

Exportation of timber contrary to this act, subjects the vessel to forfeiture and the master to a fine.

Recovery of penalties, &c. and mitigation thereof, according to the acts mentioned.

1799, ch. 22.

1797, ch. 13.

SEC. 4. *And be it further enacted*, That if any timber as aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the ship or vessel in which the same shall have been exported shall be liable to forfeiture, and the captain or master of such ship or vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures incurred for taking on board, transporting or exporting timber by force of this act, shall be sued for, recovered, and distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," and shall be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned."

APPROVED, March 1, 1817.

## STATUTE II.

March 1, 1817.

CHAP. XXIII.—*An Act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states.*

Act of April 3, 1818, ch. 29.  
Act of May 3, 1822, ch. 46.

Inhabitants of the western part of the Mississippi to form a state government, be admitted into the union, &c.

Boundaries of the state.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the inhabitants of the western part of the Mississippi territory be, and they hereby are, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the union upon the same footing with the original states, in all respects whatever.

SEC. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning on the river Mississippi at the point where the southern boundary line of the state of Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear Creek, thence by a direct line to the north-west corner of the county of Washington, thence due south to the Gulf of Mexico, thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne, thence up said river to the thirty-first degree of north latitude, thence west along the said degree of latitude to the Mississippi river, thence up the same to the beginning.

Qualifications of persons authorized to choose representatives, to form a convention.

Apportionment of representatives to form a convention.

Time and manner of holding the election.

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said territory at least one year previous to the time of holding the election, and shall have paid a county or territorial tax, and all persons having in other respects the legal qualifications to vote for Representatives in the general assembly of the said territory, be, and they are hereby authorized to choose Representatives to form a convention, who shall be apportioned among the several counties within the said territory, as follows, to wit: from the county of Warren, two Representatives; from the county of Claiborne, four Representatives; from the county of Jefferson, four Representatives; from the county of Adams, eight Representatives; from the county of Franklin, two Representatives; from the county of Wilkinson, six Representatives; from the county of Amite, six Representatives; from the county of Pike, four Representatives; from the county of Lawrence, two Representatives; from the county of Marion, two Representatives; from the county of Hancock, two Representatives; from the county of Wayne, two Representatives; from the county of Greene, two Representatives; from the county of Jackson, two Representatives; and the election of the Representatives aforesaid shall be holden on the first Monday and

Tuesday in June next, throughout the several counties above mentioned, and shall be conducted in the same manner as is prescribed by the laws of said territory, regulating elections therein for members of the House of Representatives.

SEC. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they hereby are authorized to meet at the town of Washington, on the first Monday in July next: which convention, when met, shall first determine, by a majority of the whole number elected; whether it be or be not expedient, at that time, to form a constitution and state government for the people within the said territory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and state government: *Provided*, That the same, when formed, shall be republican, and not repugnant to the principles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the people and states of the territory north-west of the river Ohio, so far as the same has been extended to the said territory by the articles of agreement between the United States and the state of Georgia, or of the constitution of the United States: *And provided also*, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare that they for ever disclaim all right or title to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by Congress, shall be and remain exempt from any tax laid by the order, or under the authority, of the state, whether for state, county, township, parish or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said state, as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said state.

SEC. 5. *And be it further enacted*, That five per cent. of the net proceeds of the lands lying within the said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals; of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said state, under the direction of Congress: *Provided*, That the application of such proceeds shall not be made until after payment is completed of the one million two hundred and fifty thousand dollars due to the state of Georgia, in consideration of the cession to the United States, nor until the payment of all the stock which has been or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi territory," shall be completed: *And provided also*, That the said five per cent. shall not be calculated on any part of such proceeds as shall be applied to the payment of the one million two hundred and fifty thousand dollars due to the state of Georgia, in consideration of the cession to the United States, or in payment of the stock which has or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi territory."

SEC. 6. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one Representative in the House of Representatives of the United States.

APPROVED, March 1, 1817.

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Convention to meet at Washington in July, 1817, and to determine, &c.

Proviso: the government to be republican, and not repugnant to the ordinance of 13th July, 1787.  
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Proviso: Reservations and conditions of admission to the union.

Reservation of five per cent. on lands sold for making roads and canals.

Proviso: prior obligations to Georgia, &c., to be first discharged.

Act of March 31, 1814, ch. 39.  
Proviso: the five per cent. not to be calculated on certain proceeds.  
1814, ch. 39.

The state entitled to one representative in Congress.