

SEC. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly, or in part, by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners in cruising or committing hostilities, or in aiding, or co-operating, in any warlike measure against the subjects, citizens, or property, of any prince or state, or of any colony, district or people, with whom the United States are at peace.

Owners of armed vessels sailing from ports of the United States, the owners being wholly or in part citizens, to give bond, &c.

SEC. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner, or owners, to cruise or commit hostilities upon the subjects, citizens, or property, of any prince or state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereupon, or until the owner enters into bond, and sureties, to the United States, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner, or owners, in cruising or committing hostilities, or in aiding, or co-operating, in any warlike measure against the subjects, citizens or property, of any prince or state, or of any colony, district, or people, with whom the United States are at peace.

The collectors of the customs authorized to detain vessels built for warlike purposes, the cargoes of which consist principally of arms, &c., when circumstances render it probable they are intended to commit hostilities against friendly powers, &c.

SEC. 4. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing, or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, cruiser, or armed vessel, in the service of a foreign prince, or state, or any colony, district, or people, or belonging to the subjects, or citizens, of any such prince, state, colony, district, or people, the same being at war with any foreign prince, or state, with whom the United States are at peace, by adding to the number or size of the guns of such vessels prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person, so offending, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned, at the discretion of the court in which the conviction shall be had, so as that such fines shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Persons increasing or augmenting the force of armed vessels in the service of a foreign power engaged in hostilities with a nation at peace with the United States, &c., subject to fine and imprisonment.

SEC. 5. *And be it further enacted*, That this act shall continue in force for the term of two years.

APPROVED, March 3, 1817.

STATUTE II.

CHAP. LIX.—*An Act to establish a separate territorial government for the eastern part of the Mississippi territory.*

March 3, 1817.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that part of the Mississippi territory which lies within the following boundaries, to wit: beginning at the point where the line of the thirty-first degree of north latitude intersects the Perdido river, thence east to the western boundary line of the state of Georgia, thence along said line to the southern boundary line to the state of Tennessee, thence west along said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek,

That part of the Mississippi territory described, to form a territory to be called Alabama.

Act of April 20,
1818, ch. 126.

Laws in force
to continue un-
til otherwise
provided.

Governor and
secretary, &c.
Act of March
2, 1810, ch. 16.

An additional
judge, &c.
Act of March
27, 1804, ch. 59.

A general
court, &c.

1805, ch. 38.

Legislative
council.

thence by a direct line to the north-west corner of Washington county, thence due south to the Gulf of Mexico, thence eastwardly, including all the islands within six leagues of the shore, to the Perdido river, and thence up the same to the beginning, shall, for the purpose of a temporary government, constitute a separate territory, and be called "Alabama."

SEC. 2. *And be it further enacted*, That all offices which may exist, and all laws which may be in force, in said territory, within the boundaries above described, at the time this act shall go into effect, shall continue to exist, and be in force, until otherwise provided by law. And the President of the United States shall have power to appoint a governor and secretary for the said Alabama territory, who shall respectively exercise the same power, perform the same duties, and receive for their services the same compensation, as are provided for the governor and secretary of the Mississippi territory: *Provided*, that the appointment of said governor, and secretary, shall be submitted to the Senate, for their advice and consent, at the next session of Congress.

SEC. 3. *And be it further enacted*, That there shall be appointed an additional judge for the Mississippi territory, who shall reside in the eastern part thereof, and receive the same compensation as the other judges; and that the judge appointed by virtue of an act, passed the twenty-seventh day of March, one thousand eight hundred and four, for the appointment of an additional judge for the Mississippi territory, together with the judge appointed for Madison county, and the judge to be appointed by virtue of this act, shall possess and exercise exclusive original jurisdiction in the superior courts of Washington, Baldwin, Clarke, Monroe, Montgomery, Wayne, Green, Jackson, Mobile, Madison, and of such new counties as may be formed out of them, and shall arrange the same among themselves, from time to time: *Provided*, that no judge shall sit more than twice in succession in the same court, and that the other judges of the Mississippi territory shall exercise, as heretofore authorized by an act of Congress, or of the territorial legislature, exclusive jurisdiction in the superior courts of the other counties. That a general court, to be composed of the judge appointed by virtue of the act of twenty-seventh of March, one thousand eight hundred and four, the judge appointed for Madison county, and the judge to be appointed by virtue of this act, or any two of them, shall be holden at St. Stephens, commencing on the first Mondays of January and July, annually, who shall have the same power of issuing writs of error to the superior courts of the counties mentioned in this section, or which shall hereafter be formed in the eastern division of the territory, which was given by the act for the appointment of an additional judge, passed the year one thousand eight hundred and four, to the superior court of Adams district, and which shall possess, exclusively of the courts of the several counties, the federal jurisdiction given to the superior courts of the territories, by an act passed the third day of March, one thousand eight hundred and five, entitled "An act to extend jurisdiction in certain cases to the territorial courts."

SEC. 4. *And be it further enacted*, That the governor, to be appointed under the authority of this act, shall, immediately after entering into office, convene, at the town of St. Stephens, such of the members of the legislative council and house of representatives, of the Mississippi territory, as may then be the representatives from the several counties within the limits of the territory to be established by this act; and the said members shall constitute the legislative council, and house of representatives for the aforesaid Alabama territory, whose powers, in relation to the said territory, shall be, until the expiration of the term for which they shall have been chosen, or until Congress shall otherwise provide, the same in all respects as are now possessed by the legislative council, and house of representatives of the Mississippi territory; and the said legislative council, and house of representatives of the Alabama territory,

so formed, shall have power to nominate six persons to the President of the United States, three of whom shall be selected by him for members of the legislative council, in addition to the number which the said territory may possess, agreeably to the foregoing provisions of this section. The said legislative council and house of representatives, shall also have power to elect a delegate to Congress, who shall, in all respects, possess the same rights and immunities as other delegates from territories of the United States.

A delegate to Congress.

SEC. 5. *And be it further enacted*, That this act shall commence and be in force, so soon as the convention, the appointment whereof has been authorized by Congress at their present session, shall have formed a constitution and state government, for that part of the Mississippi territory lying west of the territory herein described; of which act of convention the governor of the Mississippi, for the time being, shall give immediate notice to the President of the United States, who shall thereupon forthwith proceed to the execution of the powers vested in him by the second section of this act; but in case said convention shall fail to form a constitution and state government, as aforesaid, then this act shall become null and void, except so far as relates to the third section thereof, which shall take effect, and be in force, from and after the passage of this act.

Time at which this act shall commence and be in force, &c.

SEC. 6. *And be it further enacted*, That all persons who shall be in office, within the territory hereby established, when the said convention shall have formed a constitution and state government, as aforesaid, shall continue to hold and exercise their offices, in all respects as if this act had never been made; and the governor and secretary of the Mississippi territory, for the time being, shall continue to exercise the duties of their respective offices, in relation to the territory hereby established, until a governor and secretary shall be appointed therefor, in pursuance to this act.

Persons in office to continue, &c.

SEC. 7. *And be it further enacted*, That all judicial process in the said territory of Alabama, shall be issued, and bear test, as heretofore; nor shall any suit be discontinued, or the proceedings of any cause stayed, or in any wise affected by any thing contained in this act, or in the act, entitled "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."

Judicial process as heretofore, &c.

Act of March 1, 1817, ch. 23.

SEC. 8. *And be it further enacted*, That the town of St. Stephens shall be the seat of government for the said Alabama territory, until it shall be otherwise ordered by the legislature thereof.

St. Stephens the seat of government.

SEC. 9. *And be it further enacted*, That whatever balance may remain in the treasury of the Mississippi territory, at the time when the convention authorized to form a constitution and state government, for the western part of said territory, may have formed a constitution and state government for the same, shall be divided between the new state and territory, according to the amount which may have been paid into said treasury, from the counties lying within the limits of such state and territory respectively.

Balance in the treasury to be divided between the new state, and territory.

APPROVED, March 3, 1817.

STATUTE II.

CHAP. LX.—*An Act to amend and explain an "Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."*

March 3, 1817.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any officer, seaman, or marine, belonging to the navy of the United States, shall die, or shall have died, since the eighteenth day of June, in the year of our Lord one

Act of March 4, 1814, ch. 20. Widows, &c. of officers and men in the navy