered the true river. *Ibid*.

The act of June 26, 1812, to ascertain the western boundary of the tract reserved for military warrants, and which provisionally designates Ludlow's line, as the western boundary, did not invalidate the title to the land between that line and Roberts's line, acquired under a Virginia military warrant previous to the passage of that act. *Ibid*.

The land between Ludlow's and Roberts's line was not withdrawn from the territory liable to be surveyed for military warrants by any act of Congress passed before the act of June 12, 1812. *Ibid*.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up any deficiency of good land in the country set apart for the officers and soldiers of the Virginia line on continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States as a common fund for those states who come or might become members of the Union; to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters, 635.

Although the military lands constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied, as still to keep in view the interests of the Union, which were also vital objects of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants should be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid*.

If the right existed in Congress to prescribe the time in which military warrants should be located, the right to annex conditions to its extension, follows as a necessary consequence. *Ibid*.

If it be conceded that the proviso in the act of March 2, 1807, was not intended for the protection of surveys which were in themselves absolutely void, it must be admitted that it was intended to protect

of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the little Miami and Scioto rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further time of three years, from the twenty-third of March next, to complete their locations, and a further time of five years from the said twenty-third of March next, to return their surveys and warrants, or certified copies of warrants, to the office of the Secretary of the War department, any thing in the act intitled "An act to ascertain the boundary of the lands reserved by the state of Virginia, northwest of the river Ohio, for the satisfaction of her officers and soldiers on continental establishment, and to limit the period for locating the said lands," to the contrary notwithstanding: *Provided*, that no locations, as aforesaid, within the above mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed, and any patent which may nevertheless be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized to obtain copies of all the locations and surveys, which have been, or may be made within the above mentioned tract, and to cause to be run or surveyed, as many straight lines across the same, as he may deem necessary, not exceeding three: and from these and such other documents as may be obtained, to cause to be made a general connected plat of all the lands located and surveyed within the same; a copy of which shall be deposited in the war department, and another copy shall be laid before Congress, together with an estimate of the surplus which may remain, after satisfying the bounties above mentioned. And the expenses incurred in surveying the lines, and obtaining the copies aforesaid, and in preparing the general plat above mentioned, shall be defrayed out of the monies appropriated for completing the surveys of the public lands northwest of the river Ohio.

SEC. 3. *And be it further enacted*, That eighteen quarter townships and three sections, to be selected by the Secretary of the Treasury, by lot, in that tract of land in the state of Ohio, lately purchased from the Indians, and lying between the tract commonly called the United States military tract, and the tract commonly called the Connecticut reserve, be, and the same are hereby appropriated for the use of schools, in that tract of land in the state aforesaid, commonly called "the Virginia military reservation," and be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent, or purpose whatever; which said eighteen quarter townships and three sections, are thus appropriated, and vested in lieu of the one thirty-sixth part of the tract aforesaid, called the "Virginia military reservation," which by a former act had been appropriated and vested as aforesaid, for the use of schools within the same: *Provided however*, that no quarter townships, including the section number sixteen of such township, shall be selected as aforesaid for the purpose above mentioned. *And provided also*, and it is hereby understood and declared, that the said eighteen quarter town-

A further time allowed for completing locations.

1804, ch. 33.

Proviso.

Secretary of the Treasury to cause a general and connected plat to be made.

Copies thereof, how to be disposed of.

Expense—how defrayed.

A portion of the "Virginia military reservation," to be vested in the state of Ohio, for the use of schools.

Limitation.

those which were defective, and which might be avoided for irregularity. If this effect be denied to the proviso it becomes itself a nullity. *Ibid*.

Lands surveyed are as completely withdrawn from the common mass, as lands patented. It cannot be said that the prohibition that "no location shall be made on tracts of land for which patents have previously been issued, or which had been previously surveyed," was intended only for valid and regular surveys. They did not require legislative aid. The clause was introduced for the protection of defective entries and surveys, which might be made in quiet times. *Ibid*.

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky and the military district in Ohio, by usages adapted to the circumstances of the country, many principles are established, which are unknown to the common law. A long course of adjudication has fixed these principles, and they are considered as the settled rules by which these military titles are to be governed. *Galt v. Gallo-way*, 4 Peters, 343.

Legislature of Ohio to accept this grant in lieu of the part of the Virginia military reservation.

1803, ch. 21.

ships and three sections, shall be appropriated and vested, for the purposes aforesaid, only on condition that the legislature of the state of Ohio shall, within one year after the passing of this act, pass a law accepting the said eighteen quarter townships and three sections, for the purposes aforesaid, in lieu of the thirty-sixth part of the tract commonly called "the Virginia military reservation," heretofore appropriated and vested by law for the use of schools within the same; and releasing to the United States, all their claim, right, title, and interest, and all the right, title and interest of the inhabitants of the tract of land last mentioned, to the thirty-sixth part of the said tract heretofore appropriated and vested by law for the use of schools within the same. And if the legislature of the said state shall not pass a law as aforesaid, within one year after the passing of this act, the said eighteen quarter townships and three sections shall not be considered and held as appropriated and vested for the purposes aforesaid, but shall be disposed of in the same manner as is or may be provided, by law, for the disposal of other public lands in the same tract.

APPROVED, March 2, 1807.

#### STATUTE II.

March 2, 1807.

Act of March 22, 1794, ch. 11.

Act of May 10, 1800, ch. 51.

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

Act of April 20, 1818, ch. 83.

Act of May 15, 1820, ch. 112, sec. 4, 5.

Importation of slaves into the U. S. forbidden after Jan. 1, 1808.

Forfeiture of vessels fitted out for the slave trade after Jan. 1, 1808.

Penalties for being engaged in such expeditions.

CHAP. XXII.—*An Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such negro, mulatto, or person of colour, as a slave, or to be held to service or labour.

SEC. 2. *And be it further enacted,* That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of colour, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labour: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States; and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts, for the district where the said ship or vessel may be found or seized.

SEC. 3. *And be it further enacted,* That all and every person so building, fitting out, equipping, loading, or otherwise preparing or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars, one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 4. *And be it further enacted,* If any citizen or citizens of the

(a) See notes to act of March 22, 1794, chap. 11, vol. i. 347.



United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States as slaves, or to be held to service or labour, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel in which such negro, mulatto, or person of colour, shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of colour, nor to the service or labour thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several states or territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of colour. (a)

SEC. 5. *And be it further enacted*, That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labour, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of colour, so transported as aforesaid, for a slave, or to be held to service or labour, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

SEC. 6. *And be it further enacted*, That if any person or persons whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of colour, for a slave, or to be held to service or labour, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of colour, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay for every negro, mulatto, or person of colour, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect: *Provided*, that the aforesaid forfeiture shall not extend to the seller or purchaser of any

Forfeitures and penalties for importing slaves from Africa, &c. after Jan. 1, 1808.

Distribution of the forfeitures.

Slaves imported to remain subject to regulations of the states.

Further penalties on citizens and residents, &c. for bringing slaves to the U. S. from any foreign place.

Imprisonment and penalty not to exceed \$10,000.

Penalties for buying slaves from the neighbouring territories, &c.

Forfeiture not to extend to the seller or purchaser

(a) See notes to act of March 22, 1794, chap. 11, vol. i. 347, 348.

ser of any slave sold under the regulations of the legislature of any state.

Vessels may be seized, having slaves on board.

Vessels seized forfeited to the use of the United States.

Naval force of the U. States may be employed for the purpose of enforcing this act.

Penalties, fine and imprisonment.

Proceeds of prizes divided between the U. States and the officers and men making the seizures.

Every negro and mulatto found on board any vessel captured to be delivered to persons appointed by the respective states to receive them.

An account to be transmitted to the governors of the respective states.

negro, mulatto, or person of colour, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several states in that respect, in pursuance of this act, and the constitution of the United States.

SEC. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of colour, for the purpose of selling them as slaves, or with intent to land the same, in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States, having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States all such ships or vessels, and moreover to seize, take, and bring into any port of the United States all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law, and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters thereof, and the same shall be distributed in like manner, as is provided by law, for the distribution of prizes taken from an enemy: *Provided*, that the officers and men, to be entitled to one half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of colour, to such person or persons as shall be appointed by the respective states, to receive the same; and if no such person or persons shall be appointed by the respective states, they shall deliver every such negro, mulatto, or person of colour, to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the governor or chief magistrate of the state, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of colour, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of colour. (a)

(a) The district courts have jurisdiction under the slave trade acts, to determine who are the actual captors under a state law, made in pursuance of the 4th section of the slave trade act of 1807, and directing the proceeds of the sale of the negroes to be paid, "one moiety for the use of the commanding officer of the capturing vessel." The Josefa Segunda, 10 Wheat. 312; 6 Cond. Rep. 111.

The offence against the laws of the United States under the 7th section of the act of 1807, is not that of importing or bringing into the United States, persons of colour, with intent to hold such persons as

SEC. 8. *And be it further enacted*, That no captain, master or commander of any ship or vessel, of less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of colour, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labour, on penalty of forfeiting for every such negro, mulatto, or person of colour, so taken on board and transported, as aforesaid, the sum of eight hundred dollars; one moiety thereof to the use of the United States, and the other moiety to any person or persons who shall sue for, and prosecute the same to effect: *Provided however*, That nothing in this section shall extend to prohibit the taking on board or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of colour, (not imported contrary to the provisions of this act) in any vessel or species of craft whatever.

SEC. 9. *And be it further enacted*, That the captain, master, or commander of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, from any port in the United States, to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of colour, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labour, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of colour, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of colour, with the name and place of residence of every owner or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner or shipper, shall severally swear or affirm to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States, from and after the first day of January, one thousand eight hundred and eight, and that under the laws of the state, they are held to service or labour; whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests, of every negro, mulatto, and person of colour, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of her destination, take on board any negro, mulatto, or person of colour, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted and condemned in any court of the United States, having jurisdiction thereof; and the captain,

Slaves not to be transported in vessels under forty tons burthen, to be disposed of, &c.

#### Penalties.

This section not to prohibit taking on board or transporting on any river or bay within the jurisdiction of the U. States.

Vessels of larger burthen, sailing coastwise, to have the names of slaves for sale inserted in their papers, &c.

The shipper to swear the negroes were not imported into the U. States after January 1, 1808.

Penalties on departing without such list.

slaves, but that of hovering on the coast of the United States with such intent. And although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of the coloured persons found on board, any further than to impose a duty upon the officers of the armed vessels who make the capture to keep them safely to be delivered to the overseers of the poor, or the governor of the state, or persons appointed by the respective states to receive them. *United States v. Preston*, 3 Peters, 57.

The persons sold as slaves under an order of the district court of Louisiana, in a case where the decree was afterwards reversed, were illegally sold, and they are free. *Ibid*.

Penalty for negro or mulatto taken on board.

Manifests to be delivered to officers of customs where such slaves carried coastwise are landed.

Penalty for landing a negro or mulatto without a permit.

master, or commander of every such ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of colour, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars, one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 10. *And be it further enacted*, That the captain, master, or commander of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of colour, to sell or dispose of as slaves, or to be held to service or labour, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm, and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading or suffering such negro, mulatto, or person of colour, to be put on shore, and if the captain, master, or commander of any such ship or vessel being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of colour, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

APPROVED, March 2, 1807.

## STATUTE II.

March 3, 1807.

Act of Feb. 27, 1801, ch. 15. Service fees, &c. to the marshal.

CHAP. XXIII.—*An Act to reduce the expenses attending the administration of justice in the district of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the service of any writ, warrant, attachment, summons, or order of court, the marshal for the district of Columbia shall be entitled to receive the fee of fifty cents only, for each person on whom served; and for the taking any bond required by law, a fee of fifty cents only; and for such services as are not enumerated in this, or some other act of Congress, he shall receive the like fees and compensation, if they be performed in the county of Alexandria, as by the laws of Virginia, in force on the first Monday of December, in the year eighteen hundred, were allowed to the sheriff of a county, for the like services; and if they be performed in the county of Washington, the like fees and compensation, as by the laws of Maryland, in force on the day last mentioned, were allowed to a sheriff of a county, in Maryland, for the like services.

Clerk of Alexandria county entitled to the same fees as clerks of district courts in Virginia, &c.

In chancery proceedings, fees allowed to clerk of the high court of chancery in Virginia.

SEC. 2. *And be it further enacted*, That the clerk of the circuit court of the district of Columbia, for the county of Alexandria, shall be entitled to receive for his services, the same fees only, as by the laws of Virginia, in force on the day last mentioned, were allowed to the clerk of the district court in that state, for the like services; in chancery proceedings, the same fees only, as were allowed by the said laws to the clerk of the high court of chancery, in the said state, for like services; and for such services as were not, by the said laws, to be performed by the clerk of either of the said courts in Virginia, he shall receive such fees only, as

were allowed by the said laws, to the clerk of a county court in the said state, for the like services.

SEC. 3. *And be it further enacted*, That the clerk of the said circuit court of the district of Columbia, for the county of Washington, shall be entitled to receive the same fees only, for his services, as by the laws of Maryland, in force on the said first Monday of December, in the year eighteen hundred, were allowed to the clerk of the general court of Maryland, for the like services; and for his services in chancery proceedings, the same fees only, as by the said laws, were allowed to the register of the court of chancery of Maryland, for the like services; and for such services as were not, by the said laws, to be performed by the said clerk of the said general court, or by the said register, he shall be allowed such fees and compensation only, as by the said laws, were allowed to a clerk of a county court in Maryland, for the like services: *Provided*, that nothing in this act shall prevent the said marshal and clerk from receiving their daily compensation for attending court as heretofore.

SEC. 4. *And be it further enacted*, That such of the said fees as by the laws aforesaid, are chargeable in tobacco, shall be paid in money, at the rate of one dollar and seventy-five cents for one hundred pounds of tobacco. And it shall be the duty of the said marshal, and the said clerk, of the said circuit court, respectively, to make a table of their respective fees, in dollars and cents, according to this act; and to keep a copy thereof, at all times, exposed to public view, in their respective offices; and all fees and costs shall be taxed, and fee bills for collection, stated in money only.

SEC. 5. *And be it further enacted*, That in suits at common law in the said circuit court, the taxable fee to an attorney, shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor, shall be ten dollars only: *Provided*, that nothing in this act shall extend to the official services of the attorney of the United States, for the district of Columbia.

SEC. 6. *And be it further enacted*, That all temporary statutes of the states of Virginia and Maryland, which by the first section of the act concerning the district of Columbia, passed on the twenty-seventh of February, one thousand eight hundred and one, were adopted for the said district, shall not expire within the said district, by virtue of any limitation in said statutes contained; but shall remain in force as at the time of their adoption, unless other provision has been or shall be made by Congress, respecting the same.

SEC. 7. *And be it further enacted*, That all laws, and parts of laws, contrary to, or inconsistent with this act, shall be, and the same are hereby repealed.

This act shall commence and be in force from and after the passing thereof.

APPROVED, March 3, 1807.

For services not incident to the offices of the clerks of the district or chancery courts, the fees allowed in the county courts.

General court fees of Maryland to be charged by the clerk of Washington county.

For services in chancery, the fees of the register of the court of chancery.

In cases not of a nature of the service performed in either of these courts, the fees allowed in the county courts of Maryland to be paid.

Marshal and clerk of Washington still entitled to their daily allowance.

At what rate fees in tobacco are to be paid.

Tables of fees to be set up in the marshal's and clerk's offices.

Attorney's and solicitor's fees.

Proviso. Temporary statutes of Virginia and Maryland, adopted for Columbia, continued in force.

Act of Feb. 27, 1801, ch. 15.

Repeal of acts inconsistent with this law.

STATUTE II.

March 3, 1807.

CHAP. XXV.—*An Act allowing an additional compensation to the judges of the Mississippi, Indiana, Michigan and Louisiana Territories.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each of the judges of the Mississippi, Indiana, Michigan and Louisiana territories, appointed under the authority of the United States, be entitled to the annual sum of twelve hundred dollars, in lieu of his present compensation, to commence on the first day of January last.

APPROVED, March 3, 1807.

Compensation to the judges of Mississippi, Indiana, Michigan, and Louisiana territory.

## STATUTE II.

March 3, 1807.

[Obsolete.]

CHAP. XXVIII.—*An Act making appropriations for finishing the south wing of the Capitol, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to appropriations already made, the following sums of money shall be, and the same are hereby appropriated, to be applied under the direction of the President of the United States, to the purposes herein after mentioned, that is to say:

Appropriation  
to finish south  
wing of the  
capitol:  
to furnish it:

For finishing the south wing of the capitol, twenty-five thousand dollars.

For furnishing the same for the accommodation of the House of Representatives, seventeen thousand dollars.

to make a new  
roof and other  
repairs to the  
north wing:  
to open and re-  
pair avenues  
and roads:  
to repair and  
improve Presi-  
dent's house,  
and the lot of  
ground on which  
it stands.

For making a new roof and other repairs to the north wing of the capitol, twenty-five thousand dollars.

For opening and repairing avenues and roads within the territory of Columbia, three thousand dollars.

For repairs and improvements on the President's house, and the lot of ground on which the same stands, fifteen thousand dollars.

SEC. 2. *And be it further enacted,* That the several sums of money hereby appropriated, shall be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

## STATUTE II.

March 3, 1807.

[Obsolete.]

Objects of ap-  
propriation.

CHAP. XXIX.—*An Act making appropriations for the support of Government during the year one thousand eight hundred and seven.*

*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, and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are respectively appropriated, that is to say:

Specific ap-  
propriations.

For compensation 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 and one thousand four hundred and twenty-five dollars.

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

For all contingent expenses of the library, and librarian's allowance for the year one thousand eight hundred and seven, eight hundred dollars.

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

For compensation to the Secretary of State, clerks and persons employed in that department, thirteen thousand dollars.

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 second 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, sixteen thousand seven hundred dollars.

Specific appropriations.

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.

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, the clerks and persons in his office, twelve thousand two hundred dollars.

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 and two cents.

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

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

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

For defraying the expenses incident to the stating and printing of the public accounts for the year one thousand eight hundred and seven, one thousand two 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 seven, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand one hundred dollars.

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

For the 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.

For compensation to the purveyor of public supplies, clerks and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

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

Specific ap-  
propriations.

For compensation to the accountant of the navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the accountant of the navy, five hundred dollars.

For compensation to the Postmaster-General, to the assistant Postmaster-General, and clerks and persons employed in the Postmaster-General's office, fourteen thousand four hundred and fifty dollars.

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

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

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

For compensation to the surveyor-general, and for that of the clerks employed by him, 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 clerks at five hundred dollars.

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

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

For compensation to the governor, judges, and secretary of the territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said territory, and for express hire, and compensation of an Indian interpreter, two thousand eight hundred and fifty 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 said territory, three hundred and fifty dollars.

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

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

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

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

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



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

Specific appropriations.

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, 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, and to authorize the laying out certain public roads; and for other purposes," thirteen thousand two hundred and sixty-nine dollars.

1806, ch. 41.

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, fifty-nine 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, eight hundred and sixty 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 seven, to the fourth of March one thousand eight hundred and eight, 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-three thousand nine hundred and sixty-one dollars and eight cents.

For erecting a lighthouse on St. Simon's island, in Georgia, the former appropriation of seven thousand dollars for that object having been carried to the surplus fund, nineteen thousand dollars.

For erecting lighthouses at the mouth of the Mississippi river, and at or near the pitch of Cape Look-out, in North Carolina, in addition to the sums heretofore appropriated by law for those objects, the balance of a former appropriation for those objects, of twenty-four thousand six hundred and twenty-five dollars and ninety-six cents, having been carried to the surplus fund, fifty-five thousand dollars.

For erecting a lighthouse on Whitehead, at the entrance of Penobscot bay, the former appropriation for that object having been carried to the surplus fund, two thousand two hundred and five dollars and eighty cents.

For the erection of beacons in the harbor of New York, in addition to the sums heretofore appropriated, one thousand two hundred dollars.

For defraying the expenses incurred in surveying the coast of North Carolina, between Cape Hatteras and Cape Fear, in addition to the sum heretofore appropriated for that object, one thousand three hundred dollars.

For compensating the commissioners in the aforesaid service for the loss of their effects incident to the service, on board the revenue cutters

Specific ap-  
propriations.

wrecked at Ocracock ; the amount of which loss the accounting officers of the treasury are hereby authorized to liquidate and allow upon satisfactory proof being exhibited to them of such loss, one thousand six hundred dollars.

For carrying on the surveys of public lands in the state of Ohio, and in the several territories, seventy-three thousand one hundred and eighty dollars.

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

For contingent expenses of intercourse with foreign nations, twenty thousand dollars.

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

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

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

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

SEC. 2. *And be it further enacted*, That the several appropriations heretofore 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 any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

#### STATUTE II.

March 3, 1807.

After the 30th June, 1807, the act of July 8, 1797, ch. 15, repealed so far as respects the duty on salt.

CHAP. XXX.—*An Act repealing the acts laying duties on salt, and 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 from and after the thirtieth day of June next, the act, intituled "An act laying an additional duty on salt imported into the United States, and for other purposes," passed the eighth day of July, one thousand seven hundred and ninety-seven, shall be, and the same hereby is repealed, and that from and after the thirty-first day of December next, so much of any act as lays a duty on imported salt, be, and the same hereby is repealed; and from and after the day last aforesaid, salt shall be imported into the United States free of duty: *Provided*, that for the recovery and receipt of such duties as shall have accrued, and on the days aforesaid respectively remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said days respectively, the provisions of the aforesaid act shall remain in full force and virtue.

SEC. 2. *And be it further enacted*, That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is repealed: *Provided*, that the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the first day of January next.

#### Proviso.

The recovery and receipt of outstanding duties, not to be impaired.

Bounties on salt provisions and pickled fish taken off.

See vol. i. 27, 260, 533, 693.

#### Proviso.

SEC. 3. *And be it further enacted*, That so much of 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," as is contained in the first section of the said act, be, and the same hereby is continued in force until the first day of January next, and no longer: *Provided however*, that the additional duty laid by the said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

APPROVED, March 3, 1807.

Mediterranean fund continued till 1st January, 1808.

Act of March 26, 1804, ch. 46.

Proviso.

## STATUTE II.

CHAP. XXXI.—*An Act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants.*(a)

March 3, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any officer or soldier of the Virginia line, on continental establishment, or his legal representatives, to whom a land warrant has issued, by virtue of any resolution of the legislature of Virginia, as a bounty for services, which by the laws of Virginia, passed prior to the cession of the North-western territory to the United States, entitled such officer or soldier to bounty lands, shall, if the said warrant has been or shall be located within three years from the twenty-third of March next, and a survey thereof has been or shall be, within five years from the said twenty-third of March next, returned to the office of the Secretary of War, obtain a patent for the same, in the same manner, and on the same conditions, as patents are obtained for lands located and surveyed on other warrants of the officers and soldiers of the Virginia line, on continental establishment: *Provided*, that no patent shall be obtained on such resolution warrant, unless there is produced to the Secretary of War, satisfactory evidence that such warrant was granted for services which, by the laws of Virginia, passed prior to the cession of the North-western territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands, and also a certificate of the register of the land-office of Virginia, that no other warrant has issued from the said land-office for the same services.

Act of May 18, 1796, ch. 29.

Act of March 2, 1799, ch. 29.

Act of Feb. 22, 1815, ch. 48.

Act of April 11, 1818, ch. 43.

Resolution warrants may be located within three years from March, 1808.

Act of Feb. 9, 1821, ch. 10.

Act of Feb. 21, 1823, ch. 10.

Proviso, that no warrant can be obtained unless proof to the satisfaction of the Secretary of War that the warrant was given for services before the cession.

Patents not to issue for a greater quantity of land than the laws of Virginia entitled the person performing the service to.

Surveys to be withdrawn where locations shall have been made in any other way, and re-surveys to be made, &c.

SEC. 2. *And be it further enacted*, That no patent shall be issued by virtue of the preceding section, for a greater quantity of land, than the rank or term of service of the officer or soldier, to whom or to whose legal representatives such resolution warrant has been granted, would have entitled him to under the aforesaid laws of Virginia; and whenever it appears to the Secretary of War, that the survey or surveys, made by virtue of any resolution warrant, is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on the said survey or surveys, the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and re-survey his location, excluding such surplus quantity, in one body, from any part of his re-survey, and a patent shall issue upon such re-survey as in other cases.

APPROVED, March 3, 1807.

## STATUTE II.

CHAP. XXXIV.—*An Act regulating the grants of land in the territory of Michigan.*(b)

March 3, 1807.

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

Act of March 26, 1804, ch. 35.

Act of March 3, 1805, ch. 43.

(a) See notes to act of May 18, 1796, chap. 29, Vol. i. 464.

(b) Acts relating to the sale of the public lands in Michigan:—

An act regulating the grants of lands in the territory of Michigan, March 3, 1807, chap. 31.

Act of April 21, 1806, ch. 43. Decisions of commissioners in favour of land in certain cases, confirmed.

Persons in occupation of land in Michigan, to which Indian title has been extinguished, confirmed in their titles as of estates of inheritance, in fee simple.

Proviso.

Proviso.

Secretary of Michigan, and the register and receiver of public monies of the land-office of Detroit, made commissioners for claims, &c.

Their oath of office.

by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Detroit, in favour of such claimants, as entered in the transcript of decisions which have been transmitted by the said commissioners, to the Secretary of the Treasury, according to law, be, and the same are hereby confirmed.

SEC. 2. *And be it further enacted*, That to every person or persons in the actual possession, occupancy, and improvement, of any tract or parcel of land, in his, her, or their own right, at the time of the passing of this act, within that part of the territory of Michigan, to which the Indian title has been extinguished, and which said tract or parcel of land was settled, occupied and improved, by him, her, or them, prior to and on the first day of July, one thousand seven hundred and ninety-six, or by some other person or persons, under whom he, she, or they hold or claim the right to the occupancy, or possession thereof, and which said occupancy or possession has been continued to the time of the passing of this act; the said tract or parcel of land thus possessed, occupied, and improved, shall be granted, and such occupant or occupants shall be confirmed in the title to the same, as an estate of inheritance, in fee simple: *Provided however*, that no other claims shall be confirmed, by virtue of this section, than such as have been entered with the register of the land-office of Detroit, within the time, and in the manner provided by law, and by the commissioners aforesaid, have been inserted in their report, transmitted as aforesaid; nor shall more than one tract or parcel of land be thus granted to any one person, and the same shall not contain more than the quantity claimed, nor more than six hundred and forty acres: *And provided also*, that the same shall not extend to any tract heretofore reserved, or which may by the President of the United States, be set aside for public uses, in the town of Detroit and its vicinity, or on the island of Michilimackinac.

SEC. 3. *And be it further enacted*, That the secretary of the territory of Michigan, together with the register and receiver of public monies of the land-office of Detroit, shall be commissioners for the purpose of ascertaining and deciding on the rights of persons claiming the benefit of this act: and the said commissioners shall, previous to entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same: I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed upon me, by an act of Congress, intitled "An act regulating the grants of land in the territory of Michigan." And it shall be the duty of the said commissioners to meet at the town of Detroit, on or before the first day of July next, and they shall not adjourn to any other place, or for any longer time,

An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35, sec. 2, &c.

An act supplementary to the act entitled, "An act making provision for the disposal of the public lands in the Indiana territory, and for other purposes," March 3, 1805, chap. 43, sec. 6.

An act for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes, April 21, 1806, chap. 43.

An act supplemental to "an act regulating the grants of land in the territory of Michigan," April 26, 1808, chap. 67.

An act to authorize the granting patents for lands according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes, April 23, 1812, chap. 62.

An act allowing further time for entering donation rights to lands in the district of Detroit, March 3, 1817, chap. 99.

An act to revive the powers of the commissioners for ascertaining and deciding on claims to land at Green Bay and Prairie des Cheins, in the territory of Michigan, May 11, 1820, chap. 84.

An act to revive and continue in force, certain acts for the adjustment of land claims in the territory of Michigan, February 21, 1823, chap. 10.

An act to confirm certain claims to lands in the territory of Michigan, April 17, 1828, chap. 12.

An act to establish a land-office in the territory of Michigan, and for other purposes, February 19, 1831, chap. 27.

An act supplementary to "an act to provide for the adjustment of titles to land in the town of Detroit and territory of Michigan, and for other purposes," passed April 21, 1826, August 29, 1842, chap. 260.

than three days, until the first day of January next, or until they shall have completed the business of their appointment. And the said commissioners, or a majority of them, shall have power to hear and decide in a summary manner, all matters respecting such claims, to compel the attendance of witnesses, to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity. Minutes of the proceedings, decisions, meetings, and adjournments of the board, shall be regularly entered by the register, in a book to be kept for that purpose, together with the evidence on which such decisions are made, unless such evidence has already been entered according to law, in the book or books of minutes, kept by the commissioners appointed under former acts, to investigate the claims to land in the district of Detroit. And when it shall appear to the said commissioners that the claimant is entitled to a tract of land by virtue of this act, they shall give a certificate thereof stating the circumstances of the case, and that the claimant is entitled to receive a patent for such a tract of land, by virtue of this act; which tract shall be surveyed in conformity with the decision of the commissioners, at the expense of the party, and under the direction of the surveyor-general by such of his assistants, residing in the territory of Michigan, as the said surveyor-general shall appoint for that purpose: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed, or marked. The surveyor-general shall transmit to the register of the land-office at Detroit, general and particular plots of all the lands surveyed as aforesaid, and shall also forward copies of the said plots to the Secretary of the Treasury. The commissioners shall transmit to the Secretary of the Treasury a transcript of their decisions in favour of claimants, which shall contain a fair statement of the evidence on which each respective claim is founded, and shall be signed by the said commissioners, and shall state the names of the parties in whose favour the certificates have been granted, the number of acres granted and the situation of the land. And the certificate and certificates granted as aforesaid, by the commissioners, being duly entered with the register of the land-office of Detroit, prior to the first day of January, one thousand eight hundred and nine, shall entitle the party or parties, as soon as the plot or plots aforesaid, shall have been transmitted to the said register, to receive from him a certificate or certificates, for each of which certificates the register shall receive one dollar, directed to the Secretary of the Treasury; and if it shall appear to the satisfaction of the said secretary, that such certificates have been fairly obtained according to the true intent and meaning of this act, then and in that case, patents shall issue, in like manner as is provided by law, for the other lands of the United States.

SEC. 4. *And be it further enacted*, That the powers vested by this act in the commissioners above mentioned shall not extend to lots in the town of Detroit, the claims to which shall be ascertained and decided upon, in the manner provided by the act, intituled "An act to provide for the adjustment of titles of land in the town of Detroit, and territory of Michigan, and for other purposes."

SEC. 5. *And be it further enacted*, That the secretary of the territory of Michigan shall be entitled to receive five hundred dollars, in full for all the services rendered by him under this act, to be paid out the sums which have been, or may be appropriated for carrying into effect the several laws enacted for the disposal of public lands, and for the adjustment of claims in the Indiana or Michigan territories.

APPROVED, March 3, 1807.

Powers and duties of the commissioners.

Lands to be surveyed, &c.

By whom.

Proviso.

General and particular plots to be sent by the surveyor-general to the register of land-office at Detroit, and copies also to Secretary of Treasury.

Transcripts of commissioners' decisions to be likewise forwarded to Secretary of Treasury.

Certificates of commissioners to give titles to land, &c.

Fees to be paid for certificates.

Powers of commissioners not extended to lots in town of Detroit.

How claims to such lots are to be decided upon.

Compensation to secretary of Michigan, for services under this act.

Out of what fund to be paid.

## STATUTE II.

March 3, 1807.

CHAP. XXXV.—*An Act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land-office in the Mississippi territory.*

## Appropriations.

Surveyor general of the public lands south of Tennessee—to cause lands ceded by the Cherokees and Chickasaws, and lying in Mississippi, to be surveyed and laid out.

President authorized to have a land-office for the sale of them; to appoint a register and a receiver of public monies, &c.

Their emoluments.

## STATUTE II.

March 3, 1807.

CHAP. XXXVI.—*An Act respecting claims to land in the territories of Orleans and Louisiana.*(a)

Part of the 1st section of a former act repealed, respecting incomplete titles.

Residents in the territories of Orleans or Louisiana, confirmed in their titles, if in possession a certain number of successive years.

Provido.

Claim of New Orleans to the commons confirmed.

*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, made on the twenty-third day of July, one thousand eight hundred and five, between the United States and the Chickasaw nation of Indians, the following sums, to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say; to the said Chickasaw nation, twenty thousand dollars; to George Colbert and O'Koy, each, one thousand dollars; and to Chinubbe Mingo, chief of the nation, an annuity of one hundred dollars, during his natural life.

SEC. 2. *And be it further enacted,* That it shall be the duty of the surveyor-general of the public lands, south of Tennessee, to cause to be surveyed and laid out, in the same manner as is provided by law for the other public lands in the Mississippi territory, so much of the lands ceded to the United States by the Cherokees and Chickasaws, as lies within the said territory; and the President of the United States is hereby authorized, whenever he shall think it proper, to establish a land-office for the sale of the said lands, and to appoint a register of the same, and a receiver of the public monies accruing from the sale of the said lands, whose respective emoluments and duties shall be the same as those of the registers and receivers of the other land-offices in the said territory.

APPROVED, March 3, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the first section of the act, intitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as provides that no incomplete title shall be confirmed, unless the person in whose name the warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty-one years, be and the same is hereby repealed.

SEC. 2. *And be it further enacted,* That any person or persons, and the legal representative of any person or persons, who, on the twentieth day of December, one thousand eight hundred and three, had for ten consecutive years prior to that day, been in possession of a tract of land not claimed by any other person, and not exceeding two thousand acres, and who were on that day resident in the territory of Orleans or Louisiana, and had still possession of such tract of land, shall be confirmed in their titles to such tract of land: *Provided,* that no claim to a lead mine or salt spring, shall be confirmed merely by virtue of this section: *And provided also,* that no more land shall be granted by virtue of this section, than is actually claimed by the party, nor more than is contained within the acknowledged and ascertained boundaries of the tract claimed.

SEC. 3. *And be it further enacted,* That the claim of the corporation of the city of New Orleans, to the commons adjacent to the said city, and within six hundred yards from the fortifications of the same, be, and the same are hereby recognized and confirmed: *Provided,* that the

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

said corporation shall within six months after passing this act, relinquish and release any claim they may have to such commons beyond the distance of six hundred yards aforesaid: *Provided also*, that the corporation shall reserve for the purpose, and convey gratuitously for the public benefit, to the company authorized by the legislature of the territory of Orleans, as much of the said commons as shall be necessary to continue the canal of Carondelet from the present basin to the Mississippi, and shall not dispose of, for the purpose of building thereon, any lot within sixty feet of the space reserved for a canal, which shall for ever remain open as a public highway: *And provided also*, that nothing herein contained, shall be construed to affect or impair the rights of any individual or individuals to the said commons, which are derived from any grant of the French or Spanish government.

SEC. 4. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming land in the territories of Orleans and Louisiana, shall have full powers to decide according to the laws and established usages and customs of the French and Spanish governments, upon all claims to lands within their respective districts, where the claim is made by any person or persons, or the legal representative of any person or persons, who were on the twentieth of December, one thousand eight hundred and three, inhabitants of Louisiana, and for a tract not exceeding the quantity of acres contained in a league square, and which does not include either a lead mine or salt spring, which decision of the commissioners when in favour of the claimant shall be final, against the United States, any act of Congress to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That the time fixed by the act above mentioned, and by the acts supplementary to the same, for delivering to the proper register or recorder, notices in writing and the written evidences of claims to land, be, and the same is hereby extended, for the territories of Orleans and Louisiana, till the first day of July, one thousand eight hundred and eight, and persons delivering such notices and evidences shall be entitled to the same benefit as if the same had been delivered within the time limited by the former acts; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of law or equity whatever.

SEC. 6. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana, shall respectively transmit to the Secretary of the Treasury and to the surveyor-general, or officer acting as surveyor-general, transcripts of the final decisions made in favour of claimants by virtue of this act, and they shall deliver to the party a certificate stating the circumstances of the case, and that he is entitled to a patent for the tract of land therein designated, which certificate shall be filed with the proper register or recorder, within twelve months after date. And the register or recorder shall thereupon (a plat of the tract of land therein designated, being previously filed with him or transmitted to him by the officer acting as surveyor-general in the manner herein after provided,) issue a certificate in favour of the party, which certificate being transmitted to the Secretary of the Treasury, shall entitle the party to a patent, to be issued in like manner as is provided by law for the issuing of patents for public lands lying in other territories of the United States.

SEC. 7. *And be it further enacted*, That the tracts of land thus granted by the commissioners shall be surveyed at the expense of the parties, under the direction of the surveyor-general, or officer acting as surveyor-

Release to be made by the corporation.  
Proviso.

Nothing herein to impair rights under the French or Spanish government.  
Claims to be decided according to the usages and customs of the French and Spanish governments, in certain cases.

Time fixed for delivering notices of claims, extended.

Persons barred who neglect giving notices, &c.

Certificates of final decisions to be transmitted to surveyor-general and Secretary of the Treasury.

Patents to issue upon those transmitted to the Secretary of the Treasury.

Tracts of land thus granted to be surveyed at expense

of the parties, unless an accurate and authentic survey, made under authority of former governments of Orleans and Louisiana, shall have been filed, &c.

Commissioners authorized to direct re-surveys.

Surveyor-general to transmit general and particular plats to Secretary of the Treasury, &c.

Reports of undecided claims to be regularly transmitted by commissioners to Secretary of the Treasury.

Arrangement of claims.

Allowances and compensations.

Proviso.

general, in all cases where an authenticated plat of the land as surveyed under the authority of the officer acting as surveyor-general under the French, Spanish, or American governments respectively, during the time either of the said governments had the actual possession of the said territories of Orleans and Louisiana, shall not have been filed with the proper register or recorder, or shall not appear of record on the public records of the said territories of Orleans and Louisiana. The said commissioners shall also be authorized, whenever they may think it necessary, to direct the surveyor-general, or officer acting as such, to cause any tract of land already duly surveyed, to be re-surveyed at the expense of the United States. And the surveyor-general, or officer acting as such, shall transmit general and particular plats of the tracts of land thus surveyed, to the proper register or recorder, and shall also transmit copies of the said plats to the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That the commissioners aforesaid shall respectively report to the Secretary of the Treasury their opinion on all the claims to land within their respective districts, which they shall not have finally confirmed by the fourth section of this act. The claims shall, in the said report or reports, be arranged into three general classes, that is to say: first, claims which, in the opinions of the commissioners, ought to be confirmed in conformity with the provisions of the several acts of Congress, for ascertaining and adjusting the titles and claims to land within the territories of Orleans and Louisiana; secondly, claims which, though not embraced by the provisions of the said acts, ought nevertheless in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; thirdly, claims which neither are embraced by the provisions of the said acts, nor ought in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government; and the said report and reports being in other respects made in conformity with the forms prescribed according to law, by the Secretary of the Treasury, shall by him be laid before Congress, for their final determination thereon, in the manner and at the time heretofore prescribed by law for that purpose.

SEC. 9. *And be it further enacted*, That the following allowances and compensations shall be made to the several officers herein after mentioned, that is to say, to the principal deputy of the surveyor-general, for the district of Louisiana, at the rate of five hundred dollars a year, from the time he entered into the duties of his office, in addition to the fees which he is entitled to receive by law. To the register of the western district of the Orleans territory, and to the clerk of the board of commissioners for that district, one thousand dollars each, for their services as commissioners and clerk respectively, during the year one thousand eight hundred and six. To each of the deputy registers of the territory of Orleans, five hundred dollars in full, for their services subsequent to the first day of January last, in addition to the fees to which they are legally entitled. To each of the commissioners at the rate of two thousand dollars a year; to each of the clerks of the boards, and to each of the agents employed by the Secretary of the Treasury, at the rate of fifteen hundred dollars a year, and to each of the translators, at the rate of six hundred dollars a year, to commence from the first day of July next, in the district of Louisiana, and from the first day of January next, in the territory of Orleans, and to continue to the time when each board shall be respectively dissolved: *Provided*, that no more than eighteen months' compensation be thus allowed to the said commissioners, clerks, and translators, and that the compensation of any such officer absenting himself from his district, or failing to attend to the duties of his office, shall cease during such absence or failure.

APPROVED, March 3, 1807.



CHAP. XXXVII.—*An Act making further appropriations for fortifying the ports and harbors of the United States.* STATUTE II.  
March 3, 1807.

*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, 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. Specific ap-  
propriations.  
[Obsolete.]

SEC. 2. *And be it further enacted,* That the money appropriated by this act, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, March 3, 1807.

CHAP. XXXIX.—*An Act authorizing the employment of the land and naval forces of the United States, in cases of insurrections.* STATUTE II.  
March 3, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect. Land and na-  
val forces to be  
employed for  
suppressing in-  
surrections.

APPROVED, March 3, 1807.

CHAP. XL.—*An Act in addition to an act intituled "An act in addition to an act intituled An act supplementary to the act providing for a naval peace establishment, and for other purposes."* STATUTE II.  
March 3, 1807.

*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, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen and boys, not exceeding five hundred, should the exigency of the public service require the same. Act of April  
21, 1806, ch. 35.

APPROVED, March 3, 1807.

CHAP. XLI.—*An Act making appropriations for carrying into effect certain treaties with the Cherokee and Piankeshaw tribes of Indians.* STATUTE II.  
March 3, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for carrying into effect a convention between the United States and the Cherokee nation of Indians, the following sums, to be paid out of any monies in the treasury, not otherwise appropriated, be, and the same hereby are appropriated; that is to say—to the said Cherokee nation, two thousand dollars, and the further annual sum of two thousand dollars for four years successively; and to the Cherokee chief, called the Black Fox, the annual sum of one hundred dollars, during his natural life. Specific ap-  
propriations.

SEC. 2. *And be it further enacted,* That for carrying into effect a treaty between the United States and the Piankeshaw tribe of Indians, concluded at Vincennes, on the thirtieth day of December, one thousand eight hundred and five, there shall be, and hereby are appropriated, in addition to appropriations for carrying into effect former treaties, a sum

of one thousand dollars, and a further annual sum of three hundred dollars, to be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLIII.—*An Act to establish certain Post Roads; and for other purposes.*

[Repealed.]

Act of April 28, 1810, ch. 30, sec. 2.

Post roads established.

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

*In Orleans.*—From New Orleans to the Balize, and from New Orleans, by the mouth of the Fourche, mouth of the canal of Attakapas, lake Veret, the ferry of lake Veret, the mouth of Teache, the church of Attacapas, and the church of Appelousas, to Rapides. And the Postmaster-General be, and he is hereby authorized to allow and pay to the postmaster, which may be appointed at the Balize, in addition to the legal fees of office, such sum as he may judge reasonable, not exceeding four hundred dollars per annum, as a compensation for his services.

A road to be opened, on the route from Athens to New Orleans.

Unexpended balance of a former appropriation to be applied to this object.

SEC. 2. *And be it further enacted,* That the President of the United States is hereby authorized, to cause to be opened a road from the thirty-first degree of north latitude to New Orleans, on the route from Athens to New Orleans, under such regulations as may be agreed upon for that purpose, between the executive of the United States and the Spanish government: and he is hereby authorized to expend, in opening the same, any part of the money heretofore appropriated for opening a road on the said route, from the frontier of Georgia to the thirty-first degree of north latitude, which remains unexpended.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLIV.—*An Act disapproving of an act passed by the governor and judges of the territory of Michigan, intituled "An act concerning the Bank of Detroit."*

Establishment of the bank of Detroit disapproved of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an act, intituled "An act concerning the bank of Detroit," adopted and published by the governor and judges of the territory of Michigan, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and six, is hereby disapproved of by Congress, and that the same shall be of no force or effect.

APPROVED, March 3, 1807.

STATUTE II.

March 3, 1807. CHAP. XLV.—*An Act making compensation for extra services, to the governor, judges and secretary of the Indiana territory.*

Compensation for extra services.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he hereby is directed to pay to the governor, judges and secretary of the Indiana territory, out of any money in the treasury, not otherwise appropriated, the sum of three hundred dollars each, as a compensation for the extra services by them performed, in obedience to the act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof."

1804, ch. 38.

APPROVED, March 3, 1807.

## STATUTE II.

CHAP. XLVI.—*An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.*

March 3, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States: or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled: or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law; such offender or offenders, shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States, to direct the marshal, or officer acting as marshal, in the manner herein after directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States, by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make a settlement thereon, until thereunto authorized by law. And every right, title, or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided*, that nothing herein contained, shall be construed to affect the right, title, or claim, of any person to lands in the territories of Orleans or Louisiana, before the boards of commissioners established by 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," shall have made their reports and the decision of Congress been had thereon.

SEC. 2. *And be it further enacted,* That any person or persons who, before the passing of this act, had taken possession of, occupied, or made a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any state to the United States, which lands had not been previously sold, ceded or leased by the United States, or the claim to which lands had not been previously recognized and confirmed by the United States; and who at the time of passing this act does or do actually inhabit and reside on such lands, may at any time prior to the first day of January next, apply to the proper register or recorder, as the case may be, of the land-office established for the disposal, registering, or recording of such lands, or to such person or persons as may by such registers or recorders respectively, be appointed for the purpose of receiving such applications, stating the tract or tracts of land thus occupied, settled, and inhabited by such applicant or applicants, and requesting permission to continue thereon; and it shall thereupon be lawful for such register or recorder respectively to permit, in conformity with such instructions as may be given by the Secretary of the Treasury, with the approbation of the President of the United States, for that purpose, such applicant or applicants to remain on such tract or tracts of land not exceeding three hundred and twenty

Lands of the U. States, by whatsoever title acquired, not to be occupied, possessed or settled, but with the consent of the U. States. Titles of intruders forfeited.

President authorized to have them removed. The mode of doing this.

Forfeitures to enure to the benefit of the U. States.

Saving of claims before board of commissioners under the act of March 2, 1805, ch. 26.

Actual settlers may hold under the U. States as tenants at will, under bargains with the officers of the land-offices.

Conditions prescribed.

1808, ch. 10.

Proviso.

Applications  
to be entered on  
books.Marshals, &c.  
authorized, un-  
der instructions  
from the Presi-  
dent, to oust in-  
truders.Penalties for  
keeping posses-  
sion after notice  
to give it up.

Proviso.

## STATUTE II.

March 3, 1807.

Decisions of  
commissioners,  
transmitted to  
Secretary of the  
Treasury, con-  
firmed.

acres for each applicant, as tenants at will, on such terms and conditions as shall prevent any waste or damages on such lands, and on the express condition that such applicant or applicants shall, whenever such tract or tracts of land may be sold, or ceded by the United States, or whenever for any other cause, he or they may be required under the authority of the United States, so to do, give quiet possession of such tract or tracts of land, to the purchaser or purchasers, or remove altogether from the land, as the case may be: *Provided however*, that such permission shall not be granted to any such applicant, unless he shall previously sign a declaration stating that he does not lay any claim to such tract or tracts of land, and that he does not occupy the same, by virtue of any claim or pretended claim derived, or pretended to be derived from any other person or persons: *And provided also*, that in all cases where the tract of land applied for, includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States, who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper.

SEC. 3. *And be it further enacted*, That all the applications made, and provisions granted by virtue of the last [preceding] section, shall be duly entered on books to be kept for that purpose, by the registers and recorders aforesaid respectively; and they shall be entitled to receive from the party for each application, fifty cents, and for each permission, one dollar.

SEC. 4. *And be it further enacted*, That it shall be lawful after the first day of January next, for the proper marshal, or officer acting as marshal, under such instructions as may for that purpose be given by the President of the United States, to remove from the lands aforesaid, any and every person or persons, who shall be found on the same, and who shall not have obtained permission to remain thereon as aforesaid: *Provided*, that three months' previous notice shall be given to all such person or persons, as aforesaid, who were settled on such lands prior to the passing of this act. And every such person, who shall at any time after the expiration of three months after such notice shall have been given, be found on any part of the lands aforesaid, shall moreover incur a penalty of one hundred dollars, to be recovered in any court having jurisdiction of the same, and be moreover liable, on conviction, to imprisonment, at the discretion of the court, not exceeding six months; and the certificate of the proper register, or recorder, shall be a sufficient evidence that the tract of land which was occupied by the offender had not been previously sold, leased, or ceded by the United States, that the claim to such tract had not been recognized and confirmed by the United States, and that the person occupying the same, and removed, or to be removed, by the marshal, had not obtained permission to remain thereon in conformity with the provisions of this act: *Provided always, and it is further enacted*, that nothing in this section contained shall be construed to apply to any persons claiming lands in the territories of Orleans or Louisiana, whose claim shall have been filed with the proper commissioners before the first day of January next.

APPROVED, March 3, 1807.

CHAP. XLVII.—*An Act confirming claims to land in the district of Vincennes; and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Vincennes, in favour of such claimants as entered in the transcripts of decisions which have been

transmitted by the said commissioners to the Secretary of the Treasury, according to law, be and the same are hereby confirmed.

SEC. 2. *And be it further enacted*, That the confirmations or grants of land, made in the said district of Vincennes, by the governors of the Northwest and Indiana territories, prior to the establishment of the board of commissioners aforesaid, and in conformity with the act, intituled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions," be, and the same are hereby confirmed; unless when actually rejected by the said commissioners; although the persons entitled to the land may not have given notice of their claim, as required by the several acts making provision for the disposal of the public lands in the Indiana territory: *Provided however*, that no other claims shall be confirmed by virtue of this section, than such as, having been entered on the territorial records, have, by the commissioners aforesaid, been inserted in their reports transmitted as aforesaid.

SEC. 3. *And be it further enacted*, That the several persons, or the legal representatives of the several persons, to whom or to whose assigns the several tracts of the tract of land near Vincennes, known by the name of the "Upper Prairie," have been heretofore confirmed, be and they are hereby respectively confirmed in their claims to the respective tracts also claimed by them, and in their actual possession, lying in that tract of land containing two hundred and forty-four acres, which is known by the name of "Continuation," and is situated between the boundaries of the tracts already confirmed, and the river Wabash.

SEC. 4. *And be it further enacted*, That the several persons whose claims are confirmed by this act, and had not been actually located prior to the establishment of the board of commissioners, be, and they are hereby authorized to enter their locations with the register of the land-office of Vincennes, on any part of the tracts set aside for that purpose, by virtue of the act, intituled "An act respecting the claims to lands in the Indiana territory, and state of Ohio," and in conformity with the provisions of that act: *Provided*, that such location shall be made prior to the first day of July, one thousand eight hundred and eight; and the right of any person who shall neglect to locate prior to that day, shall become void, and forever be barred.

SEC. 5. *And be it further enacted*, That every person, or the legal representative of every person whose claim to a tract of land is confirmed by this act, and who had not previously obtained a patent for the same, from the governor either of the territory northwest of the Ohio, or of the Indiana territory, shall whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land-office, at Vincennes, a certificate stating, that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for the other lands of the United States.

SEC. 6. *And be it further enacted*, That the register and receiver of public monies in the district of Kaskaskias, be allowed till the first day of December next, to complete the investigation of claims to land in the said district. And each of the said officers, and the clerk of the board, shall be allowed an additional compensation of five hundred dollars, in full for his service in relation to such claims.

SEC. 7. *And be it further enacted*, That the public sales of the public lands in the district of Vincennes, may be continued six weeks, if the term of three weeks now prescribed by law, shall not be found sufficient to offer all the lands within the said district for sale.

SEC. 8. *And be it further enacted*, That persons entitled to a right

Confirmations of the governor of the N. West and Indiana territories, confirmed by Congress—conditionally.

1791, ch. 27.

Proviso.

Assurance of certain titles in the tract called "Continuation."

Claims confirmed under this act to be entered with the register of the land-office of Vincennes.

Proviso.  
Act of April 21, 1806, ch. 40.

Persons whose claims are confirmed under this act, entitled to patents, &c. if they shall not previously have received them.

Register and receiver of Kaskaskias allowed a further time.

Additional compensation to them.

Public sales in Vincennes, how long to be kept open.

1804, ch. 35.

Pre-emption rights in Mississippi—time for satisfying them.

of pre-emption to lands in the Mississippi territory, shall be allowed till the first day of January next, to make the first payment of the purchase money of such lands.

APPROVED, March 3, 1807.

## STATUTE II.

March 3, 1807.

CHAP. XLIX.—*An Act making provision for the disposal of the public lands, situated between the United States military tract and the Connecticut reserve, and for other purposes.*

Land of the U. States to be disposed of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the disposal of the lands of the United States, situated between the United States military tract and the Connecticut reserve, a land-office shall be established, which shall be kept at such place as the President of the United States may direct: and that for the disposal of the lands of the United States, lying on the Ohio river, between the Cincinnati and Vincennes districts, a land-office shall be established at Jeffersonville: and for each of the said offices a register and receiver of public monies shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be provided by law, in relation to the registers and 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.

Offices established.

When to be sold.

Reservations, &c.

Act of Feb. 29, 1808, ch. 26.

The sales to remain open for six weeks.

1800, ch. 55.

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

1809, ch. 55.

Compensation of superintendents of sales.

Registers and receivers may be appointed in the recess of the Senate.

SEC. 2. *And be it further enacted,* That all the lands of the United States, in the said districts, shall, with the exception of the section number sixteen, and with the exception also of thirteen sections, including the lower town of the Delaware tribe of Indians, and their improvements, which said thirteen sections shall be designated by the Secretary of the Treasury, and shall be reserved for the use of the said tribe and their descendants, so long as they continue to reside thereon, and cultivate the same; be offered for sale to the highest bidder, under the direction of the register of the land-office, and of the receiver of public monies, at the places, respectively, where the land-offices are kept, and on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the sales shall remain open at each place for six weeks, and no longer: the lands shall not be sold for less than two dollars an acre, and shall in every other respect, be sold in tracts of the same size, and on the same terms and conditions, as have been, or may be by law provided for lands sold north of the river Ohio, and above the mouth of the Kentucky river. All the lands of the United States, in the said districts, with the exceptions above mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the respective land-offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the lands of the United States north of the river Ohio, and above the mouth of the Kentucky river. And patents shall be obtained for all lands sold in said districts, in the same manner and on the same terms as are provided by law, for other public lands sold in the state of Ohio and the Indiana territory.

SEC. 3. *And be it further enacted,* That the several superintendents of public sales, directed by this act, shall receive six dollars a day for each day's attendance on the said sales.

SEC. 4. *And be it further enacted,* That the President of the United States, in the recess of Congress, shall have full power to appoint and commission the registers and receivers of public monies of the land-offices established by this act, and their commissions shall continue in

force until the end of the session of Congress next ensuing such appointment.

SEC. 5. *And be it further enacted*, That the several lead mines in the Indiana territory, together with as many sections contiguous to each as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine, which had been discovered previous to the purchase of such tract from the United States, shall be considered fraudulent and null: and the President of the United States shall be, and is hereby authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana territory, for a term not exceeding five years.

Lead mines to be reserved for the future disposal of Congress, &c.

President authorized to lease lead mines.

SEC. 6. *And be it further enacted*, That George Ash shall have the right of pre-emption to six hundred and forty acres of land including his improvement on the river Ohio, below the former Indian boundary line; the boundaries of the tract shall be designated by the register of the land-office, and the said land shall be granted to him at the same price, and on payment being made in the same manner as for other public land sold at private sale, the respective instalments of the purchase money shall become due at the same time with the payments on the first public lands sold in that district.

George Ash to have the right of pre-emption.

APPROVED, March 3, 1807.

RESOLUTION to publish the Report and Chart of the Survey of the coast of North Carolina.

March 2, 1807.

RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed, to cause to be published the report and chart of a survey of the coast of North Carolina, made by Thomas Coles and Jonathan Price, under the act of Congress passed at the last session for that purpose.

Chart of the survey of the coast of North Carolina to be published.

APPROVED, March 2, 1807.