

# ACTS OF THE SIXTEENTH 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 thirteenth day of November, 1820, and ended on the third day of March, 1821.*

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President of the United States and President of the Senate; JOHN GAILLARD, President of the Senate pro tempore; JOHN W. TAYLOR, Speaker of the House of Representatives.

### STATUTE II.

Nov. 27, 1820.

First session to be holden at Mobile, 3d Monday of Feb. 1821.

Stated sessions at Mobile and Cahawba.

Process returnable accordingly.

But one clerk and one set of records.

CHAP. I.—*An Act to alter the terms of the district court in Alabama. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the first session of the district court for the district of Alabama, shall be holden at Mobile, on the third Monday of February, eighteen hundred and twenty-one; and thereafter, the stated sessions of said court, instead of the times heretofore appointed, shall be holden, annually, as follows: At Mobile, on the first Mondays of January and June; and at Cahawba, on the first Mondays of April and November; any law to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That all process which may have issued, or may hereafter issue, returnable to the next succeeding terms, as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

SEC. 3. *And be it further enacted,* That there shall be but one clerk for the district, who shall keep only one set of records, any law to the contrary notwithstanding.

APPROVED, November 27, 1820.

### STATUTE II.

Dec. 12, 1820.

The Secretary of the Treasury to pay three per cent. of the net proceeds of public lands sold in Illinois after 1st Jan., 1819, to the agent of the state.

CHAP. II.—*An Act to provide for paying to the state of Illinois three per cent. of the net proceeds arising from the sale of the public lands within the same.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the several land offices shall be settled, pay three per cent. of the net proceeds of the lands of the United States, lying within the state of Illinois, which, since the first day of January, one thousand eight hundred and nineteen, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature

(a) See notes to the "Act to establish a district court in the state of Alabama," April 21, 1820, ch. 47, for a reference to the acts which have been passed relating to the district court of Alabama.

of the said state to receive the same; which sums, thus paid, shall be applied to the encouragement of learning within said state, in conformity to the provisions on this subject, contained in the act, entitled "An act to enable the people of the Illinois 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," approved April eighteenth, one thousand eight hundred and eighteen, and to no other purpose; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the state as the legislature thereof shall direct; and in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sums that may then be due, or which may thereafter become due, until a return shall be made, as herein required.

APPROVED, December 12, 1820.

To be applied for the encouragement of learning.

Act of April 18, 1818, ch. 67.

Annual account of the application of the moneys to be transmitted to the Secretary of the Treasury, or payment may be withheld.

STATUTE II.

CHAP. III.—*An Act to amend the act, entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia."*

Dec. 29, 1820.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act, passed on the eleventh day of May last, to alter the times of the session of the circuit and district courts in the District of Columbia, instead of being limited to take effect on the first day of January next, shall have full operation and effect from and after the passing hereof; and that all the writs and process of the circuit court of the District of Columbia, for the county of Washington, shall be returned and continued in like manner as if the said act had taken effect from and after the thirtieth day of July last.

APPROVED, December 29, 1820.

Act of May 11, 1820, ch. 93.  
The act of 11th May, 1820, to have full effect from the date of this act.

Writs and process to be returned and continued accordingly.

STATUTE II.

CHAP. VI.—*An Act to alter the time of holding the district court in the district of Mississippi. (a)*

Jan. 11, 1821.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the district court, in the district of Mississippi, heretofore holden on the first Mondays in May and December, shall hereafter hold its regular terms only on the first Monday in January and July; any law to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That every writ, process, subpoena, or recognisance, returnable, according to law, or the tenor thereof, to either of the aforesaid terms, holden on the first Mondays in May and December, shall be returnable to the next succeeding term of said court, to be holden on the first Monday in January and July.

APPROVED, January 11, 1821.

The regular terms to be holden only on the 1st Monday in January and July.

Writs, process, &c., to be returned accordingly.

(a) The acts relating to the district courts in Mississippi are:

An act to provide for the due execution of the laws of the United States, within the state of Mississippi, April 3, 1818, ch. 29.

An act to alter the time of holding the district court in the state of Mississippi, Jan. 11, 1821, ch. 6.  
An act to change the time of holding the court of the United States for the district of Mississippi, and the circuit court of the United States in the district of Ohio, May 5, 1830, ch. 89.

An act to change the place of holding the district court of the United States for the district of Mississippi, March 3, 1835, ch. 35.

An act to reorganize the district courts of the United States, in the state of Mississippi, June 18, 1838, ch. 115.

## STATUTE II.

Jan. 17, 1821.

[Obsolete.]

Sums appropriated,—

For subsistence.

Arrearages.

Quartermaster's department.

CHAP. VIII.—*An Act making a partial appropriation for the military service of the United States, for the year one thousand eight hundred and twenty-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the following sums be, and they are hereby, appropriated, on account of the military service for the year one thousand eight hundred and twenty-one, to wit:

For subsistence of the army of the United States, one hundred and fifty thousand dollars.

For arrearages on the settlement of outstanding claims, twenty thousand dollars.

For the quartermaster's department, one hundred and fifty thousand dollars.

SEC. 2. *And be it further enacted,* That the said sums be paid out of any moneys in the treasury, not otherwise appropriated.

APPROVED, January 17, 1821.

## STATUTE II.

Feb. 9, 1821.

[Obsolete.]

Time allowed until 4th Jan., 1823, to obtain warrants and complete locations; and until 4th Jan., 1826, to return surveys and warrants to procure patents.

Act of March 3, 1807, ch. 31.

The provisions of the act of 3d March, 1807, revived, with limitation, as to time, as in the preceding section, &c.

Proviso; no location on tracts previously patented or surveyed.

CHAP. XI.—*An Act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the general land office. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract of country reserved by the State of Virginia, between the little Miami and Sciota rivers, shall be allowed a further time of two years, from the fourth day of January, one thousand eight hundred and twenty-one, to obtain warrants and complete their locations, and the further time of four years, from the fourth day of January, one thousand eight hundred and twenty-two, to return their surveys and warrants, or certified copies of warrants, to the general land office, to obtain patents.

SEC. 2. *And be it further enacted,* That the provisions of the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," passed the third day of March, one thousand eight hundred and seven, shall be revived and in force, with all its restrictions, except that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the terms prescribed by the first section of this act, for the location and return of surveys on other warrants, and that the surveys shall be returned to the general land office: *Provided,* That no locations as aforesaid, in virtue of this or the preceding section of this act, shall 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 act, shall be considered null and void.

APPROVED, February 9, 1821.

## STATUTE II.

March 2, 1821.

Lands purchased prior to 1st July, 1820,

CHAP. XII.—*An Act for the relief of the purchasers of public lands prior to the first day of July, eighteen hundred and twenty. (b)*

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

(a) Acts relating to Virginia resolution land warrants, and sale of lands north-west of the river Ohio, vol. i. 464.

(b) Act of March 3, 1819, ch. 92. Act of April 24, 1820, ch. 51. Act of March 3, 1823, ch. 57. Act of May 18, 1824, ch. 88. Act of May 4, 1826, ch. 34.

have been purchased from the United States, prior to the first day of July, eighteen hundred and twenty, it shall be lawful for any such purchaser, or other person or persons, being the legal holder of any certificate or certificates of land, on or before the thirtieth day of September, eighteen hundred and twenty-one, to file, with the register of the land office, where any tract of land has been purchased, a relinquishment, in writing, of any section, half section, quarter section, half quarter section, or legal subdivision of any fractional section, of land so purchased, upon which the whole purchase money has not been paid, and all sums paid on account of the part relinquished, shall be applied to the discharge of any instalments which may be, or shall hereafter become, due and payable upon such land, so purchased, as shall not have been relinquished, and shall be so applied and credited as to complete the payment on some one or more half-quarter sections where the payments by transfer are sufficient for that purpose: *Provided*, That all divisions and subdivisions, contemplated by this act, shall be made in conformity with the first section of an act making further provision for the sale of public lands, passed the twenty-fourth day of April, one thousand eight hundred and twenty: *And, provided, also*, That the right of relinquishment hereby given shall, in no case, authorize the party relinquishing to claim any repayment from the United States: *And, provided, also*, That where any purchaser has purchased, at the same time, two or more quarter sections, he shall not be permitted to relinquish less than a quarter section.

SEC. 2. *And be it further enacted*, That the interest which shall have accrued before the thirtieth day of September next, upon any debt to the United States, for public land, shall be, and the same is hereby, remitted and discharged.

SEC. 3. *And be it further enacted*, That the persons indebted to the United States, as aforesaid, shall be divided into three classes; the first class to include all such persons as shall have paid to the United States only one fourth part of the original price of the land by them respectively purchased or held; the second class to include all such persons as shall have paid to the United States only one-half part of such original price; and the third class to include all such persons as shall have paid to the United States, three-fourth parts of such original price; and the debts of the persons included in the first class shall be paid in eight equal annual instalments; the debts of the persons included in the second class shall be paid in six equal annual instalments; and the debts of the persons included in the third class shall be paid in four equal annual instalments, the first of which instalments, in each of the classes aforesaid, shall be paid in manner following, to wit: of the third class, on the thirtieth day of September next; of the second class, on the thirty-first day of December next; and of the first class, on the thirty-first day of March, one thousand eight hundred and twenty-two; and the whole of the debt aforesaid, shall bear an equal annual interest at the rate of six per cent.: *Provided always*, That the same shall be remitted upon each and every of the instalments aforesaid which shall be punctually paid when the same shall become payable as aforesaid.

SEC. 4. *And be it further enacted*, That in all cases where complete payment of the whole sum due, or which may become due, for any tract of land purchased from the United States, as aforesaid, shall be made on or before the thirtieth day of September, one thousand eight hundred and twenty-two, a deduction at the rate of thirty-seven and a half per centum, shall be allowed upon the sum remaining unpaid: *Provided*, That nothing herein contained shall authorize any discount upon payments made by a transfer of former payments under the provisions of the first section of this act.

SEC. 5. *And be it further enacted*, That each and every individual or company that has laid off, on any lands by him or them purchased of the

and not wholly paid for, may be relinquished by the legal holder of the certificate filing a notice, in writing, with the register, &c.

Sums paid on account of the part relinquished to be applied to discharge instalments due on lands not relinquished.

1820, ch. 51.

Proviso.

Proviso.

Interest remitted.

Debtors divided into three classes.

1st class.

2d class.

3d class.

Payment of the debts by the respective classes, in instalments.

Times of paying the first instalment.

Debt to bear an interest of 6 per cent per annum.

Proviso.

Deduction of 37½ per cent. on payment of the whole sum due Sept. 30, 1822.

Proviso.

Those who have laid off towns, part or the whole of the

lots whereof have been sold, are entitled to the benefits of this act.

United States, any town, a part or the whole of the lots whereof have been sold, shall be entitled to the benefits of this act in relation to any half quarter, or quarter section of land, on which such town may be situated, and of all land by him or them owned, contiguous to, and adjoining said half quarter, quarter section, or section, on which said town is situated, upon condition only, that each and every person who has purchased of him, or them, a town lot, or part of a lot, or land in and adjoining the same, shall be entitled to a remission of all interest that has accrued, and to a discount of twenty per centum on the amount unpaid, and to discharge their debt by bonds, with security, in equal annual instalments of four years from the thirtieth day of December next. Nor shall the provisions of this act be construed to extend to any person or persons claiming title to land under the provisions of an act passed the third day of March, one thousand eight hundred and seventeen, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive."

Proviso.

Act of March 3, 1817, ch. 61.

The lands are forfeited on failure to pay, &c.

No person is entitled to the benefit of this act who does not file his written consent before Sept. 30, 1821.

Duty of registers and receivers.

Report to be made to the treasury department three months after the 30th Sept., 1821.

Fees to the register and receiver.

No lands purchased prior to 1st of July, 1820, not already forfeited, to be forfeited before Sept. 30, 1821.

Lands relinquished to be deemed forfeited.

Act of April 24, 1820, ch. 51.

Lands surrendered not to be sold for two years after surrender.

SEC. 6. *And be it further enacted*, That, for failure to pay the several debts aforesaid, in manner aforesaid, and for the term of three months after the day appointed for the payment of the last instalment thereof, in each of the classes aforesaid, the land so purchased or held by the respective persons indebted to the United States as aforesaid, shall, ipso facto, become forfeited, and revert to the United States.

SEC. 7. *And be it further enacted*, That no person shall be deemed to be included within, or entitled to, the benefit of any of the provisions of this act, who shall not, on or before the thirtieth day of September next, sign, and file in the office of the register of the land office of the district where the land was purchased, or where the residue of the purchase money is payable, a declaration in writing, expressing his consent to the same; and shall pay to the register, for receiving, recording, and filing the same, fifty cents.

SEC. 8. *And be it further enacted*, That it shall be, and hereby is made, the duty of the several registers and receivers of the land offices of the United States, according to the forms and instructions which shall be given in that behalf by the Treasury Department, to assist in carrying this act in[to] execution, to keep full and faithful accounts and records of all proceedings under the same; and, within the term of three months after the said thirtieth day of September next, to transmit to the said department a correct report of the quantity of land relinquished to the United States; the quantity on which full payment shall have been made; and the quantity on which a further credit shall have been given, distinguishing the amount of the debt on which a further credit shall have been allowed; and the registers and receivers, respectively, shall be entitled to receive fifty cents from the party relinquishing, for each half quarter section, quarter section, half section, section, or legal subdivision of a fractional section, so relinquished.

SEC. 9. *And be it further enacted*, That no lands purchased from the United States on or before the first day of July, eighteen hundred and twenty, which are not already forfeited, shall be considered as forfeited to the government, for failure in completing the payment thereon, until the said thirtieth day of September next; and all the lands which shall be relinquished to the United States, as aforesaid, shall be deemed and held to be forfeited, and, with all other lands which may become forfeited under this act, shall be sold according to the provisions of the act, entitled "An act making further provision for the sale of the public lands," passed the twenty-fourth day of April, eighteen hundred and twenty.

SEC. 10. *And be it further enacted*, That no land which shall be surrendered under the provisions of this act, shall be offered for sale for the term of two years after the surrender thereof.

APPROVED, March 2, 1821.

CHAP. XIII.—*An Act to reduce and fix the military peace establishment of the United States.*

STATUTE II.  
March 2, 1821.

*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 June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments of infantry, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

Act of April 14, 1818, ch. 61.  
Act of May 12, 1820, ch. 97.  
Military peace establishment.

SEC. 2. *And be it further enacted,* That each regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, and nine companies, one of which shall be designated and equipped as light artillery; and that there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty; and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies; each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates; and that to each regiment of artillery and infantry there shall be one adjutant, who shall be taken from the subalterns of the line.

Artillery.

Light artillery.  
A supernumerary captain for ordnance duty.

Infantry.

Adjutant to each regiment.

SEC. 3. *And be it further enacted,* That the corps of engineers, (bombardiers excepted,) and the topographical engineers, and their assistants, shall be retained in service as at present organized.

Engineers retained, except bombardiers.

SEC. 4. *And be it further enacted,* That the ordnance department shall be merged in the artillery; and that the President of the United States be, and he is hereby, authorized to select, from the regiments of artillery, such officers as may be necessary to perform ordnance duties, who, while so detached, shall receive the pay and emoluments now received by ordnance officers, and shall be subject only to the orders of the War Department; and that the number of enlisted men in the ordnance department be reduced to fifty-six.

Ordnance department to be merged in the artillery.

SEC. 5. *And be it further enacted,* That there shall be one major general, with two aids-de-camp, two brigadier generals, each with one aid-de-camp; and that the aids-de-camp be taken from the subalterns of the line, and, in addition to their other duties, shall perform the duties of assistant adjutant general.

One major general with two aids, and two brigadiers with an aid each.

SEC. 6. *And be it further enacted,* That there shall be one adjutant general, and two inspectors general, with the rank, pay, and emoluments, of colonels of cavalry.

One adjutant and two inspectors general, &c.

SEC. 7. *And be it further enacted,* That there shall be one quartermaster general; that there shall be two quartermasters, with the rank, pay, and emoluments, of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten dollars, nor more than twenty dollars, per month, to be regulated by the Secretary of War.

A quartermaster general.  
Two quartermasters.  
Ten assistant quartermasters, &c.

SEC. 8. *And be it further enacted,* That there shall be one commissary general of subsistence; and that there shall be as many assistant commissaries as the service may require, not exceeding fifty, who shall be taken from the subalterns of the line, and shall, in addition to their pay in the line, receive a sum not less than ten, nor more than twenty, dollars per month; and that the assistant quartermasters, and assistant commissaries of subsistence, shall be subject to duties in both departments under the orders of the Secretary of War.

A commissary general of subsistence.

Assistant commissaries.

SEC. 9. *And be it further enacted,* That there shall be one paymaster general, with the present compensation, and fourteen paymasters, with

A paymaster general and

fourteen paymasters.

Commissary of purchases.

Military storekeepers.

A surgeon general.

Eight surgeons.

Forty-five assistant surgeons.

Rank, pay, &c.

The force subject to rules and articles of war.

The President to cause the force retained to be formed and completed out of the corps now in service.

Three months' additional pay, on discharge.

General regulations, &c. of General Scott.

the pay and emoluments of regimental paymasters; and that there shall be one commissary of purchases, and two military storekeepers, to be attached to the purchasing department.

SEC. 10. *And be it further enacted*, That the medical department shall consist of one surgeon general, eight surgeons, with the compensation of regimental surgeons, and forty-five assistant surgeons, with the compensation of post surgeons.

SEC. 11. *And be it further enacted*, That the officers, non-commissioned officers, artificers, musicians, and privates, retained by this act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided, in like cases, by existing laws; and that the force authorized and continued in service under this act, shall be subject to the rules and articles of war.

SEC. 12. *And be it further enacted*, That the President of the United States cause to be arranged the officers, non-commissioned officers, artificers, musicians, and privates, of the several corps now in the service of the United States, in such manner as to form and complete, out of the same, the force authorized by this act, and cause the supernumerary officers, non-commissioned officers, artificers, musicians, and privates, to be discharged from the service of the United States.

SEC. 13. *And be it further enacted*, That there shall be allowed and paid to each commissioned officer who shall be discharged from the service of the United States in pursuance of this act, three months' pay, in addition to the pay and emoluments to which he may be entitled by law at the time of his discharge.

SEC. 14. *And be it further enacted*, That the system of "General regulations for the army," compiled by Major General Scott, shall be, and the same is hereby, approved and adopted for the government of the army of the United States, and of the militia, when in the service of the United States. (a)

APPROVED, March 2, 1821.

## STATUTE II.

March 2, 1821.

CHAP. XIV.—*An Act further to regulate the entry of merchandise imported into the United States from any adjacent territory.*

Act of March 3, 1823, ch. 58.

Persons coming into the United States from adjacent foreign territory with merchandise subject to duty, are to deliver manifests, of the cargo or loading, at the office of the nearest collector, &c.

Manifests to be verified by oath before the collector, &c.

Merchandise, vessel, carriage, &c. forfeited.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of the master of any vessel, except registered vessels, and of every person having charge of any boat, canoe, or raft, and of the conductor or driver of any carriage or sleigh, and of every other person, coming from any foreign territory adjacent to the United States, into the United States, with merchandise subject to duty, to deliver, immediately on his or her arrival within the United States, a manifest of the cargo or loading of such vessel, boat, canoe, raft, carriage, or sleigh, or of the merchandise so brought from such foreign territory, at the office of any collector or deputy collector which shall be nearest to the boundary line, or nearest to the road or waters by which such merchandise is brought; and every such manifest shall be verified by the oath of such person delivering the same; which oath shall be taken before such collector or deputy collector; and such oath shall state that such manifest contains a full, just, and true, account, of the kinds, quantities, and values, of all the merchandise, so brought from such foreign territory; and if the master, or other person having charge of such vessel, boat, canoe, or raft, or the conductor or driver of such carriage or sleigh, or other person, bringing merchandise as aforesaid, shall neglect or refuse to deliver the manifest herein required, or pass by, or avoid, such office, the merchandise subject to duty, and so imported, shall be forfeited to the United States, together with the vessel,

(a) This section is repealed by the act of May 7, 1822, ch. 83.

boat, canoe, or raft, the tackle, apparel, and furniture of the same, or the carriage or sleigh, and harness and cattle, drawing the same, or the horses with their saddles and bridles, as the case may be; and such master, conductor, or other importer, shall be subject to pay a penalty of four hundred dollars.

SEC. 2. *And be it further enacted*, That any deputy collector stationed in any district of the customs contiguous to a foreign territory, to whom a manifest of merchandise, subject to duty, shall be delivered as aforesaid, is hereby authorized to require of the importer of such merchandise the payment of the duties thereon, or good and ample security, either by bond, with one or more sufficient sureties, for the payment thereof, or by the deposit of a portion of such merchandise, equal, at least, to double the amount of the duties on the whole importation; which bond shall be cancelled, or the merchandise, so deposited, shall be delivered to the owner, on the producing to the deputy collector a certificate, of the collector of the district, that the duties have been duly paid.

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

APPROVED, March 2, 1821.

Master conductor, &c. subject to penalty.

Deputy collector authorized to require the payment of the duties, &c.

Bond or deposit to be cancelled or delivered up, &c.

Penalties and forfeitures to be recovered, &c. according to the act of 2d March, 1799, ch. 22.

And may be mitigated or remitted according to act of 3d March, 1797.

Act of March 3, 1797, ch. 13.

#### STATUTE II.

CHAP. XV.—*An Act extending the time for issuing and locating military land warrants to officers and soldiers of the revolutionary army.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the time limited, by the second section of the act approved on the twenty-fourth day of February, one thousand eight hundred and nineteen, for issuing military land warrants to the officers and soldiers of the revolutionary army, shall be extended to the fourth day of March, one thousand eight hundred and twenty-three; and the time for locating the unlocated warrants shall be extended to the first day of October thereafter.

APPROVED, March 2, 1821.

March 2, 1821.

[Expired.]

Act of March 3, 1823, ch. 36.

Act of May 26, 1824, ch. 177.

Act of May 20, 1826, ch. 138.

Act of March 2, 1827, ch. 35.

Act of Feb. 24, 1819, ch. 41.

#### STATUTE II.

March 2, 1821.

CHAP. XVI.—*An Act to establish the district of Pearl river.*

*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 July next, all the bays, waters, and shores, on Lake Borgne and the Gulf of Mexico, and all the rivers emptying into the same, within the limits of the state of Mississippi, shall be a collection district, to be called the district of Pearl river; of which a port near the mouth of Pearl river, at such place as the President of the United States shall designate, shall be the port of entry; and a collector for the district shall be appointed, to reside at such place as the President shall direct, at or near the said port, who shall be entitled to receive in addition to the fees and other emoluments established by law, the annual salary of two hundred and fifty dollars.

APPROVED, March 2, 1821.

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Bays, shores, &c. on Lake Borgne, &c. to be a collection district, after July 1, 1821.

A port of entry near the mouth of Pearl river.

A collector for the district.



## STATUTE II.

March 2, 1821.

CHAP. XVII.—*An Act confirming the location of the seat of government of the state of Illinois, and for other purposes.*

Act of March 3, 1819, ch. 95.  
Four sections of land, &c., selected by commissioners for the seat of government of Illinois, confirmed to the state.

The governor authorized to select a section in lieu of No. 16.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the four sections of land, including the section number sixteen, in township number six north, range number one east, of the third principal meridian, heretofore selected by commissioners appointed for that purpose, for the seat of government of the state of Illinois, be, and the same are hereby declared to be, confirmed to, and vested in, the said state, for the purpose aforesaid.

SEC. 2. *And be it further enacted,* That the governor of said state be, and he is hereby, authorized to select any unappropriated section in said township, for the use of the inhabitants thereof, which shall be in lieu of the said sixteenth section.

APPROVED, March 2, 1821.

## STATUTE II.

March 2, 1821.

CHAP. XVIII.—*An Act to extend the charters of certain banks in the District of Columbia.*

[Obsolete.]

The charters of the Bank of Alexandria, the Farmers' Bank of Alexandria, Bank of Washington, Bank of the Metropolis, the Patriotic Bank, the Farmers' Bank of Georgetown, the Bank of Columbia extended.

Interest at the rate of 12 per cent. per annum, for failure or refusal of the banks to pay their notes in lawful currency.

And Congress may revoke their charters.

Officers and directors of the banks liable to prosecution, by indictment, for fraudulent practices :

And to be adjudged felons on conviction,

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the acts incorporating the several banks in the District of Columbia, herein named, that is to say : The Bank of Alexandria, and the Farmers' Bank of Alexandria, in the town of Alexandria; the Bank of Washington, the Bank of the Metropolis, and the Patriotic Bank of Washington, in the city of Washington; the Union Bank of Georgetown, the Farmers' and Mechanics' Bank of Georgetown, and the Bank of Columbia, in the town of Georgetown; be, and the same are hereby, extended and limited to the third day of March, which shall be in the year of our Lord one thousand eight hundred and thirty-six, under, and subject to, such limitations, modifications, and conditions, as are hereinafter enacted.

SEC. 2. *And be it further enacted,* That if any one of the banks herein named, shall, at any time, fail or refuse to pay, on demand, any bill, note, or obligation, issued by such bank, in lawful currency of the United States, when required, or shall neglect or refuse to pay, on demand, in like currency, if required, any moneys received by such bank on deposit, to the person or persons entitled to receive the same; then, and in such case, the holder of any such note, bill, or obligation, or the person or persons demanding such deposit as aforesaid, shall, respectively, be entitled to receive and recover interest on the same, at the rate of twelve per centum per annum, from the time of the demand until the same be fully paid and satisfied. *And further,* It shall be lawful for Congress, forthwith, to revoke the charter of such bank, and to provide for liquidating and settling the accounts and affairs thereof, in such manner as to their judgment may seem expedient.

SEC. 3. *And be it further enacted,* That any president, director, cashier, teller, clerk, or other officer, or servant, of any of the said banks, or of the Bank of Potomac, hereinafter named, who shall withhold, withdraw, conceal, or embezzle, or connive at the withholding, withdrawal, concealment, or embezzlement, of the money or other property of the bank whereof he is an officer or servant, with intent to defraud the said bank, shall be subject to prosecution therefor, in the name of the United States, by indictment, on presentment or information, in the circuit court of the county wherein such offence shall have been committed, and, on conviction thereof, shall be adjudged a felon, and suffer an imprisonment of not less than one year, nor more than ten years, and forfeit and pay

a sum not less than one thousand, nor more than twenty thousand, dollars, one moiety whereof shall go to the United States, and the other to the informer.

SEC. 4. *And be it further enacted*, That, unless the president and directors, for the time being, of each of the banks respectively, whose charters are hereby extended, shall on behalf of their stockholders, and in virtue of an authority from them, or a majority in interest and number of them, file their declaration, in writing, in the office of the Secretary of the Treasury, within six months from the passage of this act, assenting to, and accepting, the extension of charter hereby granted under the terms, conditions, and limitations, contained in this act, such bank shall forfeit all title to such extension of charter.

SEC. 5. *And be it further enacted*, That every stockholder of the bank of Alexandria, of the Farmers' Bank of Alexandria, and of the Bank of Washington, being a citizen of the United States, and not otherwise, shall be entitled to vote by himself, his agent, or proxy, appointed under his hand and seal, at all elections, in virtue of this act, and shall have as many votes as he has shares, as far as thirty shares, and not more than one vote for every five shares thereafter.

SEC. 6. *And be it further enacted*, That a meeting of the stockholders of the Bank of Alexandria, in the town of Alexandria, shall be held on the third Monday of January in every year, during the continuance of this act; previous notice whereof shall be published in some newspaper printed in Alexandria or the city of Washington, for the space of four weeks successively; and the stockholders assembled in consequence of such notice, shall choose by ballot from among themselves, by a majority of votes of such as shall be present, or by proxy, ten directors being citizens of the United States, for the term of one year thereafter, and on the same day annually, for and during the continuance of this act, a like election shall be made; and in case of death, resignation, refusal, or disqualification, of any director, the remaining directors, at their next meeting, or as soon as convenient thereafter, shall elect, by ballot, another person, qualified as aforesaid, in his place, for the residue of the year. The directors, or any seven of them, shall, at their next meeting after every general election, elect, by a majority of members present, by ballot, from among themselves a president, who shall retain all the powers and privileges of a director; and in case of refusal, death, resignation, or disqualification, of the president, the directors shall meet as soon as conveniently can be thereafter, and after filling the vacancy in the number of directors required by this act, elect another person for president, in manner before directed.

SEC. 7. *And be it further enacted*, That it shall not be lawful for any of the said banks, after the first day of January next, to make issue, or re-issue, any bill, note, or obligation, payable to bearer or order, of a denomination under five dollars.

SEC. 8. *And be it further enacted*, That the fourteenth section of the act incorporating the Bank of Columbia, aforesaid, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, be, and the same is hereby, repealed and annulled: (a) *Provided*, That the said fourteenth section shall remain in full force and effect in relation to all debts contracted with the said bank previous to the passing of this act.

SEC. 9. *And be it further enacted*, That it shall be lawful for the Central Bank of Georgetown and Washington to proceed forthwith, to liquidate and close all the concerns of the corporation, and after paying and satisfying the debts, contracts, and obligations, of the corporation, to di-

and suffer fine and imprisonment.

Right to extension of charter forfeited.

Assent in writing in the office of the Secretary of the Treasury.

Citizen stockholders in the bank of Alexandria, Farmers' Bank of Alexandria, and Bank of Washington may vote by agent or proxy.

Annual meeting of the stockholders of the Bank of Alexandria in January.

Ten citizen directors, by ballot, for a year.

Remaining directors to fill vacancies. Election of a President.

No note under five dollars after Jan. 1, 1822.

The 14th section of the act incorporating the Bank of Columbia, repealed. Proviso.

Central Bank of Georgetown and Washington authorized to liquidate and

(a) The fourteenth section, here annulled, authorized this bank to enforce the payment of debts by a summary process to execution. The Bank of Columbia was chartered by an act of the general assembly of Maryland.

close its concerns.

For which purpose only the corporation is continued.

The stockholders of the Central Bank may reduce, &c.

The corporation of the Bank of Potomac continued to March 3, 1836.

Act of Feb. 16, 1811, ch. 18.

Election of directors of the Bank of Potomac annually in November, on notice in the newspapers.

Thirteen directors, by ballot, for a year.

Directors may fill vacancies.

Election of a President.

Citizen stockholders may vote according to shares.

Proviso; shares pledged confer no right to vote.

Consolidation of the Union Bank of Alexandria and the Bank of Potomac.

vide the capital and profits which may remain among the stockholders, in proportion to their respective interests; and for this purpose, and for no other intent or purpose whatever, all the necessary powers, as fully as they are now enjoyed by the said corporation, shall be, and the same are hereby, continued to the said corporation, for the term of five years from the first day of January next, and no longer.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the stockholders of the Central Bank of Georgetown and Washington aforesaid, at their next annual meeting for the election of directors, to reduce the board of directors, for the said Central Bank, to any number not less than six.

SEC. 11. *And be it further enacted*, That the corporation of the Bank of Potomac be, and the same is hereby, continued and extended to the third day of March, in the year of our Lord one thousand eight hundred and thirty-six, during which time it shall hold and be possessed of all the rights, privileges, and immunities, now secured to it by an act passed on the sixteenth day of February, one thousand eight hundred and eleven, entitled "An act to incorporate the Bank of Potomac," and shall be subject to all the restraints and limitations expressed in the said act, except so far as the same shall be altered by any provisions hereinafter contained.

SEC. 12. *And be it further enacted*, That an election for directors of the Bank of Potomac shall be held in the town of Alexandria, on the first Monday in November in each year, of which notice shall be given in one or more newspapers published in said town, for four weeks at least before the day of election; and the stockholders shall choose, by ballot, to be given in person or by proxy, by a majority of votes, from amongst the stockholders, thirteen directors, for the term of one year thereafter, and on resignation, disqualification, or removal, of any director out of the county of Alexandria, or out of the county of Fairfax, in Virginia, the other directors, at their next meeting thereafter, may elect by ballot another person, qualified as aforesaid, in his place, for the residue of the year. The directors, of said bank shall, at the first meeting after every general election, elect, by ballot, from among their own number, by a majority of their whole number, a president; and in case of his death, resignation, or removal, out of the county of Alexandria, or out of the county of Fairfax, or of his refusal to accept his office, the directors shall meet as soon as conveniently can be thereafter, and elect another person as president, in the manner before described.

SEC. 13. *And be it further enacted*, That every stockholder of the Bank of Potomac, being a citizen of the United States, shall be entitled to vote at all elections to be holden by the stockholders of said bank, in pursuance of this act, and shall have as many votes in proportion to the stock he may hold, as follows, that is to say: For every share, from one to twenty, one vote for each share; from twenty to fifty shares, one vote for two shares; from fifty to one hundred, one vote for four shares; above one hundred shares, one vote for six shares: *Provided*, That no share, or number of shares, pledged to the said bank as security for any debt due, or to become due, to it, shall be considered as conferring any right to vote at the said elections.

SEC. 14. *And be it further enacted*, That it shall be lawful for the president of the Union Bank of Alexandria, at any time before the first day of April next, with the consent of a majority in interest of the stockholders thereof, to subscribe to the said Bank of Potomac the full amount of the capital stock of the said Union Bank, and, on such subscription being made, to deliver over and transfer to the said Bank of Potomac, all the books, papers, money, property, and evidences of debts, belonging to the said Union Bank, and to convey to the said Bank of Potomac, the real estate belonging to said Union Bank, for passing the title of which bank, in the said estate, to the said Bank of Potomac, the deed of the

President of the said Union Bank shall be effectual; on which subscription, delivery, transfer, and conveyance, being made, the stockholders of the said Union Bank shall, forthwith, become stockholders in the said Bank of Potomac, and shall be entitled to the same privileges and advantages, and the stock of the said Union Bank shall, to all intents and purposes, be considered as forming a part of the capital of the said Bank of Potomac; and the proper officers of the said Bank of Potomac shall forthwith issue to the stockholders of the said Union Bank, certificates of stock in the said Bank of Potomac, at the rate of one share, or one hundred dollars of Potomac bank stock, for every hundred dollars of the Union Bank stock so subscribed, according to the respective interests of the said stockholders in the stock so subscribed.

SEC. 15. *And be it further enacted*, That on the said union being made as aforesaid, all contracts legally made by the said Union Bank shall, forthwith, become obligatory on the said Bank of Potomac, and all debts due by the said Union Bank on notes issued by it, or otherwise, shall become chargeable on, and payable by the said Bank of Potomac: and the parties to such contracts, and the creditors of the said Union Bank, shall have the same remedies to enforce the performance of such contracts, and the payment of such debts, against the said Bank of Potomac, its property and effects, as are now, by law, given to them against the said Union Bank; and that the said Bank of Potomac may, in its own name, sustain all actions and suits which may be necessary to enforce the payment of debts due to, and the performance of contracts made with the said Union Bank, and for the recovery of any lands, tenements, goods, and chattels, belonging to and improperly withheld from, the said Union Bank.

SEC. 16. *And be it further enacted*, That all bonds, bills, notes, or other securities for money, which, by the terms thereof, have been, or shall be, made payable at the said Union Bank, which shall fall due after the said union shall have been carried into effect, shall, from thenceforth, be considered as if the same had been made payable at the said Bank of Potomac; and that a demand of payment at the said Bank of Potomac shall, to all intents and purposes, be as effectual in law as if the same were made at the said Union Bank.

SEC. 17. *And be it further enacted*, That from the time the said union of the said banks shall be carried into effect, the twenty-seventh section of an act of Congress, passed on the third of March, one thousand eight hundred and seventeen, entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unchartered associations, within the said District," shall be, and the same is hereby repealed: *Provided*, That such repeal shall not, in any way, impair the right of the said Bank of Potomac to the money, property, debts, and effects, which shall be transferred or conveyed to it, as aforesaid, nor its remedies in its own name for the recovery thereof; nor shall any suit now brought in the name of the said Union Bank, thereby abate, but the same may be carried on and prosecuted for the benefit of the said Bank of Potomac to final judgment and execution; and the proceedings on such judgments or executions may be instituted and carried on in the name of the said Union Bank, against the bail, securities, and all other persons bound in such suits, for the defendants therein.

SEC. 18. *And be it further enacted*, That, if any stockholder or stockholders in either of the said banks, who has not heretofore assented to the union aforesaid, shall, within three months from the passing of this act, file his declaration, in writing, in the said Bank of Potomac, declaring himself dissatisfied with the said union, and his determination to withdraw his interest from the same; and if the said bank cannot agree with such stockholder or stockholders on the amount of such interest,

The union being effected, the Bank of Potomac becomes bound by the legal contracts of the Union Bank of Alexandria.

And the Bank of Potomac may enforce the payment of debts due, &c.

Bonds, bills, notes, &c., falling due at the Union Bank of Alexandria, made payable at the Bank of Potomac.

Upon the union of the two banks, the 27th section of the act of March 3, 1817, is repealed.

Act of March 3, 1817, ch. 93. Proviso.

Suits not to abate.

Proceedings in the name of the Union Bank.

Dissatisfied stockholders may file a declaration within three months.

If the parties cannot agree, circuit court on petition may

appoint three commissioners to ascertain the value, of the stockholders' interest, &c.

Decree of the commissioners may be enforced by execution.

Any two or more of the banks whose charters are extended may unite and form a bank, &c.

This act declared a public act.

Repugnant parts of former acts repealed.

#### STATUTE II.

March 2, 1821.

Part of an act of Feb. 17, 1818, ch. 11, repealed.

The President may establish the office at any suitable place.

#### STATUTE II.

March 2, 1821.

From the 23d of Aug., 1819, the sums mentioned are to be settled on the persons named, &c.

On the widow of the late O. H. Perry, 400 dollars during her natural life,

and shall not forthwith pay the same, then it shall be lawful for the circuit court of the District of Columbia, at Alexandria, on the petition in writing of such stockholder or stockholders, to appoint three commissioners, whose duty it shall be to ascertain the value of the interest of such stockholder or stockholders in the bank to which he or they may belong at the time of the said union, for which purpose such commissioners shall, under the direction of the said court, have access to the books, papers, and accounts, of the said banks, and, on the report of the said commissioners, and such other evidences, as may be laid before them, then said court shall proceed to ascertain the value of the stock of such stockholder or stockholders, and shall decree the value, so ascertained, to be paid to him or them by the said Bank of Potomac, and shall have power to enforce such decree by execution, attachment, or other legal process.

SEC. 19. *And be it further enacted*, That it shall and may be lawful for any two or more of the banks, whose charters are hereby extended, by their respective presidents and directors, with the consent of a majority in interest of their respective stockholders, to agree, under written articles of association, to unite and form one bank, by a style and name to be prescribed in such articles; and the subscribers thereto, and their legal representatives, shall, from the day fixed for that purpose in the said articles, be incorporated under the style and name set forth in the said articles, and thenceforth subject to the same rules, duties, regulations, conditions, provisions, and impositions, and be vested with the same rights, privileges, and immunities, as a body corporate, as by this act appertains to the Bank of Potomac, and are prescribed for the union of the Union Bank of Alexandria with the Bank of Potomac.

SEC. 20. *And be it further enacted*, That this act be, and the same is hereby declared to be, a public act, and that so much, and such parts, of the said acts, incorporating the several banks aforesaid, as may be repugnant to this act, be, and the same are hereby, repealed and annulled.

APPROVED, March 2, 1821.

CHAP. XXV.—*An Act authorizing the President of the United States to remove the land office in the district of Lawrence county, in the territory of Arkansas.*

*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, entitled "An act making provision for the establishment of additional land offices in the territory of Missouri," as requires that the land office for the district of Lawrence county shall be established at the seat of justice in said county, shall be, and the same is hereby, repealed; and the President of the United States is hereby authorized to remove and establish said office at any suitable place, within the said district.

APPROVED, March 2, 1821.

CHAP. XXXI.—*An Act for the relief of the family of the late Oliver Hazard Perry, Esquire.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the twenty-third day of August, in the year of our Lord one thousand eight hundred and nineteen, the following sums be, and the same hereby are, settled, by way of annuity, payable, under the direction of the Secretary of the Treasury, half yearly, at the treasury of the United States, or at the loan office at Providence, at the option of the annuitants, on the widow and children of the late Oliver Hazard Perry, Esquire, of the United States' navy; that is to say: On Elizabeth Perry, dowager of the aforesaid Oliver Hazard Perry, four hundred dollars during her natural life:

*Provided*, That the said annuity shall cease and determine on the determination of her widowhood: on Christopher Grant Perry, his eldest son, one hundred and fifty dollars: on Oliver Hazard Perry, his second son, one hundred and fifty dollars: and on Christopher Raymond Perry, his third son, one hundred and fifty dollars: until the said Christopher Grant, Oliver Hazard, and Christopher Raymond, shall arrive at full age of twenty-one years respectively: and on Margaret Perry, only daughter, and youngest child, of the said Oliver Hazard Perry, deceased, the sum of one hundred and fifty dollars, until she shall arrive at the age of twenty-one years, aforesaid: *Provided*, That, in case the said Margaret shall have contracted any marriage on or before she shall reach the age of twenty-one years aforesaid, then the said pension or annuity shall cease and determine on the day whereon the said marriage shall have been contracted, as aforesaid: *Provided always*, That in case the said Margaret shall not have contracted any marriage on that day, or prior thereto, then the said pension or allowance shall continue to be paid until the marriage or natural demise of the said Margaret; *And provided further*, That in case any of the said children of the said Oliver Hazard Perry, deceased, shall die under lawful age as aforesaid, then, and in that case, the pension or annuity granted by this act, shall, in such case, cease and determine, in respect to such child, so deceasing.

APPROVED, March 2, 1821.

continuing a widow.  
Sons and daughter of Oliver H. Perry.

Any child dying before the times specified, his annuity ceases.

STATUTE II.

CHAP. XXXII.—*An Act to alter the times of holding the district court in the northern district of New York. (a)*

March 2, 1821.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the district court of the United States of America, for the northern district of New York, directed by law to be holden at Utica, shall hereafter be holden at the same place, on the last Tuesday of August, instead of the third Tuesday of May, in each year; and that the court directed by law to be holden at Albany, on the second Tuesday of November, shall, instead thereof, hereafter be holden at the same place, on the last Tuesday of January, in each year.

District court to be hereafter holden at Utica on the last Tuesday of August, and the court at Albany on the last Tuesday of January.

SEC. 2. *And be it further enacted*, That all actions, suits, process, proceedings, commenced, or to be commenced, or now pending in said district court, and liable to be discontinued or suffer prejudice from the foregoing alterations, may be returned to, and shall be continued to, the district court to be holden in pursuance of this act, in such manner as that the same shall suffer no discontinuance or prejudice by virtue of this act.

Proceedings, &c., continued accordingly.

APPROVED, March 2, 1821.

STATUTE II.

CHAP. XXXIII.—*An Act to alter and establish certain post-roads.*

March 3, 1821.

*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, and the same are hereby, discontinued, that is to say:

Post-roads discontinued.

From Concord, in Rockingham county, by Salisbury, Andover, New Chester, Bridgewater, and Plymouth, thence by New Holderness, New Hampton, Sanbornton, and Salisbury, to Concord, and

From Farmington to Middleton, in New Hampshire.

From Carver to Wareham.

(a) See note to act of April 3, 1818, ch. 32, for the acts which have been passed relating to the district court of the northern district of New York.

Post-roads discontinued.

From Northampton, by Southampton, to Springfield, in Massachusetts.

From Herkimer, by Woodworth's, Columbia, by Underwood's, Litchfield, to Laghwaite.

From Vernon to Delhi.

From Little Falls, by Fairfield, Newport, and Russia, to Remsen, in New York.

From Liberty Corner, by Doughty's Mills, and New Providence, to Springfield, in New Jersey.

From Morgantown, by Crab Orchard, to Kingwood, in Virginia.

From Milledgeville, to Greensborough, in Georgia.

From Pocatigo, by Hickory Hill, to Augusta, in South Carolina.

From Clinton, in Tennessee, to Pulaski, in Kentucky.

From Washington to Cincinnati; and

From Lancaster to Washington, in Ohio.

From Falmouth to Grant's Lick, on the east side of the river in Kentucky.

From Smithton to John Graham's, in Missouri.

Post-roads established.

SEC. 2. *And be it further enacted*, That the following be established post-roads, that is to say:—

Maine.

*In Maine*.—From Brunswick, by Topsham, Lisbon, Wales, Monmouth, Leeds, Wayne, and Fayette, to Jay; and thence, by Livermore, Turner, and Durham, to Brunswick.

From Green, by Leeds and Wayne, to Winthrop.

From Bangor, by Levant, Corinth, New Charleston, Atkinson, Sebec, Brownsville, Williamsburg, Foxcroft, Guilford, and Sangerville, to Bangor.

From Warsaw, by Hartland, and St. Albin's, to Palmyra.

From Bethel, by Gilead, Shelburne, Durand, Kilkenny, and Jefferson, to Lancaster, in New Hampshire.

New Hampshire.

*In New Hampshire*.—From Concord, in Rockingham county, by the M'Crillis tavern, in Canterbury, Northfield meeting house, Sanborn-ton, Smith's village on the turnpike, across the river near Pine Hill, and Bridgewater, to Plymouth.

From Smith's village on the turnpike, by New Hampton meeting house, and the paper mill in Holderness, to Plymouth.

From Concord, by Boscowan, Salisbury village, Andover, New Chester, Bristol, and the Mayhew turnpike, to Rumney.

From Rochester, by Chesnut Hill, in Farmington, to Middleton.

That the post-route from Centre Harbour to Plymouth, and the post-route from Portsmouth, by Meredith, and New Hampton to Plymouth, shall be by the post-office in Holderness.

Massachusetts.

*In Massachusetts*.—From Greenfield, by Bernardstown, Northfield, Warwick, Orange, New Salem, Shutesbury, Leverett, Sunderland, and Montague, to Greenfield.

From Richmond to West Stockbridge.

From North Hampton, by East Hampton, South Hampton, Westfield, Southwick, and East Granby, to Hartford, in Connecticut.

From Worcester to Groton.

From Boston, by a turnpike road, to Taunton; and thence by Welling-ton, Dighton, Swanzey, Warren, Bristol, Portsmouth, and Middleton, to Newport, in Rhode Island.

From South Hadley, by Granby, to Belchertown.

Connecticut.

*In Connecticut*.—From Mansfield to Willington.

From Stafford, by Union, to Woodstock.

From Brooklyn, by South Killingly, to Thompson.

From Bridgeport, by Long Hill, Trumbull, Levi Edwards', in Huntington, Newtown, and Brookfield, to New Milford.

*In New York.*—From Utica, by Whitesborough, Floyd, Steuben, and Western, to Rome.

Post-roads  
established.  
New York.

From Cayuga to Montezuma.

From Turin, by Harrisburg, Copenhagen, Tylersville, Pinkney, and Rodman, to Adams.

From Newburgh, by Middletown, Marlborough, Milton, and New Paltz, to Poughkeepsie.

From Upper Red Hook Landing, to the present post-road from New York, to Albany.

From Watertown, by Le Raysville, to Antwerp.

From Mooresville, by Bovina, in Delaware county, to Delhi.

From Bergen, by Riga and East Riga, to Rochesterville.

From Ellicottville, by Little Valley, Conewongo Creek, and Gerry, to Mayville.

From Caledonia to Riga.

From Whitehall, in Washington county, by Putnam, to Ticonderoga.

From Southold, in Suffolk, to the village of Oysterponds.

From Utica, in the county of Oneida, to Bainbridge, in the county of Chenango, by New Hartford, Paris Furnace, Bridgewater, Brookfield, Columbus, New Berlin, Norwich, and Guilford.

From Lisle, in the county of Broome, through the towns of Berkshire and Caroline, on the Susquehanna, and Bath turnpike road, to Ithica, in the county of Tompkins.

From Manlius, by Oran, Delhi, Fabius, Pompey, and thence to Manlius.

From Utica, by Rome, to Montezuma, and thence to Rochester, upon and near the Great Canal.

From Bennington, Vermont, by White Creek, Cambridge, Easton and Greenwich, to Saratoga Springs, New York.

From Ritchfield by Peltrie's, in Columbia, by Underwood's, in Litchfield, to Utica.

From Peltrie's, in Columbia, by Elie Palmer's, to Herkimer.

From Little Falls, Herkimer county, by Eaton's Bush, Middleville, Newport, Naham Daniel's, Russia post-office, to Trenton, with a side mail from Middleville to Fairfield post-office.

From Canandaigua, in the state of New York, by Manchester, to Palmyra; from thence by South Williamson and Williamson, to Pultneyville.

New Jersey.

*In New Jersey.*—From Chester to Flanders.

From Liberty Corner to Somerville.

From Trenton, by Croswick's tavern, Rickle's Town, Julius, and Army's, to New Egypt.

Pennsylvania.

*In Pennsylvania.*—From Easton, by Stockertown, to Roscommon.

From Chester, by Village Green, Wilcox's mills, Concord meeting house, and Dilworthtown, to West Chester.

From Clark's Ferry, by Landisburg, Douglas's Mills, and Concord, to Fannellsburg.

From Somerset, by Connelville, Union, Smithfield, Germantown, and Geneva, to Morgantown, in Virginia.

From Hanover, by Berlin, to Dillstown.

From Lambpeter square to Cochranville.

From Gettysburg, by Petersburg, and Dillstown, to Harrisburg.

From Berwick, on the Tioga and Susquehanna turnpike, to Meansville.

From Lancaster, by New London Cross Roads, Newark, and Christiana Bridge, to New Castle, in Delaware.

From Gettysburg, by Lughtersburg, to Hagerstown, in Maryland.

From Leditz, in Lancaster county, by Elizabeth Furnace, and Shueferston, to Lebanon.

From Beavertown, by Jeffriestown and Noblestown, to Cannonsburg.



Post-roads  
established.  
Delaware.  
Maryland.

*In Delaware.*—From Milford to the village of Milton; a new route.

*In Maryland.*—That the mail-route from Easton to Princess Anne, shall pass over Dover Bridge, and by New Market and Cambridge; the route from Easton, by the Trappe, to Cambridge, shall nevertheless be continued.

From Easton to the Trappe, in Talbot county.

From Harford to Michael's store.

Virginia.

*In Virginia.*—From Kingwood, by Crab Orchard, Hagan's store, to Smithfield, in Pennsylvania.

From Lewis Courthouse, by French Creek Settlement, Flatwood's, and Elk river, to Nicholas Courthouse.

From Woodring's mill, in Preston county, by Goff's Ferry, on Cheat river, to Leading Creek, in Randolph county.

From the mouth of Fishing Creek, on Ohio river, by Buffalo, Barnes' mills, Prickett's Settlement, and Smithfield, to Kingwood.

From Springfield to Romney, in Hampshire county.

From Morgantown, by Jackson's Iron Works, Carlisle's Furnace, to Sandy Creek Glades.

From Charlottesville, by Warren, to Buckingham Courthouse.

From Culpepper Courthouse, by State mills, to Woodville.

From Staunton, by Little River, to the Panther Gap.

From Jacksonville, in Wood county, by Murphy's Settlement, to Lewis Courthouse.

That the mail-route from Marietta to Wheeling, pass by Sisterville and the mouth of Fishing Creek.

That the mail-route from the Warm Springs, in Bath county, by Anthony's creek, to Lewisburg, shall, in returning, pass by Frankford, Locust creek, Barnes' Mill, Cackley's, Bradshaw's, and Gatewood's, to the Warm Springs.

North Caro-  
lina.

*In North Carolina.*—From Salisbury to Fayetteville.

From Wilkesborough, by Mock's old fields, Salisbury, Skeen's Ferry, Lawrenceville, Wadesborough, and Sneedsborough, to Cheraw, formerly Chatham, in South Carolina.

From Charlotte, by Chester Courthouse, and Newberry Courthouse, to Edgefield Courthouse, in South Carolina.

That the mail-route from Fayetteville to Wilmington, pass by David Wright's store, in Duplin county.

From Salisbury, by Fulton, to Huntsville.

South Caro-  
lina.

*In South Carolina.*—From Columbia, by Ashville and Warm Springs, in North Carolina, to Lexington, in Kentucky.

From Coosawatchie, by Robertsville and King creek, to Augusta.

Georgia.

*In Georgia.*—From Monticello, by Monroe in Walton county, and Lawrenceville, in Gwinnett county, to Hall Courthouse.

From Jefferson to Fairfield, in Camden county.

From Carnesville, by Habersham Courthouse, to Rabun Court-  
house.

From Powelton, in Hancock county, by Greensborough, to Madison, in Morgan county.

From Carnesville, by Bushville, to Hall Courthouse.

Kentucky.

*In Kentucky.*—From Franklin to Nashville, in Tennessee.

From Eddyville, by Iron banks, to New Madrid, in Missouri.

That the post-route from Burkesville to Monticello shall pass by Robert Poage's, in Stockton's Valley.

That the post-route from Columbia to Glasgow shall pass by Edmon-  
ton, in Barren county.

From Scottsville to Cairo, in Tennessee.

From Falmouth, in Pendleton county, passing the three forks of Grassy  
creek and Gains's, to Burlington, in Boone county.

From Bowling Green, by Litchfield and Hardinsburg, to Corydon in Indiana.

Post-roads established.

*In Tennessee.*—From Clinton to Burkesville, in Kentucky.

Tennessee.

From Washington, in Rhea county, by Hamilton Courthouse, and the new turnpike road, to Morganton, at the mouth of Sequatchee, by Marion Courthouse, and Jackson Courthouse, to Huntsville, in Alabama.

From McMinnville, by Shelbyville, to Columbia.

From Sparta, by Cookeville, Gainesborough, and Meigsville, to Tompkinsville, in Kentucky.

From Kingston, by Washington, to Huntsville, in Alabama.

That the route from Springfield to Russelville, in Kentucky, shall pass Fort's mills, on Red river.

From Murfreesborough to Statesville.

From Vernon, by Perry Courthouse, to Reynoldsburg.

*In Ohio.*—From Lebanon, by Monroe, to Hamilton.

Ohio.

From Washington, in Pennsylvania, by Wellsburg, in Virginia, Steubenville, New Salem, New Philadelphia, Wooster, and Norwalk, to Lower Sandusky.

From Canton, in Stark county, by New Portage, Norton, and Wadsworth, to Medina, in Medina county.

From Lancaster, by Circleville, to Chillicothe.

From Granville, in Licking county, by Worthington, to Dublin, in Franklin county.

From Urbana, by Troy, to Granville, in Dark county.

From Dover, in Tuscarawas county, by Shanesville and Berlin, to Millersburg, in Coshocton county.

From Dresden, in the county of Muskingum, to Mansfield, in the county of Richland, by the way of West Carlisle, in Coshocton county.

From Aurelius, by Duck creek salt works, in Morgan county, by Senecaville, to Guernsey salt works, and to Washington, Guernsey county.

*In Indiana.*—From Brownstown to Indianapolis.

Indiana.

From Vernon to Indianapolis.

From Connersville to Indianapolis.

From Lawrenceburg, by Aurora, Hanover, and the Rising Sun, to Versailles; and to return by the way of Vaughan's, in Manchester township.

From Richmond, by Salisbury and Centreville, to Indianapolis.

From Brookville to Indianapolis.

*In Illinois.*—From Golconda, by Franklin Courthouse, and Hinds', to Vandalia.

Illinois.

From Golconda to Belgrade.

From Shawneetown to Golconda.

The mail from Vincennes, Indiana, to St. Louis, Missouri, shall pass by Vandalia.

From Vandalia, by the seats of justice of such counties as may be established by the legislature prior to the next session of Congress, north of Madison county, to Edwardsville.

From Fairfield, by John G. Fitch's, to Vandalia.

From Palestine to Vandalia.

The mail from Golconda, by Bloomfield, to Jonesborough, to pass by Vienna.

*In Mississippi.*—From Columbia, by Fort Alford's, to Monticello.

Mississippi.

From Green Courthouse, by New Augusta and Monroe, to Covington Courthouse.

*In Alabama.*—From Blakely to Mobile Point.

Alabama.

From Fort Hawkins, by Fort Gaines and Butler Courthouse, to Conecuh Courthouse.

*In Missouri.*—From Shawneetown, by Road's, Jonesborough, in Illinois, and Bainbridge, in Cape Girardeau county, to Jackson.

Missouri.

From St. Charles, by James Journey's, John Biven's, Isaac Vanbibber's, John Grayum's, and Augustus Thrall's, to Franklin.

From Franklin, by the mouth of Arrow Rock and Mount Vernon, to Fort Osage.

From St. Genevieve, by the Saline, Amos Bird's, John F. Henry's, and Bainbridge, to Cape Girardeau.

From Franklin to Boonsville.

From Smithton to Augustus Thrall's.

From Alton, by the house of Levi Roberts, John Shaw, and Leonard Ross, to Louisianaville, in Missouri.

APPROVED, March 3, 1821.

STATUTE II.

March 3, 1821.

[Obsolete.]  
Sums appropriated, for—

CHAP. XXXIV.—*An Act making appropriations for the support of government, for the year one thousand eight hundred and twenty-one.*

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

Congress and their officers.

For compensation, granted by law to the Senate and House of Representatives, their officers and attendants, three hundred fourteen thousand eight hundred and sixty-six dollars.

Senators, &c. of Missouri.

For the compensation of the senators and representatives, elected by Missouri, six thousand dollars.

Contingent expenses.

For the expenses of firewood, stationery, printing, and all other contingent expenses, of the two Houses of Congress, forty-nine thousand dollars.

Library of Congress.

For the expenses of the library of Congress, including the librarian's allowance for the year, one thousand nine hundred and fifty dollars.

Books, &c. for the library.

For the purchase of books for the library of Congress, comprehending the statutes and the reports of the decisions of the courts of law and chancery of the different states, with the latest maps of the several states and territories of the United States, one thousand dollars.

The President.

For compensation to the President of the United States, twenty-five thousand dollars.

Vice President.

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

Secretary of State.

For compensation to the Secretary of State, six thousand dollars.

Clerks.  
1818, ch. 87.

For compensation to the clerks in the Department of State, by the act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

Messengers.

For compensation to the messengers in said Department, including the messenger to the patent office, nine hundred and sixty dollars.

Contingent expenses.

For the contingent and incidental expenses of the department of State, including expenses of distributing copies of the laws of the second session of the sixteenth Congress, twenty-two thousand seven hundred dollars.

Secretary of the Treasury.

For compensation to the Secretary of the Treasury, six thousand dollars.

Clerks.  
1818, ch. 87.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.

Messengers.

For compensation to the messengers in said office, seven hundred and ten dollars.

1st comptroller.

For compensation to the first comptroller of the treasury, three thousand five hundred dollars.

Clerks.  
1818, ch. 87.

For compensation to the clerks in the office of the first comptroller, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the second comptroller, three thousand dollars.	2d comptroller.
For compensation to the clerks in the office of the second comptroller, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the first auditor of the treasury, three thousand dollars.	1st auditor.
For compensation to the clerks in the office of the first auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the second auditor of the treasury, three thousand dollars.	2d auditor.
For compensation to the clerks in the office of the second auditor, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the third auditor of the treasury, three thousand dollars.	3d auditor.
For compensation to the clerks in the office of the third auditor, per act of twentieth April, one thousand eight hundred and eighteen, twenty-eight thousand six hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messengers in said office, seven hundred and ten dollars.	Messenger.
For compensation to the fourth auditor of the treasury, three thousand dollars.	4th auditor.
For compensation to the clerks in the office of the fourth auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the fifth auditor of the treasury, three thousand dollars.	5th auditor.
For compensation to the clerks in the office of the fifth auditor, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.	Clerks. 1818, ch. 87.
For three clerks to complete the duties of the commissioner of the revenue, transferred to the office of the fifth auditor, three thousand seven hundred dollars.	Clerks.
For compensation to the messenger in said office, four hundred and ten dollars.	Messenger.
For compensation to the treasurer of the United States, three thousand dollars.	Treasurer.
For compensation to the clerks in the office of the treasurer, per act of twentieth April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to an additional clerk, as allowed by act of appropriation of one thousand eight hundred and nineteen, and one thousand eight hundred and twenty; and, also, for an assistant to the chief clerk, one thousand two hundred dollars.	Additional clerk to treasurer, 1819, ch. 54.
For compensation to the messenger in said office, four hundred and ten dollars.	1820, ch. 40. Messenger.

- Commissioner of general land office. For compensation to the commissioner of the general land office, three thousand dollars.
- Clerks. For compensation to the clerks in the office of said commissioner, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.
- 1818, ch. 87.
- Messenger. For compensation to the messenger in said office, four hundred and ten dollars.
- Register of treasury. For compensation to the register of the treasury, three thousand dollars.
- Clerks. For compensation to the clerks in the office of the register, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.
- 1818, ch. 87.
- Messenger. For compensation to the messenger in said office, including the allowance for stamping ships' registers, five hundred dollars.
- Secretary to sinking fund. For compensation to the secretary of the commissioners of the sinking fund, two hundred and fifty dollars.
- Transmitting passports, translating, &c. in the treasury. For allowance to the person employed in transmitting passports and sea-letters, for expense of translating foreign languages in the office of the Secretary of the Treasury, for stationery, fuel, printing, and all other contingent and incidental expenses, in the Treasury Department, and the several offices therein, forty-eight thousand seven hundred and forty dollars.
- Superintendent and watchmen of State and Treasury Departments. For allowance to the superintendent, and four watchmen, employed for the security of the state and treasury buildings, one thousand nine hundred dollars.
- Secretary of War. For compensation to the Secretary of War, six thousand dollars.
- Clerks. For compensation to the clerks in the War Department, per act of twentieth April, one thousand eight hundred and eighteen, twenty-three thousand four hundred dollars.
- 1818, ch. 87.
- Messenger. For compensation to the messengers in said department, seven hundred and ten dollars.
- Contingent expenses. For expense of fuel, stationery, printing, and other contingent expenses, in said department, five thousand dollars.
- Maps, books, &c. For maps, plans, books, and instruments, one thousand dollars.
- Paymaster general. For compensation to the paymaster general, two thousand five hundred dollars.
- Clerks. For compensation to the clerks in the office of the paymaster general, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand two hundred dollars.
- 1818, ch. 87.
- Messenger. For compensation to the messenger in said office, four hundred and ten dollars.
- Commissary general. For compensation to the commissary general of purchases, three thousand dollars.
- Clerks. For compensation to the clerks in the office of said commissary, two thousand eight hundred dollars.
- Messenger. For compensation to the messenger in said office, three hundred and sixty dollars.
- Adjutant general's clerks. For compensation to the clerks in the office of the adjutant and inspector general, per act of twentieth April, one thousand eight hundred and eighteen, two thousand one hundred and fifty dollars.
- 1818, ch. 87.
- Clerks of the Ordnance. For compensation to the clerks in the office of the ordnance, per act of twentieth April, one thousand eight hundred and eighteen, two thousand nine hundred and fifty dollars.
- 1818, ch. 87.
- Clerks of commissary general of subsistence. For compensation to the clerks in the office of the commissary general of subsistence, two thousand one hundred and fifty dollars.
- Clerks in the engineer office. For compensation to the clerks in the engineer office, two thousand one hundred and fifty dollars.
- Clerks. For compensation to the clerks in the surgeon general's office, one thousand one hundred and fifty dollars.

For the contingent expenses of the said office, five hundred dollars.	Contingent expenses.
For compensation to the Secretary of the Navy, six thousand dollars.	Secretary of the Navy.
For compensation to the clerks in the office of the Secretary of the Navy, per act of twentieth April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.	Clerks.
For compensation to the messengers in said office, seven hundred and ten dollars.	1818, ch. 87.
For the contingent expenses of said office, two thousand dollars.	Messengers.
For compensation to the commissioners of the navy board, ten thousand five hundred dollars.	Contingent expenses.
For compensation to the secretary of the commissioners of the navy board, two thousand dollars.	Commissioners of navy board.
For compensation to the clerks in the office of the commissioners of the navy board, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.	Secretary of navy board.
For compensation to three clerks, and a draftsman, as allowed by acts of appropriation for one thousand eight hundred and nineteen, and one thousand eight hundred and twenty, in the office of said commissioners, four thousand dollars. For compensation to the messenger, in said office four hundred and ten dollars.	Clerks.
For the contingent expenses of said office, two thousand dollars.	1818, ch. 87.
For allowance to the superintendent, and four watchmen, for the security of the war and navy buildings, and for the repairs of engine, hose, and buckets, one thousand nine hundred dollars.	Other clerks, &c.
For compensation to the Postmaster General, four thousand dollars.	1819, ch. 54.
For compensation to two assistant postmasters general, five thousand dollars.	1820, ch. 40.
For compensation to the clerks in the general post-office, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.	Messenger.
For compensation to the messengers in said office, six hundred and sixty dollars.	Contingent expenses.
For contingent expenses of said office, four thousand dollars.	Security of war and navy buildings.
For compensation to the surveyor general, two thousand dollars.	Postmaster general.
For compensation to the clerks in the office of the surveyor general, two thousand one hundred dollars.	Assistant P. M. general.
For compensation to the surveyor south of Tennessee, two thousand dollars.	Clerks.
For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.	1818, ch. 87.
For compensation to the surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.	Messengers.
For compensation to the clerks in the office of said surveyor, two thousand dollars.	Contingent expenses.
For compensation to the surveyor in Alabama, two thousand dollars.	Surveyor general.
For compensation to the clerks in the office of the surveyor, in Alabama, one thousand five hundred dollars.	Clerks.
For compensation to the commissioner of public buildings, at Washington city, two thousand dollars.	Surveyor south of Tennessee.
For compensation to the officers and clerks in the mint, nine thousand six hundred dollars.	Clerks.
For wages of persons employed in the different operations of the mint, nine thousand and fifty dollars.	Surveyor in Illinois and Missouri.
For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage of the mint, eight thousand one hundred dollars.	Clerks.
For compensation to the governor, judges, and secretary, of the Arkansas territory, six thousand six hundred dollars.	Surveyor in Alabama.
For the contingent expenses of said territory, three hundred and fifty dollars.	Clerks.
	Commissioner of public buildings.
	Officers and clerks in the mint.
	Persons employed in the mint.
	Contingent expenses.
	Governor, &c. of Arkansas.
	Contingent expenses.

- Governor, &c. of Michigan. For compensation to the governor, judges, and secretary, of the Michigan territory, six thousand six hundred dollars.
- Contingent expenses. For the contingent expenses of said territory, three hundred and fifty dollars.
- Judges of the United States. For compensation to the chief justice, the associate judges, and district judges, of the United States, including the chief justice and associate judges of the district of Columbia, seventy-eight thousand two hundred dollars.
- Attorney general. For compensation to the attorney general of the United States, three thousand five hundred dollars.
- Clerks. 1818, ch. 87. For compensation to the clerk in the office of the attorney general, per act of twentieth April, one thousand eight hundred and eighteen, eight hundred dollars.
- Contingent expenses. For contingent expenses of said office, including compensation to the messenger, five hundred dollars.
- Reporter of decisions of Supreme Court. For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars.
- District attorneys and marshals. For compensation to sundry district attorneys and marshals, as granted by law, including those in the several territories, eight thousand nine hundred and fifty dollars.
- Sundry pensions. For the payment of sundry pensions, granted by the late and present governments, one thousand five hundred and ninety dollars.
- Disabled seamen. For making good a deficiency in the fund for the relief and protection of sick and disabled seamen, fifty thousand dollars.
- Lighthouses. For the support of lighthouses, and other establishments for the protection of navigation, one hundred and two thousand three hundred and forty-one dollars and twenty-eight cents.
- Surveying public lands. For surveying the public lands of the United States, one hundred and fifty thousand dollars.
- Clerks in the office of superintendent of Indian trade. For additional compensation allowed by the act of the twentieth April, one thousand eight hundred and eighteen, to the clerks in the office of the superintendent general of Indian trade, four hundred and fifty dollars.
- Bringing votes, &c. For bringing on the votes of President and Vice President, three thousand one hundred and ninety-five dollars and fifty cents.
- Ships' registers. For expenses of ships' registers, three thousand seven hundred and fifty dollars.
- Miscellaneous claims. For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, six thousand dollars.
- Salaries of ministers of the United States in foreign places. For the salaries of the ministers of the United States to London, Paris, St. Petersburg, and Madrid, with the salaries of their several secretaries of legation, and the salaries of the charge d'affaires at the Hague, Rio Janeiro, and at Stockholm, fifty-seven thousand five hundred dollars.
- Outfit for minister at Paris. For an outfit to a minister at Paris, nine thousand dollars.
- Contingencies of foreign missions. For the contingent expenses of those missions, ten thousand dollars.
- Foreign intercourse. For the contingent expenses of foreign intercourse, thirty thousand dollars.
- Barbary powers. For the expenses of intercourse with the Barbary powers, forty-two thousand dollars.
- Agents for claims and seamen. For salaries of the agents for claims on account of spoiliations and for seamen, at London and Paris, four thousand dollars.
- Relief of seamen. For the relief and protection of American seamen in foreign countries, forty thousand dollars.
- Opening a road in the Indian country. For opening, under the direction of the Secretary of War, within the Indian country, a road from a point at or near Turner Brashears' stand, on the old Natchez road, to a point at or near Columbus, on the military road, the sum of five thousand dollars, which, by an act of the twenty-seventh of March, one thousand eight hundred and eighteen, was appro-

priated for keeping in repair said old road from Natchez to Columbia, in Tennessee, and which remains unexpended. 1818, ch. 24.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any money in the treasury not otherwise appropriated. Out of moneys in the treasury.

APPROVED, March 3, 1821.

## STATUTE II.

CHAP. XXXV.—*An Act making appropriations for the military service of the United States, for the year one thousand eight hundred and twenty-one.* March 3, 1821.

[Obsolete.]  
Sums appropriated, for—

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the following sums be, and the same are hereby, respectively, appropriated for the military service of the United States, for the year one thousand eight hundred and twenty-one, to wit:

For the pay of the army and subsistence of the officers, nine hundred and fifty-four thousand five hundred and fifty-five dollars eighty-six cents, in addition to an unexpended balance of the year one thousand eight hundred and twenty, of one hundred and eighty thousand eight hundred and eighty dollars and seventy-eight cents. Pay and subsistence of officers.

For three months' gratuitous pay for disbanded officers and soldiers, including travelling allowances for the same, sixty thousand dollars. Pay of disbanded officers.

For subsistence, one hundred and four thousand six hundred and fifty-four dollars and sixty-seven cents, in addition to the sum of one hundred and fifty thousand dollars already appropriated. Subsistence.

For forage for officers, forty-one thousand five hundred and forty-one dollars. Forage.

For clothing, two hundred and seventy-six thousand five hundred and sixty-five dollars and twenty-five cents, in addition to an unexpended balance of thirteen thousand nine hundred and three dollars and seventy-two cents. Clothing.

For the medical and hospital department, twenty-four thousand five hundred and five dollars, in addition to an unexpended balance of nine thousand eight hundred and eighty-one dollars and sixty-five cents. Medical and hospital department.

For the quartermaster general's department, two hundred and two thousand eight hundred and sixty-eight dollars, in addition to the sum of one hundred and fifty thousand dollars already appropriated, to wit: Quartermaster general's department.

For regular supplies, transportation, rents, and repairs, postage and courts martial, and contingencies of the department, and pay of soldiers employed in the erection and repairs of barracks, surveys, roads, and other labour, three hundred and seventeen thousand eight hundred and sixty-eight dollars. Supplies, transportation, rents, &c.

To complete the barracks at Baton Rouge, twenty thousand dollars; and for the transportation of ordnance, fifteen thousand dollars. Barracks at Baton Rouge.

For arrearages in the quartermaster general's department, twenty thousand dollars. Arrearages.

For the military academy, seventeen thousand and thirty-six dollars and twenty-two cents. Military academy.

For fortifications, two hundred and two thousand dollars, in addition to an unexpended balance of one hundred thousand dollars; to be applied to the following fortifications, to wit: Fortifications.

Fort Delaware, fifty-five thousand dollars, to complete the same.

Fort Delaware.  
Fort Wash-  
ington.

Fort Washington, twenty-two thousand dollars.

Fort Monroe, sixty-five thousand dollars.

Fort Monroe.  
Fort Calhoun.  
Rigolets.

Fort Calhoun, fifty thousand dollars.

Rigolets, sixty thousand dollars.

Mobile Point, thirty thousand dollars.

Mobile Point.



- Repairs, &c. Repairs and contingencies, twenty thousand dollars.
- Contingencies. For the contingencies of the army, forty thousand dollars.
- National armories. For the national armories, three hundred and forty thousand dollars, in addition to an unexpended balance of twenty thousand dollars.
- Ordnance service. For the current expenses of the ordnance service, an unexpended balance of twenty-three thousand six hundred and sixty-three dollars and seven cents.
- Contracts, &c. For the fulfilment of existing contracts for cannon, shot, and shells, and for the purchase of one thousand sword belts, and of timber for gun carriages, fifty-three thousand two hundred and fifty dollars.
- Invalid pensioners. For the annual allowance to the invalid pensioners of the United States, two hundred and thirteen thousand three hundred and twenty-four dollars, in addition to an unexpended balance of one hundred and one thousand six hundred and seventy-six dollars and seventy-five cents.
- Widows and orphans. For the half-pay pensions of widows and orphans, thirty thousand dollars.
- Arrearages. For arrearages, prior to the first of January, eighteen hundred and seventeen, fifty thousand dollars, in addition to a former appropriation of twenty thousand dollars.
- Arrearages in Indian department. For arrearages in the Indian department, one hundred and thirty thousand two hundred and five dollars and forty-four cents.
- Indian department. For the current expenses of the Indian department, one hundred thousand dollars.
- Revolutionary pensioners. For the annual allowance to the revolutionary pensioners of the United States, one million two hundred thousand dollars, being part of the unexpended balance of a former appropriation.
- Creek treaty. For carrying into effect the treaty concluded with the Creek nation, on the eighth of January, one thousand eight hundred and twenty-[one,] and ratified by and with the advice and consent of the Senate, on the twenty-fourth of February, one thousand eight hundred and twenty-one, forty-eight thousand five hundred dollars.
- Choctaw treaty. For carrying into effect the treaty concluded with the Choctaw nation of Indians, on the eleventh of October, one thousand eight hundred and twenty, sixty-five thousand dollars; and for payment of one year's annuity to Mushulatubba, a Choctaw chief, one hundred and fifty dollars.
- Road in the state of Georgia. For completing the road in the state of Georgia, through the Creek nation, under the acts of the twenty-seventh April, one thousand eight hundred and sixteen, twenty-seventh March, one thousand eight hundred and eighteen, and fourteenth April, one thousand eight hundred and twenty, one thousand dollars.
- Arsenal at Augusta. For discharging arrearages incurred in building the arsenal at Augusta, in Georgia, forty thousand dollars.
- Out of money in the treasury. SEC. 2. *And be it further enacted,* That the several appropriations, hereinbefore made, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1821.

## STATUTE II.

March 3, 1821.

[Obsolete.]  
Sums appropriated, for—

CHAP. XXXVI.—*An Act making appropriations for the support of the navy of the United States, for the year one thousand eight hundred and twenty-one.*

*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, for the year one thousand eight hundred and twenty-one, the following sums be, and the same are hereby, respectively appropriated :

Pay and subsistence of officers.

For the pay and subsistence of the officers, and pay of the seamen, nine hundred and eighty-three thousand three hundred and twenty-five dollars and twenty-five cents.

For provisions, three hundred and thirty-seven thousand eight hundred and thirty-one dollars.

Provisions.

For medicines, hospital stores, and all expenses on account of the sick, thirty-two thousand dollars.

Medicines.

For repairs of vessels, three hundred and seventy-five thousand dollars.

Repairs of vessels.

For improvement of navy yards, docks, and wharves, pay of superintendents, storekeepers, clerks, and labourers, twenty-five thousand dollars.

Navy yards, &c.

For ordnance and ordnance stores, twenty-five thousand dollars.

Ordnance, &c.

For contingent expenses, two hundred thousand dollars.

Contingent expenses.

For pay and subsistence of the marine corps, one hundred and sixty-nine thousand three hundred and ninety-three dollars.

Marine corps.

For clothing the same, thirty thousand six hundred and eighty-six dollars and thirty-one cents.

For fuel for the same, six thousand eight hundred and fifty-seven dollars and fifty cents.

For contingent expenses of the same, fourteen thousand dollars.

For completing the equipment of the vessels constructed in pursuance of the act authorizing the building of a certain number of small vessels of war, ten thousand dollars.

Equipment of small vessels of war.

For the purpose of enabling the Secretary of the Navy to remove obstructions placed in the river Thames, in Connecticut, by the commander of the American ships, during the late war, one hundred and fifty dollars.

Removing obstructions in river Thames.

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

Out of moneys in the treasury.

APPROVED, March 3, 1821.

STATUTE II.

CHAP. XXXVII.—*An Act making appropriations for the public buildings.*

March 3, 1821.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, for continuing the work on the centre building of the capitol, and other improvements on the public buildings, the following sums of money be, and hereby are, appropriated:

[Obsolete.] Sums appropriated, for—

For continuing the work on the centre building, the sum of eighty thousand dollars.

Centre building.

For covering the roof of the President's house with copper, seven thousand eight hundred and forty-five dollars.

President's house.

For graduating and improving the ground around the Capitol, two thousand dollars.

Ground round the Capitol.

For improvements in the Senate chamber, and in the hall of the House of Representatives, and in the library, seven hundred dollars.

Senate chamber, hall, and library.

SEC. 2. *And be it further enacted*, That the unexpended balances of appropriations to other public buildings, are hereby appropriated to the centre building.

Unexpended balance to the centre building.

SEC. 3. *And be it further enacted*, That the said several sums of money be paid out of any moneys in the treasury not otherwise appropriated.

Out of moneys in the treasury.

APPROVED, March 3, 1821.

STATUTE II.

CHAP. XXXVIII.—*An Act to authorize the President of the United States to borrow a sum not exceeding five millions of dollars.*

March 3, 1821.

*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, empowered to borrow, on the credit of the United States, a sum not exceeding five millions of dollars, at a

[Obsolete.]

The President empowered to borrow not more than 5,000,000 dollars at not

exceeding five per centum.

Reimbursable after 1st Jan., 1835.

Stock transferable.

The Bank of the United States may lend the money.

Certificates of stock may be constituted and sold.

Proviso.

The Secretary of Treasury may employ agents to obtain subscriptions, or to sell the stock.

Commissions to agents.

Surplus of the annual appropriation of 10,000,000 dollars pledged for the payment of the principal of the stock of the loan.

Commissioners of the sinking fund authorized to apply the sums necessary.

Faith of the United States pledged.

rate of interest, payable quarter-yearly, not exceeding five per centum per annum, and reimbursable, at the will of the government, at any time after the first day of January, one thousand eight hundred and thirty-five; to be applied, in addition to the moneys now in the treasury, or which may be received therein from other sources, during the present year, to defray any of the public expenses which are, or may be, authorized by law. The stock thereby created shall be transferable in the same manner as is provided by law for the transfer of the public debt.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the register of the treasury, or by a commissioner of loans, for the sum to be borrowed, or for any part thereof, bearing an interest of five per centum per annum, transferable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided*, That no stock be sold under par.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to employ an agent, or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A commission of not exceeding one-eighth of one per centum on the amount thus sold, or for which subscriptions shall be obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding four thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated, is hereby appropriated for that object, and subscription certificates, and certificates of stock, and other expenses incident to the due execution of this act.

SEC. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of ten millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be sufficient for that purpose, after satisfying the sums necessary for the payment of the interest, and of such part of the principal, of the said debt, as the United States are now pledged annually to pay and reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal, of the stock which may be created by virtue of this act. It shall, accordingly, be the duty of the commissioners of the sinking fund to cause to be applied, and paid out of the said fund, yearly, such sum and sums as may annually be necessary to discharge the interest accruing on the said stock, and to reimburse the principal, as the same may become due, and may be discharged in conformity with the terms of the loan. And they are further authorized to apply, from time to time, such sum or sums towards discharging, by purchase, and at a price not above par, the principal of the said stock, or any part thereof; and the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

APPROVED, March 3, 1821.

CHAP. XXXIX.—*An Act for carrying into execution the treaty between the United States and Spain, concluded at Washington on the twenty-second day of February, one thousand eight hundred and nineteen. (a)* March 3, 1821.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the* President authorized to take possession of

(a) See note to the act of March 3, 1819, for the acts passed relating to the territory of Florida. The decisions of the Supreme Court upon the treaty between the United States and Spain of 22d of February, 1819, by which Florida was ceded to the United States, and upon the act of March 3, 1821, have been :

By the stipulations of a treaty, are to be understood its language and apparent intentions, manifested in the instrument; with a reference to the contracting parties, the subject matter and persons on whom it is to operate. *United States v. Arredondo et al.*, 6 Peters, 710.

The judiciary is not that department of the government to which the assertion of its interest against foreign powers is confided; and its duty, commonly, is to decide upon individual rights according to those principles which the political departments of the nation have established. If the course of the nation has been a plain one, its courts would hesitate to pronounce it erroneous. However individual judges might construe the treaty of St. Ildefonso, it is the province of the Supreme Court of the United States to confine its decisions to the will of the legislature, if that will has been clearly expressed. *Foster and Elam v. Neilson*, 2 Peters, 307. *United States v. Arredondo*, 6 Peters, 710.

A treaty of cession is a deed of the ceded territory; the sovereign is the grantor, and the act is his; so far as relates to the cession the treaty is his act and deed, and all courts must so consider it; and deeds are construed in equity by the rules of law. *Ibid.* 738.

The Spanish version of the Florida treaty was in the words of the king, and expressed his intention; and though the American version showed the intention of the American government to be different, the Supreme Court cannot adopt it to decide what was granted by the king of Spain, what accepted and what reserved: the rules of law are too imperative to be disregarded or mistaken. The true interpretation of the Spanish language of the treaty is, that the grants of lands in Florida, made before the treaty, except those specially excepted, is that these grants remain confirmed.—The proprietors of such grants could bring suits to recover them without any action of Congress; and any question arising would be purely a judicial question. *Ibid.* 741.

The object of the treaty with Spain, which ceded Florida to the United States, dated 22d May, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it, as the decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights, of different citizens, to the fund so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial, who is the legal or equitable owner of the claim, provided he is an American citizen. *Comegys et al. v. Vasse*, 1 Peters, 212.

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings, in the established courts of justice. *Ibid.* 212.

The treaty with Spain recognised an existing right in the aggrieved parties to compensation; and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our government as matter of right, and as such was granted by Spain. *Ibid.* 217.

Even in cases of conquest, it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged, if private property should be generally confiscated, and private rights annulled on a change in the sovereignty of the country, by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved; but their relations to each other and their rights of property remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. *United States v. Percheman*, 7 Peters 51.

The language of the second article of the treaty between the United States and Spain, of 22d February, 1819, by which Florida was ceded to the United States, conforms to this general principle. *Ibid.*

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. *Ibid.*

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c.; thus conforming exactly to the universally received law of nations. *Ibid.*

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. *Ibid.*

No violence is done to the language of the treaty by construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed," are properly words of

east and west  
Florida.

And remove  
Spanish troops,  
according to  
treaty.

United States be, and he is hereby, authorized to take possession of, and occupy, the territories of east and west Florida, and the appendages and appurtenances thereof; and to remove and transport the officers and soldiers of the king of Spain, being there, to the Havanna, agreeably to the stipulations of the treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, in the year one thousand eight hundred and nineteen, providing for the cession

contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. *Ibid.*

In the case of Foster and Elam v. Neilson, 2 Peters, 253, the Supreme Court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article. *Ibid.*

By the law of nations, the inhabitants, citizens, or subjects of a conquered or ceded country, territory, or province, retain all the rights of property which have not been taken from them by the orders of the conqueror; and this is the rule by which we must test its efficacy according to the act of Congress, which we must consider as of binding authority. *United States v. Clarke*, 9 Peters, 168.

A treaty of cession is a deed or grant by one sovereign to another, which transferred nothing to which he had no right of property; and only such right as he owned, and could convey to the grantee. By the treaty with Spain, the United States acquired no lands in Florida to which any person had lawfully obtained such a right, by a perfect or inchoate title, that this court could consider it as property under the second article; or which had, according to the stipulations of the eighth article of the treaty, been granted by the lawful authorities of the king; which words, grants, or concessions, were to be construed in their broadest sense, so as to comprehend all lawful acts which operated to transfer a right of property, perfect or imperfect. *Ibid.*

The effect of the clauses of the confirmation of grants made was, that they confirmed them presently on the ratification of the treaty, to those in possession of the lands; which was declared to be, that legal seisin and possession which follows title, is co-extensive with the right, and continues till it is ousted by an actual adverse possession, as contradistinguished from residence and occupation. *Ibid.*

The United States, by accepting the cession under the terms of the eighth article, and the ratification by the king, with an exception of the three annulled grants to Allegon, Punon Rostro, and Vargas, can make no other exceptions of grants made by the lawful authorities of the king. *Ibid.*

The meaning of the words lawful authorities, in the eighth article, or competent authorities in the ratification, must be taken to be, "by those persons who exercised the granting power by the authority of the crown." The eighth article expressly recognises the existence of these lawful authorities in the ceded territories, designating the governor or intendant, as the case might be, as invested with such authority: which is to be deemed competent till the contrary is made to appear. *Ibid.*

By "the laws of Spain" is to be understood the will of the king expressed in his orders, or by his authority, evidenced by the acts themselves; or by such usage and customs in the province as may be presumed to have emanated from the king, or to have been sanctioned by him, as existing authorized local laws. *Ibid.*

In addition to the established principles heretofore laid down by this court as the legal effect of an usage or custom, there is one which is peculiarly appropriate to this case. The act of Congress giving jurisdiction to this court to adjudicate on these causes, contains this clause in reference to grants, &c., "which was protected and secured by the treaty, and which might have been perfected into a complete title, under and in conformity to the laws, usages and customs of the government under which the same originated." This is an express recognition of any known and established usage or custom in the Spanish provinces, in relation to the grants of land, and the title thereto, which brings them within a well established rule of law: that a custom or usage, saved and preserved by a statute, has the force of an express statute, and shall control all affirmative statutes in opposition, though it must yield to the authority of negative ones, which forbid an act authorized by a custom or usage thus saved and protected; and this is the rule by which its efficacy must be tested, according to the act of Congress, which must be considered of binding authority. *Ibid.*

By the eighth article of the treaty ceding Florida to the United States, the same time is allowed to the owners of land granted under the authority of Spain, to fulfil the conditions of their grants, after the date of the treaty as was limited in the grants. It has been decided by this court, in the case of *Arredondo*, that as to individual rights, the treaty is to be considered as dated at its ratification. *United States v. Sibbald*, 10 Peters, 313.

It has been decided, in *Arredondo's* case, that that provision of the treaty as to the performance of the conditions in grants, is not confined to owners of land by occupancy or residence; but extends to persons who have a legal seisin and possession of land, in virtue of a grant; and that, in the situation of the province, and the claimants to land at the time of the cession, it was enough that they should show a performance of the condition *cy pres*. *Ibid.*

In the construction of the Florida treaty, it is admitted that the United States succeeds to all those equitable obligations which we are to suppose would have influenced his Catholic majesty, to secure their property to his subjects, and which would have been applied by him in the construction of a conditional grant, to make it absolute; and further, that the United States must maintain the rights of property under it, by applying the laws and customs by which those rights were secured, before Florida was ceded; or by which an inchoate right of property would, by those laws and customs, have been adjudicated by the Spanish authority to have become a perfect right. *United States v. Mills' Heirs*, 12 Peters, 215.

of said territories to the United States; and he may, for these purposes, and in order to maintain in said territories the authority of the United States, employ any part of the army and navy of the United States, and the militia of any state or territory, which he may deem necessary.

SEC. 2. *And be it further enacted,* That, until the end of the first session of the next Congress, unless provision for the temporary government of said territories be sooner made by Congress, all the military, civil, and judicial, powers exercised by the officers of the existing government of the same territories, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United [States] shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the said treaty, in favour of Spanish vessels and their cargoes, and the laws relating to the importation of persons of colour, shall be extended to the said territories. And the President of the United States shall be, and he is hereby, authorized within the term aforesaid, to establish such districts for the collection of the revenue, and during the recess of Congress, to appoint such officers, whose commissions shall expire at the end of the next session of Congress, to enforce the said laws, as to him shall seem expedient.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to appoint, during the recess of the Senate, a commissioner and surveyor, whose commissions shall expire at the end of the next session of Congress, to meet the commissioner and surveyor who may be appointed on the part of Spain, for the purposes stipulated in the fourth article of said treaty; and that the President be, and he is hereby, further authorized to take all other measures which he shall judge proper, for carrying into effect the stipulations of the said fourth article.

SEC. 4. *And be it further enacted,* That a board of three commissioners shall be appointed, conformably to the stipulations of the eleventh article of the said treaty: and the President of the United States is hereby authorized to take any measures which he may deem expedient for organizing the said board of commissioners, and, for this purpose, may appoint a secretary well versed in the French and Spanish languages, and a clerk; which appointments, if made during the recess of the Senate, shall, at the next meeting of that body, be subject to nomination for their advice and consent.

SEC. 5. *And be it further enacted,* That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums:

The commissioner to be appointed conformably to the fourth article, at the rate, by the year, of three thousand dollars.

To the surveyor, two thousand dollars.

To each of the three commissioners to be appointed conformably to the eleventh article of the treaty, three thousand dollars.

To the secretary of the board, two thousand dollars.

To one clerk, one thousand five hundred dollars.

SEC. 6. *And be it further enacted,* That, for carrying this act into execution, the sum of one hundred thousand dollars be, and hereby is, appropriated, to be taken from any moneys in the treasury not otherwise appropriated.

APPROVED, March 3, 1821.

May employ the army, navy, and militia.

Organization of government, as the President may direct.

Revenue laws, and laws prohibiting the importation of persons of colour, to be in force.

President authorized to establish collection districts, and appoint officers.

President to appoint a commissioner and surveyor, &c.

President may take all other measures necessary, &c.

Board of three commissioners, according to 11th article of the treaty.

President may organize the board.

Secretary. Clerk.

Compensation.

Of commissioner under the 4th article.

Of surveyor.

Of the commissioners under the 11th article.

Of the secretary.

Clerk. 100,000 dollars for carrying this act into execution.

## STATUTE II.

March 3, 1821.

[Obsolete.]  
25000 dolls. per  
annum to each  
commissioner.

2500 dolls. per  
annum to each  
agent.

In full.

Proviso.

Commission-  
ers and agents  
not entitled, be-  
fore Jan. 1,  
1821, to  
more than  
4444 dollars  
per annum in  
full, &c.

25,000 dollars  
for payment of  
salaries, &c.,  
during 1821.

CHAP. XL.—*An Act establishing the salaries of the commissioners and agents appointed under the treaty of Ghent.*

*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 twenty-one, each commissioner now appointed, or who may be appointed agreeably to the provisions of the treaty of Ghent, shall be entitled to receive at the rate of twenty-five hundred dollars per annum; and each agent appointed, or who may be appointed, as aforesaid, shall be entitled to receive at the rate of twenty-five hundred dollars per annum; which said sums, so allowed to said officers, respectively, shall be a full compensation for services and all personal expenses incurred while in the performance of the duties of their respective offices: *Provided,* That the compensation by this section allowed, shall not be continued longer than two years from the said first day of January, one thousand eight hundred and twenty-one.

SEC. 2. *And be it further enacted,* That each commissioner and agent shall not be entitled to receive, for services performed in their respective offices, before the said first day of January, one thousand eight hundred and twenty-one, any greater sum than the rate of four thousand four hundred and forty-four dollars per annum, which shall be considered a full compensation for services, and all personal expenses incurred while in the discharge of their respective duties.

SEC. 3. *And be it further enacted,* That the sum of twenty-five thousand dollars be, and the same is hereby appropriated for the payment of the salaries of the said commissioners and agents, and for the expenses under the several commissions under the treaty of Ghent, for the present year.

APPROVED, March 3, 1821.

## STATUTE II.

March 3, 1821.

[Obsolete.]  
Debentures  
issued upon the  
exportation of  
spirits distilled  
from molasses,  
or refined sugar,  
to be payable  
within thirty  
days, &c.

CHAP. XLI.—*An Act to authorize the collectors of customs to pay debentures issued on the exportation of loaf sugar and spirits distilled from molasses.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all debentures which have been, or may hereafter be issued upon the exportation of spirits distilled from molasses, or sugar refined within the United States, shall be payable within thirty days after the passing of this act, or thirty days after the date of their issue, as the case may be, and shall be discharged by the collector of the customs, by whom they may have been, or shall be, issued, out of the product of the duties upon imports and tonnage; any thing in any act or acts of Congress to the contrary notwithstanding.

APPROVED, March 3, 1821.

## STATUTE II.

March 3, 1821.

[Obsolete.]  
Vessels ex-  
ceeding 300 tons  
allowed 20 days  
for unloading.

CHAP. XLII.—*An Act to extend the time for unloading vessels arriving from foreign ports, in certain cases.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That when the capacity of any vessel, arriving with a cargo from a foreign port, shall exceed three hundred tons, the term for unloading such vessel shall hereafter be twenty days from the report of arrival, Sundays excepted.

APPROVED, March 3, 1821.

CHAP. XLIII.—*An Act authorizing the Secretary of the Treasury of the United States to sell and convey a certain tract of land in Northumberland county, in the state of Virginia.*

*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 of the United States be, and he is hereby, authorized and empowered to sell and dispose of, at public or private sale, all the estate, right, title, interest, claim, and demand, of the United States of America, of, in, and to, all that certain tract, or piece of land, situate in Northumberland county, in the state of Virginia, formerly owned by Presly Thornton, of the said county and state, and late of Sharp Delany, containing about two thousand five hundred acres, be the same more or less; the same being the premises which William Lewis and Thomas Robinson, by deed of indenture, executed on the second day of June, anno domini one thousand eight hundred and nine, granted and conveyed to the United States; the moneys arising from the said sale to be appropriated towards the payment of a debt due from the late Sharp Delany to the United States; and the residue thereof, if any there be, to be paid over to the legal representatives of the said Sharp Delany.

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.  
[Obsolete.]

The Secretary of the Treasury authorized to sell the right of the United States to a piece of land formerly owned by Presly Thornton, in Virginia.

Appropriation of the moneys arising from the sale.

CHAP. XLIV.—*An Act to regulate the location of land warrants, and the issuing of patents, in certain cases.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the holders, by assignment, of warrants issued under the acts of Congress, of the fifth of March, eighteen hundred and sixteen, the third of March eighteen hundred and seventeen, to Canadian volunteers, may be, and hereby are, authorized to locate the said warrants, and to receive patents therefor in their own names, as had been the practice before the twenty-sixth of December, eighteen hundred and nineteen: *Provided, however,* That in no case shall lands be so located, until, after having been exposed to public sale, shall remain unsold.

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.  
[Obsolete.]

Act of March 5, 1816, ch. 25.  
Act of March 3, 1817, ch. 106.  
Assignees of warrants issued to Canadian volunteers, may locate them, &c.  
Proviso.

CHAP. XLV.—*An Act to continue in force, for a further time, the act, entitled "An act for establishing trading-houses with the Indian tribes."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was, by subsequent acts, continued in force until the first day of March, one thousand eight hundred and twenty-one, shall be, and the same is hereby, further continued in force until the third day of June, one thousand eight hundred and twenty-two, and no longer.

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.  
[Repealed.]

The act of March 2, 1811, ch. 30, continued until June 3, 1822.

CHAP. XLVI.—*An Act to release French ships and vessels, entering the ports of the United States prior to the thirtieth of September, one thousand eight hundred and twenty, from the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels," and for other purposes.*

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

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STATUTE II.  
March 3, 1821  
[Obsolete.]

Act of May 15, 1820, ch. 126.  
The provisions



of the act of May 15th, 1820, not to extend to French vessels, &c.

The Secretary of the Treasury to refund the extra duties to vessels, &c.

1820, ch. 126.

In case of a convention of navigation or commerce, the President may suspend the act to impose a new tonnage duty on French vessels, &c.  
1820, ch. 126.

entitled "An act to impose a new tonnage duty on French ships and vessels," passed May fifteenth, one thousand eight hundred and twenty, shall not extend to, or operate upon, any French ship or vessel that shall have entered into any port within the jurisdiction of the United States prior to the thirtieth day of September, one thousand eight hundred and twenty.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, after deducting a tonnage duty equal to that paid by every French ship or vessel which entered the ports within the jurisdiction of the United States prior to the passage and operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels," passed May fifteenth, one thousand eight hundred and twenty, from the tonnage duty collected from French ships and vessels, by virtue of the above-recited act, between the first day of July, one thousand eight hundred and twenty, and the thirtieth day of September following, be, and he is hereby, authorized and directed to pay and refund the remainder of such tonnage duty, free from costs and charges, to any person or persons who shall have authority to receive the same.

SEC. 3. *And be it further enacted*, That, in the event of the signature of any treaty or convention concerning the navigation or commerce between the dominions of the United States and France, the President of the United States be, and is hereby, authorized, should he deem the same expedient, by proclamation to suspend, until the end of the next session of Congress, the operation of the aforesaid act, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes;" and, also, to suspend, as aforesaid, all other duties on French vessels, or the goods imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same.

APPROVED, March 3, 1821.

STATUTE II.

March 3, 1821.

CHAP. XLVII.—*An Act to amend the act, entitled "An act for the gradual increase of the navy of the United States."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the first section of the act, entitled "An act for the gradual increase of the navy of the United States," approved April twenty-ninth, eighteen hundred and sixteen, shall be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted*, That, instead of the appropriation therein contained, there shall be, and is hereby, appropriated, the sum of five hundred thousand dollars per annum, for six years, from the year eighteen hundred and twenty-one, inclusive, to be applied to carry into effect the purposes of the said act.

APPROVED, March 3, 1821.

STATUTE II.

March 3, 1821.

CHAP. XLVIII.—*An Act to establish a port of entry in the district of Sandusky, in the state of Ohio, and for other purposes.*

*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 May next, the town of Portland in the district of Sandusky, in the state of Ohio, shall be the port of entry for that district; and that from and after that time the present port of entry established at Danbury shall cease to be the port of entry for said district.

APPROVED, March 3, 1821.

Portland to be the port of entry after 1st May, 1821.

CHAP. XLIX.—*An Act to amend the act, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants 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, instead of the time prescribed in the above-recited act, in which the marshals and their assistants should perform the various duties assigned them by the said act, the same is hereby enlarged to the first day of September next.*

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.

Act of March 14, 1820, ch. 24.  
Time enlarged till Sept. 1, 1821.

CHAP. L.—*An Act to authorize the clerk of the district court of the United States for the district of Louisiana, to appoint a deputy to aid him in the discharge of the duties of his office.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the clerk of the district court of the United States for the district of Louisiana, shall be authorized to appoint a deputy to aid him in the discharge of the duties of his office; and that the said clerk shall be, in all respects, liable for the acts of his said deputy.*

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.

The clerk of the district court of Louisiana authorized to appoint a deputy, &c.

CHAP. LI.—*An Act to amend an act, entitled "An act for regulating process in the courts of the United States." (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in all suits and actions in any district court of the United States, in which it shall appear that the judge of such court is any ways concerned in interest, or has been of counsel for either party, or is so related to, or connected with, either party, as to render it improper for him, in his opinion, to sit on the trial of such suit or action, it shall be the duty of such judge, on application of either party, to cause the fact to be entered on the records of the court; and, also, an order that an authenticated copy thereof, with all the proceedings in such suit or action, shall be forthwith certified to the next circuit court of the district; and if there be no circuit court in such district, to the next circuit court in the state; and if there be no circuit court in such state, to the most convenient circuit court in an adjacent state; which circuit court shall, upon such record being filed with the clerk thereof, take cognisance thereof, in the like manner as if such suit or action had been originally commenced in that court, and shall proceed to hear and determine the same accordingly; and the jurisdiction of such circuit court shall extend to all such cases so removed, as were cognisable in the district court from which the same was removed.*

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.

Act of May 8, 1792, ch. 36, vol. i. 275.  
In suits in a district court, where the judge may be interested, &c. he must enter the fact on record, &c.

Proceedings to be certified to the next circuit court, &c.

Circuit court to take cognisance and proceed, &c.

CHAP. LII.—*An Act to authorize the building of lighthouses therein mentioned, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to provide, by contract, for building lighthouses, and placing buoys, on the following*

STATUTE II.  
March 3, 1821.

The Secretary of the Treasury to provide for building the lighthouses and

(a) See notes to act of Sept. 29, 1789, vol. i. 93, and notes to act of May 8, 1792, vol. i. 275.

placing the  
buoys mention-  
ed.

sites and shoals, to wit: five lighthouses; one on Cross Island, near Machias; one in the harbour of Boothbay, at such place as the Secretary of the Treasury shall designate; and one on Pond island, at the mouth of the Kennebeck river; one on the Stratford Point, in Connecticut; and one on Throg's Neck, in New York; and on the shoals of Nantucket, and the Vineyard sound, a number of buoys, not exceeding ten, in the state of Massachusetts. A lighthouse at the mouth of Oswego river, at such place as shall be designated by the Secretary of the Treasury, in the state of New York. And two buoys, one on James' Ledge, and one on the rock called Old Gay; and a spindle on the Brothers, in the state of Rhode Island.

Appropriations for the lighthouses and buoys.

SEC. 2. *And be it further enacted*, That there be appropriated, out of any money in the treasury not otherwise appropriated, the following sums of money, to wit: For building three light-houses; one on Cross island, near Machias; one in the harbour of Boothbay; and one on Pond island; ten thousand five hundred dollars: for building the lighthouses on Stratford point and Throg's Neck, four thousand dollars; for a lighthouse at the mouth of Oswego river, three thousand five hundred dollars; for ten buoys on Nantucket shoals, and the Vineyard sound, one thousand five hundred dollars; for two buoys and a spindle for the rocks called James' Ledge, Old Gay, and the Brothers, four hundred and fifty dollars: and for placing buoys, and anchors with buoys, in the Altamaha river, between the port of Darien and Doboy sound, in the state of Georgia, a sum not exceeding one thousand five hundred dollars.

No light-house previous to cession of jurisdiction.

SEC. 3. *And be it further enacted*, That no lighthouse shall be built on any site previous to the cession of jurisdiction over the same to the United States.

President requested to cause a survey of the Isles of Shoals, &c.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and requested to cause such an examination or survey of the Isles of Shoals, on the coast of New Hampshire and Maine, to be made, by proper and intelligent persons, as may be requisite to ascertain the expediency and practicability of repairing the sea-wall, at Smutty Nose island, and of building a sea-wall between said island and Cedar island. And that the President be further requested in like manner, to ascertain the expediency of erecting a stone pier on Sunken rocks, in the harbour of Portsmouth, in the state of New Hampshire. And the President is hereby authorized to cause the sea-wall aforesaid to be repaired, and the pier aforesaid to be erected, by contract, under the direction of the collector of the district of Portsmouth, if, on the report of such persons, he shall deem it necessary. And the President is further requested to communicate to Congress, at their next session, the result of so much of the examination and survey, as relates to the expediency and practicability of building the sea-wall aforesaid: *Provided*, That no money shall be expended in erecting the pier aforesaid, until the jurisdiction of the site thereof shall be ceded by the state of New Hampshire to the United States.

President authorized to cause the sea-wall to be repaired, if, &c.

Result to be communicated to Congress.

Proviso.

2500 dollars appropriated, &c.

SEC. 5. *And be it further enacted*, That a sum, not exceeding two thousand five hundred dollars, is hereby appropriated for the purposes aforesaid; to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1821.

CHAP. LIII.—*An Act to continue in force an act, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain," passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, so far as the same relates to the crowns and five franc pieces of France.*

*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, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain," passed on the twenty-ninth day of April, eighteen hundred and sixteen, as relates to the crowns and five franc pieces of France, shall be, and the same hereby is, continued in force for the further term of two years, from and after the twenty-ninth day of April next.*

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.

Act of April 29, 1816, ch. 139.

Act of March 3, 1819, ch. 97.

The act of April 29, 1816, ch. 139, as far as relates to the crowns and five franc pieces of France, continued in force.

CHAP. LIV.—*An Act to revive and continue in force "An act fixing the compensations of the secretary of the Senate and clerk of the House of Representatives, of the clerks employed in their offices, and of the librarian," approved the eighteenth day of April, one thousand eight hundred and eighteen.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, entitled "An act fixing the compensations of the secretary of the Senate and clerk of the House of Representatives, of the clerks employed in their offices, and of the librarian," approved the eighteenth day of April, one thousand eight hundred and eighteen, be, and the same is hereby, revived and continued in force from the first day of January, one thousand eight hundred and twenty-one, until the first day of January, one thousand eight hundred and twenty-four.*

APPROVED, March 3, 1821.

STATUTE II.  
March 3, 1821.

[Obsolete.]

Act of April 18, 1818, ch. 69.

The act of April 18, 1818, ch. 69, revived and continued until Jan. 1, 1824.

## RESOLUTIONS.

I. RESOLUTION *providing for the admission of the state of Missouri into the Union, on a certain condition. (a)*

March 2, 1821.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Missouri shall be admitted into this union on an equal footing with the original states, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided*, That the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said state into this Union shall be considered as complete.*

Missouri admitted into the Union on a certain condition, &c.

Proviso; the legislature of the state to declare its assent, &c.

APPROVED, March 2, 1821.

(a) See notes to the act of March 6, 1820, ch. 20.

March 3, 1821. II. RESOLUTION *providing for jails in certain cases, for the safe custody of persons committed under the authority of the United States.* (a)

Vol. i. 96.  
Any state having granted and

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That where any state or states,*

(a) The resolutions and acts of Congress relating to jails are :

Resolution of September 23, 1789, vol. i. 96. Resolution of March 3, 1821. An act for the relief of persons imprisoned for debt, Jan. 6, 1800, ch. 4. Act of May 19, 1828, ch. 68.

The cases decided within the courts of the United States on the laws of "escapes" are,  
A discharge from the prison rules, by the insolvent law of Virginia, although obtained by fraud, is a discharge in due course of law ; and upon such discharge, no action can be sustained upon the prison bound bond for an escape. *Simms and Wise v. Slacum*, 3 Cranch, 300 ; 1 Cond. Rep. 539.

The obligors in a bond for the prison limits, are not discharged from their liability for an escape, by the subsequent assent of the plaintiff. Such assent, to have any effect, must be given prior to the escape. *Slocum et al. v. Hathaway*, 1 Paine, 290.

The condition of a bond, that a prisoner "shall faithfully and absolutely remain within the limits of the jail, and not depart therefrom," &c. is not broken by the escape of the prisoner, while in a state of insanity. *Hazard v. Hazard et al.* 1 Paine, 295.

The liability of the sureties in a prison bounds bond, for an escape, is not co-extensive with that of the sheriff : as it regards the latter, the prisoner on the limits is supposed to be in his immediate custody, and the escape of an insane prisoner, therefore, is as much a negligent escape as any other ; and he is not allowed to excuse himself, when he might so easily collude, or be imposed upon. But there is no analogy, in these respects, between a sheriff and the sureties. *Ibid.*

Under the act of Congress of January 6, 1800, ch. 4, the sheriff of a county is bound to take a bond for the limits, as provided by the state laws, from a prisoner confined on process from the courts of the United States ; and false imprisonment would lie, on his refusal. Such a bond has, in all respects, the same incidents, and the like legal effect with a bond taken under the state laws. It is assignable ; and an assignment discharges the sheriff from liability for a subsequent escape. *The United States v. Noah*, 1 Paine, 368.

The United States are expressly named in the act, and bound by it ; and an assignment of the bond to them, when they are plaintiffs, is valid. *Ibid.*

The Secretary of the Treasury having accepted such an assignment, will be presumed to be authorized ; and the United States are bound by such acceptance. *Ibid.*

The term "process," includes executions as well as mesne process. *Ibid.*

After a prisoner has been enlarged upon a limit bond, the sheriff can confine him again only on the bail's becoming insufficient ; he cannot accept a surrender of him ; at all events, not after the assignment of the bond. *Ibid.*

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

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

Under the laws of Rhode Island, a discharge according to the act for the relief of poor prisoners for debt, although obtained by fraud and perjury, is a lawful discharge, and not an escape ; and upon such a discharge, no action can be maintained upon a bond for the liberty of the prison limits. *Ammidon v. Smith et al.* 1 Wheat. 447 ; 3 Cond. Rep. 619.

At common law, it is not an escape for a jailer to allow prisoners, confined for debt, the liberty of all the apartments within the jail wall ; for confinement within the walls, is *salva et arcta custodia*. *Steere v. Field*, 2 Mason's C. C. R. 486.

It is an escape, in the jailer, to make a prisoner for debt, a turnkey ; and to intrust him with the keys of the outer doors, as well as inner doors, at all times by night and by day. *Ibid.*

If the jailer be committed to his own jail, on execution by the sheriff, and no new keeper is appointed, it is an escape of the jailer, for which the sheriff is answerable ; but it is not an escape of the other prisoners, if they are in fact kept in custody, under the authority of the jailer or his agents. *Ibid.*

In Rhode Island, the doctrine as to escapes is the same as at common law ; and the statutes giving the liberty of the limits to prisoners, on giving bonds not to escape, &c. have not altered the common law. In Rhode Island, an action of debt for an escape, is a legal remedy ; that action being incorporated into the laws, by implication, by the adoption of the laws of England. *Ibid.*

Where the conditions of a bond for the jail limits, in Rhode Island, required the party to remain a true prisoner in the custody of the keeper of the prison, and within the limits of the prison, "until he shall be lawfully discharged, without committing any manner of escape or escapes, during the time of restraint, then this obligation to be void, or else to remain in full force and virtue." *Held*, that a discharge under the insolvent laws of the state, obtained from the proper court, in pursuance of a resolution of the legislature, and discharging the party from all his debts, &c. and "from all imprisonment, arrest, and restraint of his person therefor," was a lawful discharge ; and that his going at large under it, was no breach of the condition of the bond. *Mason v. Haile*, 12 Wheat. 370 ; 6 Cond. Rep. 535.

After judgment obtained in the circuit court of the United States against the drawer of a note, a *capias ad satisfaciendum* was issued against him by the holder, and he was put in prison. Two justices of the peace ordered his discharge, claiming to proceed according to the law of Kentucky, in the case of insolvent debtors ; and the jailer permitted him to leave the prison. The jailer made himself and his securities liable for an escape, by permitting the prisoner to leave the prison. *Bank of the United States v. Tyler*, 4 Peters, 366.

The act of Congress of 1800, ch. 4, is not that by which the liberties of the jail-yard allowed to

having complied with the recommendation of Congress, in the resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, shall have withdrawn, or shall hereafter withdraw, either in whole or in part, the use of their jails for prisoners committed under the authority of the United States, the marshal in such state or states, under the direction of the judge of the district, shall be, and hereby is, authorized and required to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses, incurred for the above purposes, to be paid out of the treasury of the United States.

APPROVED, March 3, 1821.

withdrawing the use of a jail, the marshal, under direction of the judge, may hire a place, &c.

debtors imprisoned on execution issuing from the courts of the United States, are now regulated. The United States v. Knight et al., 3 Sumners' C. C. R. 358.

The act of 1828, ch. 68, has adopted the state laws on the subject of jail liberties then existing in the states, under the words "that writs of execution and other final process issued on judgment and decrees rendered in any of the courts of the United States and the proceedings thereon shall be the same, &c., as are now used in such states," &c. *Ibid.*

Action on a bond given to the United States for liberty of the jail-yard, in Portland, in the state of Maine. The condition of the bond was that J. K. and B. K. should continue true prisoners, in the custody of the jailer, within the limits of the jail-yard. It was agreed by the counsel of the plaintiff and defendant that J. K. and B. K. had remained within "the limits of the jail-yard" as established under the laws of Massachusetts of 1787, then prevailing in Maine, the limits of the jail-yard having, in October, 1798, been extended over the whole county; but had not remained within the limits established on the 28th of May, 1787, and existing when the act of Congress was passed, 4th January, 1800, authorizing persons under process from the United States, to have "the jail limits," as established by the laws of the states. *Held*, that the act of Congress of May 19, 1828, gives the debtor imprisoned under execution from the courts of the United States, at the suit of the United States, the privilege of the jail limits, in the several states, as they were fixed by laws of the several states at the date of that act. The United States v. Knight et al. 14 Peters, 301.

Whatever might be the liability of the officer who took the bond from the defendants, if the jail limits continued to be such as were established under the law of Massachusetts of 1787, the bond not having been taken under that law, and the condition being different from the requirements of those regulations, the parties to the bond, the suit being upon the bond, are bound for nothing whatever, but what is contained in the condition, whether it be or be not conformable to the law. *Ibid.*

The statute of May 19, 1828, entitled "An act to regulate process in the courts of the United States," which proposes only to regulate the mode of proceeding in civil cases, does not divest the public of any right, does not violate any principle of public policy, but on the contrary makes a provision with the policy which the government has vindicated by many acts of previous legislation, to conform to the laws of the state, in giving to persons imprisoned under execution the privilege of jail limits, embracing executions at the suit of the United States. *Ibid.*

Action for an escape against the sheriff of Madison, Mississippi, he having received into his custody as a prisoner, the defendant in an action in the circuit court of Mississippi, taken under execution, and having permitted and suffered him to escape. The declaration set out the judgment obtained by the plaintiffs against Scott, the defendant in the circuit court, the execution, the arrest of Scott, and his delivery to Long, the sheriff, who received him into his custody under the execution, and detained him, until, without leave or license of the plaintiffs in the execution, and against their will, he permitted him to escape and go at large, &c., &c. To this declaration the defendant pleaded that he does not owe the sum of money demanded in the declaration "in the manner and form as complained against him," and the jury found that the defendant Long "doth owe the debt in the declaration mentioned as therein alleged," and assessed damages for the detention thereof, at one thousand and sixteen dollars and ninety-six cents, upon which the court gave judgment for six thousand three hundred and fifty-six dollars, and one thousand and sixteen dollars and ninety-six cents damages. *Held*, that the judgment of the circuit court is correct under the provisions of the statute of Mississippi of 7th June, 1822. The jury were not required in the action to find specially that the prisoner escaped with the consent, and through the negligence of the sheriff. The plea alleged that the defendant did not owe the sum of money demanded, "in the manner and form as the plaintiff complained against him." This plea put in issue every material averment in the declaration; on this issue, on the most strict and rigid construction, the jury have expressly found all that is required to be found by the requirements of the act. Long v. Palmer et al. 16 Peters, 65.

If the sheriff suffers or permits a prisoner to escape, this, both in common parlance, and legal intentment, is an escape with the consent of the sheriff. *Ibid.*

The object of the act is to make the sheriff liable for a voluntary or negligent escape; and that this shall be found by the jury; and if this appear from the record by express finding, or by the necessary conclusion of law, it is sufficient. *Ibid.*

March 3, 1821.

III. RESOLUTION *authorizing the President of the United States to cause astronomical observations to be made, to ascertain the longitude of the Capitol, in the city of Washington, from some known meridian in Europe.*

The President authorized to cause astronomical observations to be made to insure a determination of the longitude of the Capitol.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be authorized to cause such number of astronomical observations to be made, by methods which may, in his judgment, be best adapted to insure a correct determination of the longitude of the Capitol, in the city of Washington, from Greenwich, or some other known meridian in Europe; and that the data, with accurate calculations or statements founded thereon, be laid before Congress at their next session.

APPROVED, March 3, 1821.