

ACTS OF THE SEVENTEENTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday the third day of December, 1821, and ended on the eighth day of May, 1822.

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President of the United States and President of the Senate from the eleventh of January to the fourth of February; JOHN GAILLARD, President of the Senate pro tempore from the third of December to the eleventh of January, and from the fourth of February to the end of the session; PHILIP P. BARBOUR, Speaker of the House of Representatives.

STATUTE I.

CHAP. I.—*An Act authorizing the transmission of certain documents free of postage.*

Dec. 19, 1821.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the members of Congress, the delegates from territories, the secretary of the Senate, and the clerk of the House of Representatives, be, and they are hereby, authorized to transmit, free of postage, to any post-office within the United States, or the territories thereof, any documents which have been, or may be, printed by order of either House.

[Obsolete.]
Members, delegates, &c., authorized to transmit documents to any post-office, free, &c.

APPROVED, December 19, 1821.

STATUTE I.

CHAP. IV.—*An Act reviving and extending the time allowed for the redemption of land sold for direct taxes in certain cases.*

Feb. 4, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time allowed for the redemption of lands which have been, or may be, sold for the non-payment of taxes, under the several acts, passed the second day of August, one thousand eight hundred and thirteen, (a) the ninth day of January, one thousand eight hundred and fifteen, (b) and the fifth day of March, one thousand eight hundred and sixteen, for laying and collecting a direct tax within the United States, (c) so far as the same have been purchased for and in behalf of the United States, be revived and extended for the term of one year, from the end of the present session of Congress: *Provided,* That, on such redemption, interest shall be paid, at the rate of twenty per centum per annum, on the taxes aforesaid, and on the additions of twenty per centum chargeable thereon; and the right of redemption shall enure, as well to the heirs and assignees of the lands so purchased on behalf of the United States, as to the original owners thereof.

[Expired.]
The time allowed for redemption of lands sold for direct taxes, revived and extended, &c.

Proviso.

APPROVED, February 4, 1822.

(a) An act to lay and collect a direct tax within the United States, August 2, 1813, ch. 37.
(b) An act to provide additional revenue for defraying the expenses of government and maintaining the public credit by laying a direct tax upon the United States, and to provide for assessing and collecting the same, Jan. 9, 1815, ch. 21.
(c) An act to reduce the amount of direct tax upon the United States and the District of Columbia, March 5, 1816, ch. 24.

STATUTE I.

Feb. 4, 1822.

CHAP. VI.—*An Act to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war."*

Act of April 10, 1806, ch. 25.

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 to provide for persons who were disabled by known wounds received in the revolutionary war," passed on the tenth day of April, one thousand eight hundred and six, and limited, as in said act declared, to the term of six years, and afterwards revived and continued in force, for and during the term of six years, by an act, entitled "An act, to revive and continue in force 'An act to provide for persons who were disabled by known wounds received in the revolutionary war,' and for other purposes," passed on the twenty-fifth day of April, in the year one thousand eight hundred and twelve, and afterwards revived and continued in force for the term of one year, by an act, entitled "An act to revive and continue in force an act, entitled 'An act to provide for persons who were disabled by known wounds received in the revolutionary war,'" passed on the fifteenth day of May, in the year one thousand eight hundred and twenty, shall be, and the said act is hereby, revived and continued in full force and effect, for and during the term of six years from and after the passing of this act, and from thence unto the end of the next session of Congress: *Provided,* That any evidence which has been taken to support any claim of any person disabled in the revolutionary war, under the authority of the act of the fifteenth of May, one thousand eight hundred and twenty, reviving and continuing in force, for one year, "An act to provide for persons who were disabled by known wounds received in the revolutionary war," shall be received and acted upon by the Secretary of War, in the same manner as if said act was still in force and had not expired: *And provided also,* That this act, and any thing contained in the act hereby revived and continued in force, shall not be construed to repeal or make void the fourth section of an act, entitled "An act concerning invalid pensions," passed the third of March, one thousand eight hundred and nineteen; and the said fourth section of the said last-mentioned act shall be, and the same is hereby declared to be, and to continue to be, in full force and effect; any thing in the said act hereby revived and continued in force to the contrary notwithstanding.

Act of April 25, 1812, ch. 69.

Act of May 15, 1820, ch. 109, revived and continued until Feb. 4, 1828, &c.

Proviso.

Act of May 15, 1820, ch. 109.

Proviso.

Act of March 3, 1819, ch. 99.

Pensions to commence at the time of completing testimony.

Pension agents to give bonds with two or more sureties. &c.

SEC. 2. *And be it further enacted,* That the right any person now has, or hereafter may acquire, to receive a pension in virtue of any law of the United States, shall be construed to commence at the time of completing his testimony pursuant to the act hereby revived and continued in force.

SEC. 3. *And be it further enacted,* That the agents for the payment of pensions to invalid pensioners of the United States, shall, in future, be required to give bonds, with two or more sureties, to be approved by the Secretary of the Department of War, in such penalty as he shall direct, for the faithful discharge of the duties confided to them respectively.

APPROVED, February 4, 1822.

STATUTE I.

Feb. 19, 1822.

CHAP. VII.—*An Act making partial appropriations for the support of the navy of the United States during the year one thousand eight hundred and twenty-two.*

[Obsolete.] Sums appropriated for pay, subsistence, provisions, repairs and contingent expenses.

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 to the objects herein specified, to wit: for the pay and subsistence of the officers and pay of the seamen, one hundred thousand dollars; for provisions, twenty thousand dollars; for repairs, twenty thousand dollars; for contingent expenses, twenty thousand dollars.

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, February 19, 1822.

Out of money
in the treasury.

STATUTE I.

CHAP. VIII.—*An Act authorizing the transfer of certain certificates of the funded debt of the United States.*

Feb. 19, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the certificates of the funded debt of the United States, which, upon the assumption of the debts of the several creditor states, were issued in their favour, respectively, be, and hereby are, made transferable, according to the rules and forms instituted for the purpose of transfers of the public debt.

APPROVED, February 19, 1822.

[Obsolete.]
Certificates of the funded debt, issued to creditor states upon the assumption of their debts, made transferable.

STATUTE I.

CHAP. IX.—*An Act for the preservation of the timber of the United States in Florida.*

Feb. 23, 1822.

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 hereby is, authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida; and also to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

APPROVED, February 23, 1822.

Act of March 1, 1817, ch. 22.
The President may employ the land and naval forces to prevent the destruction of, or carrying away, public timber, &c.

STATUTE I.

CHAP. X.—*An Act for the apportionment of representatives among the several states, according to the fourth census. (a)*

March 7, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the third day of March, one thousand eight hundred and twenty-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one representative for every forty thousand persons in each state, computed according to the rule prescribed by the constitution of the United States; that is to say: within the state of Maine, seven; within the state of New Hampshire, six; within the state of Massachusetts, thirteen; within the state of Rhode Island, two; within the state of Connecticut, six; within the state of Vermont, five; within the state of New York, thirty-four; within the state of New Jersey, six; within the state of Pennsylvania, twenty-six; within the state of Delaware, one; within the state of Maryland, nine; within the state of Virginia, twenty-two; within the state of North Carolina, thirteen; within the state of South Carolina, nine; within the state of Georgia, seven; within the state of Alabama, two; within the state of Mississippi, one; within the state of Louisiana, three; within the state of Tennessee, nine; within the state of Kentucky, twelve; within the state of Ohio, fourteen; within the state of Indiana, three; within the state of Illinois, one; and within the state of Missouri, one.

After the 3d of March, 1823, the House of Representatives to be composed of members elected agreeably to a ratio of one for every 40,000 persons, &c.

Number of members to which each state is entitled.

(a) See the acts relating to the apportionment of representatives among the several states, according to the census of the United States, vol. ii. 128.

Alabama to have three members, if it is made to appear, &c.

SEC. 2. *And be it further enacted*, That, as the returns of the marshal of the state of Alabama are not complete, in consequence of the death of the former marshal, who commenced the enumeration in said state, nothing in this act contained shall be construed to prevent the state of Alabama from having three representatives, if it shall be made to appear to Congress, at the next session, that the said state, at the time of passing this act, would have been entitled to that number, according to its population and the ratio hereby established, if the said returns had been complete.

APPROVED, March 7, 1822.

STATUTE I.

March 15, 1822.

[Obsolete.]

Sums appropriated for the military service of the United States of the year 1822.

Pay and subsistence of officers.

Subsistence in addition to an unexpended balance.

Forage.

Medical and hospital department.

Purchasing department.

Quartermaster general's department.

Contingencies.

Quartermaster's supplies, &c.

Pensions to invalids and others.

Revolutionary pensioners.

CHAP. XI.—*An Act making appropriations for the military service of the United States for the year one thousand eight hundred and twenty-two, and towards the service of the year one thousand eight hundred and twenty-three.*

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-two, to wit :

For the pay of the army and subsistence of the officers, nine hundred and eighty-two thousand nine hundred and seventeen dollars, including the sum of eighty-six thousand nine hundred dollars for the pay and subsistence of the officers and cadets belonging to the military academy at West Point.

For subsistence, in addition to an unexpended balance of one hundred and twenty thousand eight hundred and sixty-three dollars and thirty-seven cents, the sum of one hundred and seventy-four thousand seven hundred and ninety-three dollars and sixty-three cents.

For forage for officers, in addition to an unexpended balance of eleven thousand eight hundred and sixty-nine dollars, the sum of five thousand six hundred and seventy-five dollars.

For the medical and hospital department, in addition to an unexpended balance of twelve thousand one hundred and thirty-three dollars and forty-four cents, the sum of twenty-two thousand eight hundred and fifty-four dollars and fifty-six cents.

For the purchasing department, in addition to an unexpended balance of fifty-five thousand and eighty-nine dollars and forty cents, the sum of seventy-three thousand four hundred and thirty-three dollars ; and for the purchase of woollens for the year one thousand eight hundred and twenty-three, the sum of seventy-five thousand dollars.

For the quartermaster general's department, for regular supplies, transportation, rent, and repairs, postage, courts martial, fuel, and contingencies, and for extra pay to soldiers employed in the erection and repairs of barracks and other labour, three hundred and thirteen thousand two hundred and seventeen dollars.

For the contingencies of the army, twenty thousand dollars.

For quartermaster's supplies, transportation, mathematical instruments, books, and stationery, for the military academy, thirteen thousand nine hundred and seventy-nine dollars.

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, in addition to an unexpended balance of twenty-seven thousand eight hundred and ninety-one dollars and five cents, the sum of three hundred and seventeen thousand one hundred and eight dollars.

For pensions to the revolutionary pensioners of the United States, including a deficiency in the appropriation of last year of four hundred and fifty-one thousand eight hundred and thirty-six dollars and fifty-seven

cents, and in addition to an unexpended balance of one hundred and ninety-one thousand three hundred and forty-five dollars and thirty-six cents, of the year one thousand eight hundred and twenty, the sum of one million six hundred and forty-two thousand five hundred and ninety-one dollars.

For the payment of a balance due the state of Maryland, of moneys paid by that state to the United States, as the purchase money of public arms which have not been fully supplied, the sum of five hundred and twenty-seven dollars.

Balance due the state of Maryland.

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 any money in the treasury.

APPROVED, March 15, 1822.

STATUTE I.

March 16, 1822.

CHAP. XII.—*An Act to provide for the due execution of the laws of the United States within the state of Missouri, and for the establishment of a district court therein.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said state of Missouri as elsewhere within the United States.

Laws not locally inapplicable are of force and effect in Missouri.

SEC. 2. *And be it further enacted*, That the said state of Missouri shall be one district, and be called the Missouri district; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge; he shall hold at the seat of government of the said state, three sessions annually, the first to commence on the first Monday in June next, and the other two sessions progressively, on the like Monday in every fourth calendar month afterwards; and he shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States," and an act, entitled "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second day of March, one thousand seven hundred and ninety-three, and the acts supplementary thereto. The said judge shall appoint a clerk for the said district, who shall reside and keep the records of the court, at the place of holding the same, and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services: *Provided*, That until the government shall be removed to the permanent seat fixed, or to be fixed, by the said state, the said court shall be held at the town of St. Louis.

The state of Missouri a judicial district.

Act of Sep. 24, 1789, ch. 20. vol. i. 79.
Act of March 2, 1793, ch. 22.

The judge to appoint a clerk.

Clerk's fees.

Proviso.

Salary of the judge.

SEC. 3. *And be it further enacted*, That there shall be allowed and paid to the said judge of the said district court, the annual compensation of twelve hundred dollars, to commence from the date of his appointment; to be paid, quarter yearly, at the treasury of the United States.

District attorney to receive 200 dollars annually besides fees.

SEC. 4. *And be it further enacted*, That there shall be appointed, in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars annually, as a full compensation for all extra services.

A marshal for the district to

SEC. 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to

(a) See notes to act of March 6, 1820, ch. 22, for a reference to the acts passed relative to the territory of Missouri, and state of Missouri.

receive 200 dollars besides fees.

Causes pending in the state courts transferable, &c., may be removed.

the same regulations and penalties, and be entitled to the same fees, as are provided for, and prescribed to, marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

SEC. 6. *And be it further enacted*, That all causes pending in the state courts at the passage of this act, which, by law, were transferable to the United States courts, may be so removed, under the rules governing such removals, as soon after the passage of this act as may be reasonably practicable.

APPROVED, March 16, 1822.

STATUTE I.

March 30, 1822.

CHAP. XIII.—*An Act for the establishment of a territorial government in Florida.* (a)

East and west Florida, as

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that territory ceded

- (a) The acts relating to the territory of Florida are:
- An act to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein, March 3, 1819, ch. 93.
- An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, 1818, March 3, 1821, ch. 39.
- An act for establishing a territorial government in Florida, March 30, 1822, ch. 13.
- An act to provide for the collection of duties on imports and tonnage in Florida, and for other purposes, May 7, 1822, ch. 62.
- An act concerning the commerce and navigation of Florida, March 30, 1822, ch. 15.
- An act to amend "An act for establishing a territorial government in Florida," and for other purposes, March 3, 1823, ch. 28.
- An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d day of February 1819, March 3, 1823, ch. 35.
- An act to amend an act, entitled "Act to amend an act for the establishment of a territorial government in Florida, and for other purposes," May 26, 1824, ch. 163.
- An act to amend the several acts for the establishment of a territorial government in Florida, May 15, 1826, ch. 46.
- An act to authorize the governor and legislative council of Florida to provide for holding additional terms of the superior courts therein, March 3, 1827, ch. 91.
- An act authorizing the legislative council of Florida to meet in October instead of December, and repealing the proviso in the sixth section of the act entitled "An act to amend an act for the establishment of a territorial government in Florida, and for other purposes," approved March the third, one thousand eight hundred and three, April 28, 1828, ch. 42.
- An act to authorize the citizens of the territories of Arkansas and Florida to elect their officers, and for other purposes, Jan. 21, 1829, ch. 13.
- An act to amend the several acts establishing a territorial government in Florida, March 22, 1832, ch. 52.
- An act to ascertain and mark the line between the state of Alabama, and the territory of Florida, and the northern boundary of Illinois, and for other purposes, March 2, 1831, ch. 86.
- An act to authorize the territory of Florida to open a canal through the public lands between Chipola river and Saint Andrew's bay, in West Florida, March 2, 1831, ch. 73.
- An act making provision for the sale and disposition of the public grounds in the cities of St. Augustine and Pensacola, and to reserve certain lots and buildings for public purposes, and to provide for their repair and preservation, June 28, 1832, ch. 152.
- An act to authorize the surveying and laying out a road from Detroit to the mouth of Grand river, in late Michigan territory, and for the survey of canal routes in the territory of Florida, July 4, 1832, ch. 164.
- An act to amend the several acts for the establishment of a territorial government in Florida, July 14, 1832, ch. 239.
- An act to establish a court at St. Mark's, in Florida, March 2, 1833, ch. 93.
- An act to equalize representation in the territory of Florida, and for other purposes, June 18, 1834, ch. 46.
- An act repealing certain acts of the legislative council of the territory of Florida, June 30, 1834, ch. 166.
- An act for the relief of the inhabitants of East Florida, June 26, 1834, ch. 87.
- An act to disapprove and annul certain acts, of the territorial legislature of Florida, and for other purposes, July 1, 1836, ch. 231.
- An act regulating the terms of the Superior Court of the district of Florida, and for other purposes, July 2, 1836, ch. 261.
- An act authorizing a special term of the court of appeals for the territory of Florida, and for other purposes, Feb. 25, 1836, ch. 41.
- Resolution authorizing the President to furnish rations to certain inhabitants of Florida, February 1, 1836.
- An act to re-organize the legislative council of Florida, and for other purposes, July 7, 1838, ch. 168.
- An act to establish a new judicial district in the territory of Florida, July 7, 1838, ch. 181.

by Spain to the United States, known by the name of East and West Florida, shall constitute a territory of the United States, under the name of the territory of Florida, the government whereof shall be organized and administered as follows:

SEC. 2. *And be it further enacted,* That the executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander-in-chief of the militia of the said territory, and be ex officio superintendent of Indian affairs; and shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law: he shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted,* That the secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States; whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor, in his executive department, every six months, to the President of the United States.

SEC. 4. *And be it further enacted,* That, in case of the death, removal, resignation, or necessary absence, of the governor of the said territory, the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers, and perform all the duties, of the governor, during the vacancy occasioned by the removal, resignation, or necessary absence, of the said governor.

SEC. 5. *And be it further enacted,* That the legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually, by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there. The governor, by and with the advice and consent of the said legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burthened with those of another. The governor shall publish, throughout the said territory, all the laws which shall be made, and shall, on or before the first day of December in each year, report the same to the President of the United States, to be laid before Congress, which, if disapproved by Congress, shall thenceforth be of no force. The governor and legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the

ceded by Spain, to constitute the territory of Florida.

Executive power vested in a governor, to be appointed for three years. &c.

Powers and duties of the governor.

A secretary of the territory to be appointed for four years, &c.

Duties of the secretary.

The secretary to act as governor, in case of a vacancy.

Legislative power vested in the governor and a legislative council of thirteen, to be appointed, &c.

Powers of the legislature.

Restriction of the powers of legislation.

The governor to publish the laws and report them to the President, &c.

The governor and council have no power over, &c.

An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida, August 4, 1842, ch. 122.

An act to amend an act, entitled "An act to provide for the armed occupation and settlement of the unsettled parts of the peninsula of Florida," June 15, 1844, ch. 71.

An act to confirm certain sections of land in St. Augustine land district in the territory of Florida, made under the pre-emption law of June 22, 1838, June 15, 1844, ch. 74.

An act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 48.

An act supplemental to the act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 75.

Sessions of the legislative council.

The governor to obtain information and communicate it to the President.

Judicial power vested in two superior courts, &c.

A superior court for East Florida, with sessions at St. Augustine, &c.

A superior court for West Florida, with sessions at Pensacola, &c.

Jurisdiction of the superior courts.

Each judge to appoint a clerk to reside where the court is held.

Established fees to the clerks.

The superior courts to have the same jurisdiction as the court of Kentucky district, &c.

Act of 1789, ch. 20.

Act of March 2, 1793, ch. 22, vol. i. 333.

Writs of error and appeal to the Supreme Court, &c.

Clerks to keep the records, &c.

Clerks' fees as in the Kentucky district, &c.

Two attorneys for the territory.

Attorneys' additional fees.

A marshal for each superior court.

200 dollars annually, be-

United States, nor to interfere with the claims to lands within said territory: the legislative council shall hold a session once in each year, commencing its first session on the second Monday of June next, at Pensacola, and continue in session not longer than two months; and thereafter on the first Monday in May, in each and every year; but shall not continue longer in session than four weeks; to be held at such place in said territory as the governor and council shall direct. It shall be the duty of the governor to obtain all the information in his power in relation to the customs, habits, and dispositions, of the inhabitants of the said territory, and communicate the same, from time to time, to the President of the United States.

Sec. 6. *And be it further enacted*, That the judicial power shall be vested in two superior courts, and in such inferior courts and justices of the peace, as the legislative council of the territory may, from time to time, establish. There shall be a superior court for that part of the territory known as East Florida, to consist of one judge; he shall hold a court on the first Mondays in January, April, July, and October, in each year, at St. Augustine, and at such other times and places as the legislative council shall direct. There shall be a superior court for that part of the territory known as West Florida, to consist of one judge; he shall hold a court at Pensacola on the first Mondays in January, April, July, and October, in each year, and at such other times and places as the legislative council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital cases, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under, and cognisable by, the laws of the territory, now of force therein, or which may, at any time, be enacted by the legislative council thereof. Each judge shall appoint a clerk for his respective court, who shall reside, respectively, at St. Augustine and Pensacola, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the territorial laws, such fees as may be established by the legislative council.

Sec. 7. *And be it further enacted*, That each of said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and constitution of the United States, which, by an act to establish the judicial power [courts] of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second day of March, one thousand seven hundred and ninety-three, was vested in the court of the Kentucky district. And writs of error and appeal from the decisions in the said superior court, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same cases, and under the same regulations, as from the circuit courts of the United States. The clerks, respectively, shall keep the records at the places where the courts are held, and shall receive, in all cases arising under the laws and constitution of the United States, the same fees which the clerk of the Kentucky district received for similar services, whilst that court exercised the powers of the circuit and district courts. There shall be appointed, in the said territory, two persons learned in the law, to act as attorneys for the United States as well as for the territory; one for that part of the territory known as East Florida, the other for that part of the territory known as West Florida: to each of whom, in addition to his stated fees, shall be paid, annually, two hundred dollars, as a full compensation for all extra services. There shall also be appointed two marshals, one for each of the said superior courts, who shall each perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals in other

districts are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for all extra services.

SEC. 8. *And be it further enacted*, That the governor, secretary, judges of the superior courts, district attorneys, marshals, and all general officers of the militia, shall be appointed by the President of the United States, by and with the advice and consent of the Senate. All judicial officers shall hold their offices for the term of four years, and no longer. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the Supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor, and all other officers, before such persons as the governor shall direct. The governor shall receive an annual salary of two thousand five hundred dollars; the secretary of one thousand five hundred dollars; and the judges of one thousand five hundred dollars, each; to be paid quarter yearly out of the treasury of the United States. The members of the legislative council shall receive three dollars each, per day, during their attendance in council, and three dollars for every twenty miles in going to, and returning from any meeting of the legislative council, once in each session, and no more. The members of the legislative council shall be privileged from arrest, except in cases of treason, felony, and breach of the peace, during their going to, attendance at, and returning from, each session of said council.

SEC. 9. *And be it further enacted*, That the following acts, that is to say: "An act for the punishment of certain crimes against the United States," approved April thirtieth, one thousand seven hundred and ninety, and all acts in addition or supplementary thereto, which are now in force:

"An act to provide for the punishment of [certain] crimes and offences committed within the Indian boundaries," approved March third, one thousand eight hundred and seventeen:

"An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved April twentieth, one thousand eight hundred and eighteen:

"An act for the punishment of [certain] crimes therein specified," approved January thirtieth, one thousand seven hundred and ninety-nine:

"An act respecting fugitives from justice and persons escaping from the service of their masters," approved twelfth February, one thousand seven hundred and ninety-three:

"An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," approved March twenty-second, one thousand seven hundred and ninety-nine: [four]

"An act in addition to the act entitled 'An act to prohibit the carrying on the slave trade from the United States to any foreign place or country,'" approved May tenth, one thousand eight hundred:

"The act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," approved March second, one thousand eight hundred and seven:

"An act to prevent settlements being made on lands ceded to the United States until authorized by law," approved March third, one thousand eight hundred and seven:

"An act in addition to 'An act to prohibit the importation of slaves

sides fees, to each marshal.

Governor, secretary, judges, &c., to be appointed by the President and Senate.

Term of judicial offices.

Governor, secretary, judges, &c., to take an oath.

The governor to take the oath before the President or judge, &c.

The secretary, &c., before the governor.

Salaries to the governor, &c.

The members of the legislative council privileged from arrest, &c.

The acts mentioned in force in Florida.

1790, ch. 9.

1817, ch. 92.

1818, ch. 88.

1799, ch. 1.

1793, ch. 7.

1794, ch. 11.

1800, ch. 51.

1807, ch. 22.

1807, ch. 46.

1818, ch. 91.

into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," approved April twentieth, one thousand eight hundred and eighteen :

- 1819, ch. 101. "An act in addition to the acts prohibiting the slave trade," approved March third, one thousand eight hundred and nineteen :
- 1810, ch. 37. "An act to establish the post-office of the United States:" (a)
- 1802, ch. 48. "An act further to alter and establish certain post-roads, and for the more secure carriage of the mail of the United States:"
- 1804, ch. 60. "An act for the more general promulgation of the laws of the United States:"(b)
- "An act in addition to an act, entitled 'An act for the more general promulgation of the laws of the United States:'"
- 1818, ch. 80. "An act to provide for the publication of the laws of the United States, and for other purposes:"
- 1793, ch. 11. "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose:"
- 1800, ch. 25. "An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees:"
- 1790, ch. 15. "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned:"
- 1802, ch. 36. "The act supplementary thereto, and for extending the benefits thereof to the arts of designing, engraving, and etching, historical and other prints:"
- 1790, ch. 11. "An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be authenticated, so as to take effect in any other state:"
- 1804, ch. 56. "An act supplementary to the act, entitled 'An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be acknowledged, so as to take effect in any other state:'"
- 1811, ch. 30. "An act for establishing trading-houses with the Indian tribes," and the several acts continuing the same :
- 1800, ch. 68. "An act making provision relative to rations for Indians, and their visits to the seat of government."

And all laws relating to the revenue and its collection subject to the modification stipulated by the fifteenth article of the treaty with Spain, &c.

The inhabitants protected in their liberty, property, and the exercise of religion.

Contracts not to be impaired, &c.

Qualification of grand and petit jurors, and

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 treaty of the twenty-second February, one thousand eight hundred and nine, in favour of Spanish vessels and their cargoes ; and all other public laws of the United States, which are not repugnant to the provisions of this act, shall extend to, and have full force and effect in, the territory aforesaid.

SEC. 10. *And be it further enacted*, That, to the end that the inhabitants may be protected in their liberty, property, and the exercise of their religion, no law shall ever be valid which shall impair, or in any way restrain, the freedom of religious opinions, professions, or worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable in all cases, except for capital offences, where the proof is evident or the presumption great. All fines shall be moderate and proportioned to the offence ; and excessive bail shall not be required, nor cruel nor unusual punishments inflicted. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed ; nor shall private property be taken for public uses without just compensation.

SEC. 11. *And be it further enacted*, That all free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to act as grand and petit jurors in the

(a) The title of this act is "An act regulating the post-office establishment," April 30, 1810, ch. 37.

(b) The title of this act is "An act to provide for a more extensive distribution of the laws of the United States," passed March 27, 1804, ch. 60.

courts of the said territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

selection of them.

SEC. 12. *And be it further enacted*, That it shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves. And every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought shall thereupon become entitled to, and receive, his or her freedom.

Importation of slaves prohibited.

Under a penalty of 300 dollars from each person, for every slave.

SEC. 13. *And be it further enacted*, That the laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force until altered, modified, or repealed, by the legislature.

Present territorial laws in force till altered.

SEC. 14. *And be it further enacted*, That the citizens of the said territory shall be entitled to one delegate to Congress, for the said territory, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States. The said delegate shall be elected by such description of persons, at such times, and under such regulations, as the governor and legislative council may, from time to time, ordain and direct.

Citizens of the territory entitled to a delegate, &c.

The persons by whom, and the times at which, &c., the delegate may be elected.

APPROVED, March 30, 1822.

STATUTE I.

CHAP. XIV.—*An Act to authorize the state of Illinois to open a canal through the public lands, to connect the Illinois river with Lake Michigan.*

March 30, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the state of Illinois be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of the canal connecting the Illinois river with the southern bend of Lake Michigan; and ninety feet of land on each side of said canal shall be for ever reserved from any sale to be made by the United States, except in the cases hereinafter provided for, and the use thereof for ever shall be, and the same is hereby, vested in the said state for a canal, and for no other purpose whatever; on condition, however, that if the said state does not survey and direct by law said canal to be opened, and return a complete map thereof to the Treasury Department, within three years from and after the passing of this act; or if the said canal be not completed, suitable for navigation, within twelve years thereafter; or if said ground shall ever cease to be occupied by, and used for, a canal, suitable for navigation; the reservation and grant hereby made shall be void and of none effect: *Provided always, and it is hereby enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to appropriate any money to defray the expenses of surveying or opening said canal: *Provided also, and it is hereby further enacted and declared*, That the said canal, when completed, shall be, and for ever remain, a public highway for the use of the government of the United States, free from any toll or other charge whatever, for any property of

Act of March 2, 1827, ch. 51.

Illinois authorized to survey and mark through public lands, the route of a canal, connecting Illinois river with the southern bend of Lake Michigan, and 90 feet on each side reserved and vested in the state for a canal on condition, &c.

Proviso; no obligation on the part of the United States to appropriate money, &c.

Proviso; canal always a public highway, free of toll to

the United States.

Sections through which the canal passes reserved until, &c.

The state may use necessary adjacent materials without waste.

the United States, or persons in their service, passing through the same.

SEC. 2. *And be it further enacted*, That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from future sale, until hereafter specially directed by law: and the said state is hereby authorized and permitted, without waste, to use any materials on the public lands adjacent to said canal, that may be necessary for its construction.

APPROVED, March 30, 1822.

STATUTE I.

March 30, 1822.

CHAP. XV.—*An Act concerning the commerce and navigation of Florida. (a)*

Vessels having Spanish registers on the 10th July, 1821, belonging wholly to resident citizens or to inhabitants on the 10th July, 1821, the master being a citizen or inhabitant, may be registered, &c. and then deemed a ship or vessel of the United States, &c.

Proviso: as to collectors varying forms of oaths of registry, &c.

Proviso: former register, &c. to be first surrendered, and oath of allegiance taken.

Form of the oath.

Inhabitants on July 10, 1821, taking the oath, &c., entitled to own ships, &c.

For 12 years from the 22d of May, 1821, Spanish vessels

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any ship or vessel possessed of, and sailing under, a Spanish register, on the tenth day of July, one thousand eight hundred and twenty-one, belonging, and continuing to belong, wholly to a citizen or citizens of the United States then residing within the territories ceded to the United States by the treaty of the twenty-second of February, one thousand eight hundred and nineteen, between the United States and the King of Spain, the ratifications of which were exchanged on the twenty-second of February, one thousand eight hundred and twenty-one, or to any person or persons being, on the said tenth day of July, an inhabitant or inhabitants of the said ceded territory, and who continue to reside therein, and of which the master is a citizen of the United States, or an inhabitant as aforesaid, may be registered, enrolled, and licensed, in the manner prescribed by law; and being so registered, enrolled, and licensed, shall be denominated and deemed a ship or vessel of the United States, and entitled to the same privileges and benefits: *Provided*, That it shall be lawful for the collector to whom application shall be made for a certificate of registry, enrolment, or license, by any citizen or inhabitant as aforesaid, to make such variations in the forms of the oaths, certificates, and licenses, as shall render them applicable to the cases herein intended to be provided for: *And provided also*, That every such inhabitant, applying as aforesaid, shall, prior to his being entitled to receive such certificate of registry, enrolment, or license, deposit, with the collector, the register and other papers under which such ship or vessel had been navigated; and also take and subscribe, before the collector, (who is hereby authorized to administer the same,) the following oath: "*I, A B, do swear (or affirm) that I will be faithful and bear true allegiance to the United States of America, and that I do entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to the King of Spain.*"

SEC. 2. *And be it further enacted*, That the inhabitants of said ceded territory, who were residents thereof on the said tenth day of July, and who shall take the said oath, and who continue to reside therein, or citizens of the United States resident therein, shall be entitled to all the benefits and privileges of owning ships or vessels of the United States, to all intents and purposes, as if they were resident citizens of the United States.

SEC. 3. *And be it further enacted*, That during the term of twelve years, to commence three months after the twenty-second day of February, one thousand eight hundred and twenty-one, being the day of the exchange of the ratifications of said treaty, Spanish ships or vessels, coming

(a) See notes of the acts of Congress relating to the territory of Florida, Act of March 30, 1822, ch. 13.

laden only with the productions of Spanish growth or manufacture, directly from the ports of Spain or her colonies, shall be admitted into the ports of Pensacola and St. Augustine, in the said ceded territory, in the same manner as ships and vessels of the United States, and without paying any other or higher duties on their cargoes than by law now are, or shall at the time be made payable by citizens of the United States, on similar articles imported into said Pensacola or St. Augustine, in ships and vessels of the United States, from any of the ports or places of Spain or her colonies, and without paying any higher tonnage duty than by law now is, or at the time shall be, laid on any ship or vessel of the United States, coming from any port or place of Spain or any of her colonies, to said ports of Pensacola or St. Augustine.

APPROVED, March 30, 1822.

laden with Spanish productions, and from Spanish ports, entitled to entry as American vessels under like circumstances.

STATUTE I.

CHAP. XVI.—*An Act supplemental to an act, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile."*

March 30, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the corporation of the city of New Orleans be, and are hereby, authorized to appropriate so much of the lot of ground on which Fort St. Charles formerly stood, as may be necessary for continuing Esplanade street to the Mississippi river; and, also, to sell and convey that portion of the said ground which lies below said street; the proceeds of such sale shall be applied to the purchase of the ground necessary for the opening of Victory street, and the public walk and Elysian fields, and to such other purpose as the said corporation may deem expedient.

APPROVED, March 30, 1822.

Act of April 20, 1818, ch. 115.

Corporation of New Orleans may sell so much of the ground on which Fort Charles stood, as may be necessary for continuing Esplanade street.

STATUTE I.

CHAP. XVIII.—*An Act to amend the laws now in force as to the issuing of original writs and final process in the circuit courts of the United States within the state of Tennessee. (a)*

March 30, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in each and every case where a citizen of any one of the United States shall wish to commence a suit in the circuit court of the United States, for either the district of east or of west Tennessee, against two or more citizens of the state of Tennessee, some of whom reside in east and some in west Tennessee, it shall and may be lawful for such citizen to cause the clerk of the circuit court in which he may elect to commence his suit, to issue duplicate writs; one directed to the marshal of east, and the other to the marshal of west, Tennessee; which writs it shall be the duty of the respective marshals to execute and return, and when returned they shall be docketed and proceeded in to judgment as one case only.

Act of May 8, 1792, ch. 36.

Act of March 3, 1797, ch. 27.

Act of May 19, 1828, ch. 68.

Duplicate writs may be issued, from the circuit courts where defendants reside, in East and West Tennessee, &c.

SEC. 2. *And be it further enacted,* That in each and every case where a judgment has been recovered, or may be hereafter recovered, in either of said circuit courts, it shall and may be lawful for the plaintiff in any such action, to cause his writ of fieri facias, alias fieri facias, or other process of execution, to be directed and delivered to the marshal of either east or west Tennessee, at his election; and it shall be the duty of such marshal to whom the same may be directed, to do execution thereof, in the same manner, and under the same penalties, that he would be if the judgment had been rendered in the court of the district of which he is marshal.

Where judgment has been recovered in either circuit court, the plaintiff may issue his execution, and the marshal of either East or West Tennessee must do the execution thereof, &c.

APPROVED, March 30, 1822.

(a) See notes to the act of September 29, 1789, ch. 21, vol. i. 93, for the decisions of the courts of the United States in relation to process.

STATUTE I.

April 17, 1822.

CHAP. XXIII.—*An Act supplementary to an act, entitled "An act to alter the terms of the district court in Alabama."*(a)

The 3d section of the act of Nov. 27, 1820, ch. 1, repealed; and part of another act revived.

Act of April 21, 1820, ch. 47.

Causes, actions, &c. commenced and made returnable at Cahawba and Mobile, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the third section of the act, entitled "An act to alter the terms of the district court in Alabama," be, and the same is hereby, repealed; and so much of the second section of the act, entitled "An act to establish a district court in the state of Alabama," as was repealed by the said third section, is hereby revived, re-enacted, and declared to be of full force and effect.

SEC. 2. *And be it further enacted,* That all causes, actions, suits, indictments, libels, pleas, processes, and proceedings of whatsoever kind, nature, or description, sued out, commenced, or made returnable, at Cahawba, shall be there proceeded in and determined; and, in like manner, all such sued out, commenced, or made returnable, at Mobile, shall be there proceeded in and determined.

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

CHAP. XXIV.—*An Act to fix the limits of the port of entry and delivery for the district of Philadelphia.*

Philadelphia hereafter, the sole port of entry and delivery for the district.

Bounds of the port of entry.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Philadelphia shall, from and after the passage of this act, be the sole port of entry and delivery for the district of Philadelphia; which said port of entry and delivery shall be bounded by the Navy Yard on the south, and Cohocksink creek on the north, any thing in any former law to the contrary notwithstanding.

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

CHAP. XXV.—*An Act to amend the act, entitled "An act to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth," passed February twenty-fifth, eighteen hundred and one.*

Act of Feb. 25, 1801, ch. 7.

After the 30th Sept. 1822, the district of Bristol to be known as the district of Bristol and Warren, and Bristol and Warren to be one port of entry.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the thirtieth day of September next, the district of Bristol, as described in the act, entitled "An act to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth," passed February twenty-fifth, eighteen hundred and one, shall be called and known by the name of the district of Bristol and Warren; and that Bristol and Warren shall thereafter be considered as one port of entry, and shall possess all the rights and privileges which now belong to the port of Bristol.

APPROVED, April 17, 1822.

STATUTE I.

April 17, 1822.

CHAP. XXVI.—*An Act to remit the duties on a sword imported, to be presented to Captain Thomas Macdonough, of the United States' Navy.*

Duty remitted on sword presented to Capt. Thomas Macdonough.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the duties which have accrued, or which may accrue, to the United States, upon the importation of a sword, to be presented to Captain Thomas Macdonough, of the United States' Navy, in behalf of the petty officers, seamen

(a) See notes to the act of April 21, 1820, ch. 47.

and marines, who served on board the frigate *Guerriere*, when she was lately under his command in the Mediterranean, which sword is represented to be, or lately to have been, in the custody of the collector of the district of New York, be, and the said duties are hereby, remitted.

APPROVED, April 17, 1822.

CHAP. XXVII.—*An Act to establish the district of Blakely.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the thirtieth day of June next, the Alabama, Middle, and Tensaw rivers, in the state of Alabama, and all the shores and waters on the east side of the bay of Mobile, and all the rivers of the said state emptying into the Gulf of Mexico, to the east of said bay, shall form a collection district, to be called the district of Blakely, of which the port of Blakely shall be the sole port of entry; and a collector for the district shall be appointed, to reside at such place as the President of the United States shall direct, near 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, April 17, 1822.

STATUTE I.

April 17, 1822.

From and after June 30, 1822, a district, &c. called the district of Blakely, of which the port of Blakely to be the sole port of entry &c.

CHAP. XXVIII.—*An Act to authorize the Secretary of the Treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a subscription, to the amount of twelve millions of dollars, of the seven per cent. stock, and of the six per cent. stock of the year eighteen hundred and twelve, and also for fourteen millions of the six per cent. stock of the years eighteen hundred and thirteen, fourteen, and fifteen, be, and the same is hereby, proposed: for which purpose books shall be opened at the Treasury of the United States, and at the several loan offices, on the first day of May, one thousand eight hundred and twenty-two, to continue open until the first day of July next thereafter, for such parts of the above-mentioned description of stocks as shall, on the day of subscription, stand on the books of the treasury, and on those of the several loan offices, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

SEC. 2. *And be it further enacted, That*, for the whole, or any part, of any sum which shall be thus subscribed, of the six per cent. stocks of the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their, assigns, a sum to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the thirtieth day of June, one thousand eight hundred and twenty-two, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, in the proportion, and at the periods, herein defined, viz: one-third at any time after the thirty-first day of December, one thousand eight hundred and thirty; one-third at any time after the thirty-first day of December, one thousand eight hundred and thirty-one; and the remainder at any time after the

STATUTE I.

April 20, 1822.

Subscription proposed, to amount of twelve million dollars, &c.

Books to be opened at the treasury and loan offices May 1, till July 1, 1822.

Subscription to be effected by a transfer of credits and surrender of certificates.

Credits to be entered and certificates bearing an interest of five per cent. to be issued, for amount of six per cent. stock subscribed, transferable, &c.

Periods of redemption of the new stock.

Credits and certificates in like manner, for the seven per cent. stock subscribed, redeemable after Dec. 31, 1833.

Proviso.

Secretary of the Treasury to re-transfer the excess of stock subscribed.

If the amount authorized should not be subscribed by July 1, 1822, the remainder may be subscribed between that day and the 1st of October following, on the books of the treasury.

Proviso; no reimbursement, except, &c.

Funds pledged for the payment of interest and redemption of the prin-

thirty-first day of December, one thousand eight hundred and thirty-two; and that for the whole, or any part, which shall be thus subscribed, of the seven per cent. stock, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their, assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per cent. per annum, payable quarterly, from the thirtieth day of June, eighteen hundred and twenty-two, transferable in the manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided*, That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the Secretary of the Treasury to cause to be re-transferred to the respective subscribers, the several sums by them subscribed beyond the amount of the certificates of five per cent. stock issued to them respectively.

SEC. 3. *And be it further enacted*, That, if the amount of seven and six per cent. stocks, authorized to be subscribed by the first section of this act, shall not have been subscribed by the first day of July next, the remainder of that amount may be subscribed, on the books of the treasury, at any time between the said first day of July and the first day of October next thereafter; and for the whole or any part of any sum which shall be thus subscribed, of the six per cent. stocks of the years eighteen hundred and twelve, eighteen hundred and thirteen, eighteen hundred and fourteen, and eighteen hundred and fifteen, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates purporting that the United States owe to the holder or holders thereof, his, her, or their, assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-two, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, in the proportion, and at the periods, herein defined, viz: one-third at any time after the thirty-first day of December, one thousand eight hundred and thirty; one third at any time after the thirty-first day of December, one thousand eight hundred and thirty-one; and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-two; and that for the whole or any part which shall be thus subscribed of the seven per cent. stock, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder or holders thereof, his, her, or their, assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of five per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-two, transferable in the manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided*, That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such reimbursement.

SEC. 4. *And be it further enacted*, That the same funds which have heretofore been, and now are, pledged by law for the payment of the interest, and for the redemption or reimbursement of the stock which may be subscribed by virtue of the provisions of this act, shall remain pledged for the payment of the interest accruing on the stock created by reason

of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the commissioners of the sinking fund to cause to be applied and paid, out of the said fund, yearly and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the stock which may be created by virtue of this act. The said commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said fund, as they may think proper, towards redeeming, by purchase or by reimbursement, in conformity with the provisions of this act, the principal of the said stock. And such part of the annual sum of ten millions of dollars, vested by law in the said commissioners, as may be necessary and wanting for the above purposes, shall be and continue appropriated [appropriated] to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act shall have been redeemed or reimbursed.

SEC. 5. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

APPROVED, April 20, 1822.

principal of the new stock.

Commissioners of the sinking fund to cause to be applied the sums necessary to pay the interest and redeem the principal, &c.

The part of the \$10,000,000 vested, &c., continued appropriated to pay the interest, &c.

Rights of non-subscribers neither altered nor abridged.

CHAP. XXIX.—*An Act to revive and continue in force "An act declaring the assent of Congress to certain acts of the states of Maryland and Georgia."*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed the seventeenth day of March, in the year one thousand eight hundred, entitled "An act declaring the assent of Congress to certain acts of the states of Maryland and Georgia," and which, by subsequent acts, has been revived and continued in force until the third day of March, eighteen hundred and twenty-two, be, and the same hereby is, revived and continued in force until the third day of March, one thousand eight hundred and twenty-eight: *Provided*, That nothing herein contained shall authorize the demand of a duty on tonnage on vessels propelled by steam employed in the transportation of passengers.

APPROVED, April 20, 1822.

STATUTE I.

April 20, 1822.

[Expired.]

Act of March 17, 1800, ch. 15.

The act of March 17, 1800, declaring the assent of Congress to certain acts of the states of Maryland and Georgia, revived and continued.

Proviso.

CHAP. XXX.—*An Act supplementary to the act, entitled "An act for the relief of the purchasers of public lands, prior to the first day of July, eighteen hundred and twenty."*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all purchasers, and every legal holder of any certificate of the purchase, of the public lands of the United States, who were entitled to, but who have not availed themselves of, any of the provisions of the act of Congress of the second of March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, one thousand eight hundred and twenty," be allowed, at any time on or before the thirtieth day of September, one thousand eight hundred and twenty-two, to surrender their certificates of purchase, to accept, and, on filing such acceptances, shall be entitled and subject to such of the provisions of the aforesaid act as apply to cases where complete payment may be made of any tract of land prior to the thirtieth day of September next.

SEC. 2. *And be it further enacted*, That all purchasers, and every

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STATUTE I.

April 20, 1822.

[Expired.]

Act of March 2, 1821, ch. 12.

Those who did not avail themselves of the provisions of the act of March 2, 1821, allowed until Sept. 30, 1822, to surrender certificates, &c.

Act of April 3, 1823, ch. 28, and notes.

Purchasers, &c.

who did not accept the provisions of the act of March 2, 1821, and who did not avail themselves of the provisions of the 1st section, may file their acceptances, and be entitled to all the benefits, &c.

Purchasers, &c., who have filed their acceptances, &c., under the act of March 2, 1821, relative to payments by instalments, permitted to make complete payment, with discount, &c.

Registers and receivers of land offices are to perform the duties under this act, as under the act of March 2, 1821.

Lands that would have been forfeited, &c., exempted until Sept. 30, 1822.

legal holder of any certificate of purchase, of the public lands of the United States, who may not have accepted any of the provisions of the aforesaid act of March second, one thousand eight hundred and twenty-one, or who may not avail themselves of the provisions of the first section of this act, be permitted, at any time prior to the thirtieth of September next, to file their acceptances, and surrender their certificates of purchase, and shall be entitled to all the benefits, and subject to all the provisions, of the aforesaid act of March second, one thousand eight hundred and twenty-one, which relate in any manner to relinquishment and classification, and to the extension of the time of payment by instalments, and the proceeding in relation thereto, in the same manner as if such acceptances had been filed on or before the thirtieth of September last.

SEC. 3. *And be it further enacted*, That all purchasers, and every legal holder of any certificate of purchase, of the public lands of the United States, who may have filed their acceptances and surrendered their certificates of purchase, and accepted the provisions of the aforesaid act of March second, one thousand eight hundred and twenty-one, which relate to payments to be made by instalments, be permitted, notwithstanding their acceptances heretofore filed, to make complete payment on any tract of land on or before the thirtieth day of September next, and shall be entitled to the discount provided for by the fourth section of the aforesaid act.

SEC. 4. *And be it further enacted*, That it shall be the duty of the registers and receivers of the several land offices of the United States to perform the duties prescribed by, or necessary to carry into complete effect, the provisions of this act, according to the forms and instructions heretofore given by the Treasury Department; to keep full and faithful accounts and records of all proceedings under the same, in the manner prescribed by the eighth section of the aforesaid act; to make report of the same to the Treasury Department within the term of three months from the thirtieth of September next; and shall receive, as compensation for like services, the fees provided for by the seventh and eighth sections of said act.

SEC. 5. *And be it further enacted*, That every tract of land which would have been forfeited from a failure to file an acceptance and to surrender the certificate of purchase on or before the thirtieth of September, one thousand eight hundred and twenty-one, be, and the same is hereby, exempted from forfeiture and sale until the thirtieth day of September next, and no longer.

APPROVED, April 20, 1822.

STATUTE I.

April 26, 1822.

CHAP. XXXI.—*An Act to alter the times of holding courts in the western district of Virginia, and for other purposes.* (a)

Courts to be held annually hereafter at the times and places designated.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, instead of the times now prescribed by law for holding courts in the western district of Virginia, the said courts shall be held annually on the first Mondays of April and September, at Wythe Courthouse; and at Lewisburg, on the Fridays succeeding the first Mondays of April and September; and at Clarksburg, on the fourth Mondays of May and October; to which days, respectively, all process returnable to the first days of the next succeeding term shall be held returnable, and returned accordingly.

If the judge fails to attend on the first day

SEC. 2. *And be it further enacted*, That if the judge shall not attend on the first day of any court, such court shall stand adjourned from day

(a) See notes to the act of Feb. 4, 1819, ch. 12.

to day for three days, if the same cause continue; after which time, if the judge still fail to attend, the court shall stand adjourned until the first day of the next term.

APPROVED, April 26, 1822.

the court to stand adjourned, &c.

STATUTE I.

CHAP. XXXII.—*An Act altering the time and place of holding the district court in the district of Mississippi. (a)*

April 26, 1822.

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 for the district of Mississippi, heretofore holden at the seat of government in the state of Mississippi, on the first Mondays in January and July, shall, after the next July term, which may be holden at the city of Natchez, hereafter hold its regular terms at the courthouse of Adams county, in the city of Natchez, on the first Mondays in April and October, and may continue to sit at each term until the business of the court is finished.

The district court heretofore holden, &c. to be held at Natchez at the courthouse of Adams county, on the first Mondays in April and October, &c.

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 January and July, shall, after the next July term, be returnable, and shall be returned to the next succeeding term of said court, to be holden on the first Mondays in April and October, after the passing of this act.

Writs, process, &c. returnable accordingly.

APPROVED, April 26, 1822.

STATUTE I.

CHAP. XXXIII.—*An Act supplementary to an act, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive."*

April 26, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whenever any individual or individuals, named in the contract entered into between the Secretary of the Treasury and Charles Villar, agent of the French association, on the eighth day of January, in the year one thousand eight hundred and nineteen, by virtue of the act of Congress, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," passed on the third day of March, one thousand eight hundred and seventeen, or the heirs or devisees of such individual or individuals, shall have complied with the conditions of settlement and cultivation, in the said contract prescribed, in proportion to his or their interest, under the said contract, and in the lands thereby set apart, and shall have paid the amount of purchase money, proportionate to his or their interest in said land, within the particular periods in the said contract limited, it shall and may be lawful for the Secretary of the Treasury, and he is hereby required, to cause letters patent to be issued to such individual or individuals, or his or their heirs or devisees, for the amount of his or their interest in the lands set apart and contracted for by virtue of the said act, any thing in the said act or contract contained to the contrary notwithstanding: saving, always, to the widow of any such deceased proprietor her right of dower in said lands, according to the laws of the state of Alabama.

Act of March 3, 1817, ch. 61.

When any individual of the association, his heirs, or devisees shall have complied with the conditions of settlement, and cultivation in proportion to his interest, and paid the amount of purchase money, &c. the Secretary of the Treasury to cause a patent to issue for the proportionate interest of the individual in the lands set apart.

Saving to the widow her right of dower, according to the laws of Alabama.

APPROVED, April 26, 1822.

(a) See notes to act of Jan. 11, 1821, ch. 6.

STATUTE I.

April 26, 1822.

[Obsolete.]

Locations of warrants made under the act of Feb. 15, 1815, if made in pursuance of that act in other respects, shall be perfected into grants, &c.

Act of Feb. 17, 1815, ch. 45.

The sales of fractions from such locations, valid, &c.

Hereafter holders, &c., of such warrants, are to conform, &c., and such warrants to be located within a year, or they will be null.

CHAP. XL.—*An Act to perfect certain locations and sales of public lands in Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the locations heretofore made of warrants issued under the act of the fifteenth of February, one thousand eight hundred and fifteen, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes," if made in pursuance of the provisions of that act, in other respects, shall be perfected into grants, in like manner as if they had conformed to the sectional or quarter sectional lines of the public surveys; and the sales of fractions of the public lands, heretofore created by such locations, shall be as valid and binding on the United States as if such fractions had been made by rivers, or other natural obstructions.

SEC. 2. *And be it further enacted,* That hereafter the holders and locators of such warrants shall be bound, in locating them, to conform to the sectional or quarter sectional lines of the public surveys, as nearly as the respective quantities of the warrants will admit; and all such warrants shall be located within one year after the passage of this act; in default whereof the same shall be null and void.

APPROVED, April 26, 1822.

STATUTE I.

April 30, 1822.

[Obsolete.]

Sums appropriated for the year 1822.

Congress and their officers.

Contingent expenses of Congress.

Library and Librarian of Congress.
Books for library.

President.
Vice President.

Secretary of State.
Clerks.
1818, ch. 87.

Messengers.

Contingent expenses.

Secretary of the Treasury.

CHAP. XLI.—*An Act making appropriations for the support of government for the year one thousand eight hundred and twenty-two, 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 following sums be, and the same are hereby, respectively, appropriated for the service of the year one thousand eight hundred and twenty-two; that is to say:

For compensation, granted by law, to the Senate and House of Representatives, their officers, and attendants, in addition to an unexpended balance of two hundred and fourteen thousand and sixty-seven dollars and fourteen cents, two hundred and one thousand five hundred and twenty-one dollars and eighty-six cents.

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

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

For books for the library, one thousand dollars.

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

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

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

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

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

For the contingent and incidental expenses of the Department of State, including expenses of publishing the foreign correspondence of the confederation Congress, for extra copying of papers, and a deficiency in the appropriation for printing the secret journals of the old Congress, twenty-four thousand four hundred and ninety-two dollars and fifty-six cents.

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

For compensation to the clerks in the office of the Secretary of the Treasury, ten thousand dollars.	Clerks.
For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.	Messengers.
For compensation to the first comptroller of the treasury, three thousand five hundred dollars.	First comptroller.
For compensation to the clerks in the office of the first comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the second comptroller of the treasury, three thousand dollars.	2d comptroller.
For compensation to the clerks in the office of the second comptroller, per act of the twentieth of April, one thousand eight hundred and eighty-nine, nine thousand seven hundred and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	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 the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	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, sixteen thousand two hundred dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	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 the twentieth of 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, one thousand and fifty dollars, in full of all allowances.	Messengers.
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 the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.	Clerks. 1818, ch. 87.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	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 the twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.	Clerks. 1818, ch. 87.
For two clerks to complete the duties of the commissioner of the revenue, transferred to the office of the fifth auditor, two thousand five hundred and fifty dollars.	Clerks to commissioner of revenue.
For one clerk on the business of the agent of the treasury, transferred to the office of the fifth auditor, one thousand one hundred and fifty dollars.	Clerk on business of agent of the treasury.
For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.	Messenger.
For compensation to the treasurer of the United States, three thousand dollars.	Treasurer.

- Clerks.
1818, ch. 87. For compensation to the clerks in the office of the treasurer of the United States, per act of twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.
- Additional clerk to treasurer, 1819, ch. 53. 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.
- 1820, ch. 38. Messenger. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Commissioner of general land office. For compensation to the commissioner of the general land office, three thousand dollars.
- Clerks.
1818, ch. 87. For compensation to the clerks in the office of said commissioner, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.
- Messenger. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Register of treasury.
Clerks. For compensation to the register of the treasury, three thousand dollars.
- 1818, ch. 87. For compensation to the clerks in the office of the register, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.
- Messenger. For compensation to the messenger in said office, including the allowance for stamping ships' registers, eight hundred dollars, in full of all allowances.
- 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 incidental and contingent expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts for the year one thousand eight hundred and twenty-two, thirty-six thousand dollars.
- Superintendent and watchmen. For allowance to the superintendent, and four watchmen, employed for the security of the state and treasury buildings, for the repairs of engines, hose and buckets, one thousand nine hundred dollars.
- Secretary of War.
Clerks. For compensation to the Secretary of War, six thousand dollars.
- 1818, ch. 87. For compensation to the clerks in the office of the Secretary of War, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-three thousand four hundred dollars.
- Messengers. For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.
- 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, four thousand two hundred and fifty dollars.
- Messenger. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Commissary general.
Clerks. For compensation to the commissary general of purchases, three thousand dollars.
- 1818, ch. 87. For compensation to the clerks in the office of the commissary general of purchases, two thousand eight hundred dollars.
- Messenger. For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.
- Adjutant general's clerks. For compensation to the clerks in the office of the adjutant general, two thousand one hundred and fifty dollars.
- Clerks of the Ordnance. For compensation to the clerks in the office of the ordnance, two thousand nine hundred and fifty dollars.
- 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.

For compensation to the clerks in the engineer office, two thousand one hundred and fifty dollars.

For compensation to the clerk in the office, of the surgeon general, one thousand one hundred and fifty dollars.

For the contingent expenses of the War Department, including fuel, stationery, and other contingent expenses, six thousand dollars.

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

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

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of the said office, two thousand dollars.

For compensation to the commissioners of the navy board, ten thousand five hundred dollars.

For compensation to the secretary of the commissioners of the navy board, two thousand dollars.

For compensation to the clerks in the office of the commissioners of the navy board, per act of twentieth of April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For compensation of three clerks, and a draftsman, as allowed by acts of appropriation since the first of January, one thousand eight hundred and nineteen, four thousand dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For the contingent expenses of said office, two thousand dollars.

For allowance to the superintendent, and four watchmen, employed for the security of the war and navy buildings, and for the incidental and contingent expenses, including oil, fuel, and candles, two thousand and sixty-eight dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to two assistant postmasters general, five thousand dollars.

For compensation to the clerks in the general post-office, per act of twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For contingent expenses of said office, four thousand dollars.

For compensation to the surveyor general, two thousand dollars.

For compensation to the clerks in the office of the surveyor general, two thousand one hundred dollars.

For compensation to the surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.

For compensation to the surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of the surveyor in Alabama, one thousand five hundred dollars.

For compensation to the late commissioner of the public buildings, at Washington city, four hundred and sixty-six dollars and sixty-seven cents.

For compensation to the officers and clerks in the mint, nine thousand six hundred dollars.

Clerks in the engineer office.

Surgeon general's clerk.

Contingent expenses of War Department.

Secretary of the Navy.
Clerks.
1818, ch. 87.

Messengers.

Contingent expenses.
Commissioners of navy board.
Secretary of board.

Clerks.
1818, ch. 87.

Other clerks, &c.
1819, ch. 54.
1820, ch. 38.
Messenger.

Contingent expenses.
Security of war and navy buildings.

Postmaster general.
Assistant P. M. general.
Clerks.
1818, ch. 87.

Messengers.

Contingent expenses.
Surveyor general.
Clerks.

Surveyor south of Tennessee.
Clerks.

Surveyor in Illinois and Missouri, &c.
Clerks.

Surveyor in Alabama.
Clerks.

Commissioner of public buildings.

Officers and clerks in the mint.

Persons employed in the mint.

For persons employed in the different operations of the mint, nine thousand and fifty dollars.

Contingent expenses, &c.

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.

Governor, &c. of Arkansas.

For compensation to the governor, judges, and secretary, of the Arkansas territory, six thousand six hundred dollars.

Contingent expenses.

For the contingent expenses of said territory, three hundred and fifty dollars.

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.

Clerk.

For compensation to the clerk in the office of the attorney general, eight 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.

Courts, jurors, and witnesses.

For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, thirty thousand dollars.

Sundry pensions.

For the payment of sundry pensions, granted by the late and present government, two thousand nine hundred and forty-seven dollars and ninety-nine cents.

Disabled seamen.

For making good a deficiency in the fund for the relief of seamen, thirty thousand dollars.

Lighthouses.

For the support and maintenance of lighthouses, beacons, buoys, and stakeages, including the purchase and transportation of oil, keepers' salaries, repairs, and improvements, and contingent expenses, forty-one thousand one hundred and four dollars and sixty-eight cents, in addition to an unexpended balance of fifty-three thousand four hundred and twenty-six dollars and sixty-two cents.

Re-building lighthouse on Fayerweather.

For rebuilding the lighthouse on Fayerweather island, which was blown down in the gale of third September last, three thousand dollars.

Building lighthouse on the Bodkin, &c.

For building a lighthouse on the Bodkin, and two lighthouses on North Point, in Maryland, in addition to the sums heretofore appropriated for those objects, six thousand six hundred dollars.

Placing buoys near Cape Hatteras, &c.

For placing buoys in the channels through the shoals of Cape Hatteras and Cape Lookout, and in the channels through the Frying Pan shoals, and over the bars at Ocracock and Cape Fear, one thousand six hundred dollars.

Stationery, &c. for commissioners of loans.

For stationery, books, &c. for the offices of commissioners of loans six thousand nine hundred and sixty-nine dollars and sixteen cents.

Surveying public lands.

For surveying the public lands of the United States, actually performed in one thousand eight hundred and twenty-two, one hundred thousand dollars.

John Trumbull for paintings.

For payment to John Trumbull, for paintings commemorative of the most important events of the revolution, six thousand dollars.

For the prohibition of the slave trade, being the amount carried to the surplus fund on the thirty-first of December last, forty-seven thousand six hundred and forty-seven dollars and sixty-seven cents.

For the payment of balances due to officers of the old internal revenue and direct tax, fourteen thousand fifty-six dollars and ten cents.

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.

For the salaries of the ministers of the United States to London, Paris, St. Petersburg, Lisbon, and Madrid, with the salaries of their several secretaries of legation, and the salaries of the chargé des affaires at the Hague, and at Stockholm, sixty-four thousand dollars.

For an outfit to a minister at Lisbon, nine thousand dollars.

For the contingent expenses of those missions, ten thousand dollars.

For expenses of carrying into effect the fifth, sixth, and seventh, articles of the treaty of Ghent, concluded on the twenty-fourth of December, one thousand eight hundred and fourteen, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, twelve thousand five hundred dollars.

For the salaries of the commissioners, secretary, clerk, and messenger, together with the contingent expenses of the two commissions under the treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen, thirty thousand dollars.

For the expense of ascertaining the longitude of the Capitol, to wit: For the compensation to William Lambert, two thousand dollars; to William Elliott, five hundred dollars; to Oswald Dunn, one hundred dollars; and for contingent expenses, three hundred and sixty dollars and ninety-two cents.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated, shall be paid out of any money in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, or by the act making appropriations for the military service of the United States, for the year eighteen hundred and twenty-two, and towards the service of the year eighteen hundred and twenty-three, shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable; *Provided further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of treasury notes, received by such person to be expended in the public service; but in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

SEC. 3. *And be it further enacted*, That the expense for postage incurred by marshals in taking and returning the fourth census of the United States, not exceeding two thousand dollars, be paid out of an unexpended balance of an appropriation for defraying the expense of the fourth enumeration of the inhabitants of the United States.

APPROVED, April 30, 1822.

Prohibition of the slave trade.

Balances due to officers of the old internal revenue.

Miscellaneous claims.

Salaries of ministers of the United States in foreign places.

Outfit for minister at Lisbon.

Contingencies of foreign missions.

Carrying into effect the articles of the treaty of Ghent, &c.

Salaries of the commissioners, secretary, clerk, &c. under the treaty with Spain.

Ascertaining the longitude of the Capitol.

Out of any money in the Treasury. Proviso.

Proviso.

Where the pay or salary is withheld, the accounting officer to report balance, &c.

Agent to order suit within sixty days, &c.

Expense of postage incurred by marshals to be paid, &c.

STATUTE I.

May 1, 1822.

[Obsolete.]

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

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

Sums appropriated for—

Work on the centre building.

Culvert to the President's house, &c.

Grounds around the Capitol.

Out of moneys in the treasury. Proviso.

President's house, the following sums of money be, and hereby are appropriated.

For continuing the work on the centre building, the sum of one hundred and twenty thousand dollars.

For constructing a culvert to the President's house, painting, and necessary repairs of the same, the sum of three thousand three hundred dollars.

For improving the grounds around the Capitol, twelve hundred and fifty dollars.

SEC. 2. *And be it further enacted*, That the said several sums of money be paid out of any moneys in the treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person for his compensation or perquisites, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable.

APPROVED, May 1, 1822.

STATUTE I.

May 3, 1822.

CHAP. XLVI.—*An Act to provide for paying to the state of Missouri, Mississippi, and Alabama, three per cent. of the net proceeds, arising from the sale of the public lands within the same.*

The Secretary of the Treasury from time to time, to pay 3 per cent. of the net proceeds of the sales of public lands in the state of Missouri since January 1, 1821, deducting expenses, &c.

Act of March 6, 1820, ch. 22.

The sums to be applied to the making of roads and canals in Missouri, under direction of the legislature, &c.

Account of the application of the money to be transmitted to the Secretary of the Treasury.

The Secretary of the Treasury to pay 3 per cent. of the net proceeds of the sales of public lands within the state of Mississippi, deducting expenses, to any person authorized to receive it.

The sums thus paid to be applied to the

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 in the said state of Missouri shall be settled, pay three per cent. of the net proceeds of the sales of the lands of the United States, lying within the state of Missouri, which since the first day of January, one thousand eight hundred and twenty-one, 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 or shall be authorized by the legislature of the said state of Missouri to receive the same; which sum or sums, thus paid, shall be applied to the making of public roads and canals within the said state of Missouri, under the direction of the legislature thereof, according to the provisions on this subject contained in the act of Congress of the sixth of March, one thousand eight hundred and twenty, entitled "An act to authorize the people of the Missouri 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, and to prohibit slavery in certain territories," and to no other purpose. And an annual account of the same shall be transmitted to the Secretary of the Treasury, by such officer or person of the state as the legislature thereof shall direct, and of its application, if any be made; and, in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sum or sums that may then be due, or which thereafter may become due, until a return shall be made as herein required.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the several land offices in the state of Mississippi shall be settled, pay three per cent. of the net proceeds of the sales of the lands of the United States lying within the state of Mississippi, which, since the first day of December, one thousand eight hundred and seventeen, have been, or hereafter may be, sold by the United States, after deducting all expenses incident to the same, to such person or persons as may or shall be authorized by the legislature of the said state of Mississippi to receive the same; which sum or sums, thus paid, shall be applied to making public roads and canals within the said state, according to the provisions on this subject contained in the act, entitled "An act to

enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," and to no other purpose; and an annual account of the same shall be transmitted to the Secretary of the Treasury, by such officer or person of the state as the legislature thereof shall direct, and of its application, if any be made, and in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sum or sums that may then be due, or which thereafter may become due, until a return shall be made as herein required.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the several land offices in the state of Alabama shall be settled, pay three per cent. of the net proceeds of the sales of the lands of the United States lying within the state of Alabama, which since the first day of September, in the year one thousand eight hundred and nineteen, have been, or hereafter may be, sold by the United States, after deducting all expenses incident to the same, to such person or persons as may or shall be authorized by the legislature of the said state of Alabama to receive the same; which sum or sums, thus paid, shall be applied to making public roads and canals, and improving the navigation of rivers, within the said state of Alabama, under the direction of the legislature thereof, according to the provisions on this subject contained in the act, entitled "An act to enable the people of the Alabama 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," and to no other purpose; and an annual account of the same shall be transmitted to the Secretary of the Treasury, by such officer or person of the state as the legislature thereof shall direct, and of its application, if any be made; and in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sum or sums that may then be due, or which thereafter may become due, until a return shall be made as herein required: *Provided*, That the Secretary of the Treasury shall not allow to either of the said states of Mississippi and Alabama three per cent. on the net proceeds of the sales of public lands within the limits of the late Mississippi territory, after deducting incidental expenses, until the sum of one million two hundred and fifty thousand dollars, stipulated to be paid by the United States to the state of Georgia, for the cession of the late Mississippi territory, now composing the states of Mississippi and Alabama, shall have been first paid and deducted; nor until the stock created under the provisions of the act of Congress of the thirty-first of March, one thousand eight hundred and fourteen, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi territory," (a) and the act supplementary thereto, shall have been redeemed, or if not entirely redeemed the residue to be deducted from the net proceeds.

APPROVED, May 3, 1822.

CHAP. XLVII.—*An Act relating to treasury notes. (b)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passing of this act, no treasury note shall be received in payment on account of the United States, or paid, or funded, except at the treasury of the United States.

APPROVED, May 3, 1822.

(a) An act providing for the indemnification of certain claimants of public lands in the Mississippi territory, March 31, 1814, ch. 39.

(b) For the acts relating to treasury notes, see vol. ii. 766.

making of roads and canals in Mississippi, &c. 1817, ch. 23.

Annual account to be transmitted to the Secretary of the Treasury.

The Secretary of the Treasury to pay three per cent. of the net proceeds of the sales of public lands within the state of Alabama, since Sept. 1, 1819, deducting expenses, to any person authorized to receive it.

The sums thus paid to be applied to the making roads, canals, &c., in Alabama.

1819, ch. 47.

Annual account of the application of the money to be transmitted to the Secretary of the Treasury.

Proviso.

Act of Jan. 23, 1815, ch. 24.

STATUTE I.

May 3, 1822.

No treasury notes to be received in payment, or paid, or funded, except at the Treasury.

STATUTE I.

May 4, 1822.

CHAP. XLVIII.—*An Act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians.*

See the act of May 26, 1824, ch. 187.

Persons engaged in the campaign of 1818, who lost horses in consequence of the government of the United States failing to supply forage, to be paid the value of them.

To be paid also, for loss of necessary horse equipage, or guns lost or left in possession of the United States.

Out of money in the treasury.
Proviso.

Proviso.

Proviso.

The President to prescribe the rules and regulations of auditing and settling the claims.

STATUTE I.

May 4, 1822.

[Obsolete.]

Sums appropriated for the support of the navy for the year 1822.

Pay and subsistence of officers and pay of seamen, &c.

Provisions, in addition, &c.

Medicines, &c.

Repairs of vessels, in addition, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any officer, volunteer, ranger, cavalry, or other persons engaged in the campaign of one thousand eight hundred and eighteen, against the Seminole Indians, who has sustained damage by reason of the loss of any horse or horses, which in consequence of the government of the United States failing to supply sufficient forage, while engaged in said service, died, or were unavoidably abandoned and lost, shall be allowed and paid the value thereof.

SEC. 2. *And be it further enacted,* That the said officers, volunteers, and rangers, cavalry or other persons, for the loss of any necessary equipage of said horse or horses, or for any guns lost in said service or which were left in possession of the United States, or of any officer thereof, shall be allowed and paid the value thereof; said claims to be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* That, if any payment shall have been made to any officer or soldier aforesaid, for the use and risk, after the death or abandonment of his horse, such amount shall be deducted from the value thereof, unless said officer or soldier shall show that he was remounted, in which case the deduction shall only extend to the time such officer or soldier served on foot: *And provided also,* That, if any payment shall have been made to any officer or soldier on account of clothing, such payment shall be deducted from the value of his horse or accoutrements: *And provided further,* That no claim shall be allowed under the provisions of this act, until proper evidence shall have been received by the accounting officers from the company to which the claimants shall have belonged, showing the number of horses lost in said company in manner aforesaid, the time when lost, and the name of the owner.

SEC. 3. *And be it further enacted,* That the accounting officer of the Treasury Department shall audit and settle those claims, under such rules and regulations as the President of the United States may prescribe.

APPROVED, May 4, 1822.

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

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-two, the following sums be, and the same are hereby, respectively, appropriated:

For the pay and subsistence of the officers, and pay of the seamen, in addition to the sum of one hundred thousand dollars already appropriated, the sum of eight hundred and sixty-one thousand four hundred and sixty-six dollars.

For provisions, in addition to the sum of twenty thousand dollars already appropriated, and to an unexpended balance of thirty thousand dollars, the sum of two hundred and sixty-seven thousand two hundred and fifty-eight dollars.

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

For the repairs of vessels, in addition to the sum of twenty thousand dollars already appropriated, the sum of three hundred and eighty-eight thousand dollars.

For improvements of navy yards, docks, and wharves, fourteen thousand four hundred and fifty dollars.

Improvement of navy-yards, &c.

For pay of superintendents, naval constructors, store-keepers, inspectors of timber, clerks of the yards, and artificers, thirty-six thousand four hundred and fifty dollars.

Pay of superintendents, &c.

For labourers and teams employed in loading and unloading vessels, piling, docking and removing timbers, stores, et cetera, and fuel for the engine, twenty thousand dollars.

Labourers and teams, &c.

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

Ordnance, &c.

For contingent expenses, in addition to the sum of twenty thousand dollars already appropriated, two hundred and ten thousand dollars.

Contingent expenses.

For the pay and subsistence of the marine corps, in addition to an unexpended balance of twenty-two thousand dollars, one hundred and forty-seven thousand three hundred and ninety-three dollars.

Pay, &c. of marine corps.

For clothing the same, in addition to an unexpended balance of six thousand nine hundred and thirty-eight dollars and thirty-four cents, the sum of twenty-two thousand seven hundred and thirty-six dollars.

Clothing marine corps.

For fuel for nine hundred and thirty-eight non-commissioned officers, musicians, and privates, six thousand eight hundred and fifty dollars.

Fuel for marine corps.

For military stores for the same, the unexpended balance of the year one thousand eight hundred and twenty-one, being eleven thousand one hundred and eighty dollars and fifteen cents.

Military stores for marine corps.

For contingent expenses for the same; that is to say: fuel for commissioned officers, bed sacks, repairing barracks, transportation, and travelling expenses to officers, postage of letters, armorers, and armorers' tools, and stationery, with extra rations to officers commanding posts, fourteen thousand dollars.

Contingent expenses.

To make good a deficit in the contingent expenses of the marine corps, which accrued prior to the year eighteen hundred and twenty-one, the sum of nine thousand one hundred and nine dollars and twenty-two cents.

To make good a deficit in the contingent expenses.

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: *Provided, however*, That no money appropriated by this act shall be paid to any person for his compensation or perquisites, who is in arrears to the United States, until such person shall have accounted for and paid into the treasury all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the deprecia [depreciation] of treasury notes received by such person to be expended in the public service. But in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due, and it shall be the duty of said agent, within sixty days thereafter, to order suit to be commenced against such defaulter.

Out of money in the treasury.

Proviso.

Proviso.

Where pay is withheld, the accounting officer, on demand, to report to the agent of the treasury, &c.

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

CHAP. L.—*An Act to repeal the act, entitled "An act to encourage vaccination."*

The Act of Feb. 27, 1813, ch. 37, to encourage vaccination, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirteen, entitled "An act to encourage vaccination," be, and the same is hereby, repealed.

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

CHAP. LI.—*An Act to alter the times of holding the district court in the district of New Jersey. (a)*

District court to be hereafter held at New Brunswick and at Burlington.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the district court for the district of New Jersey shall hereafter be held at New Brunswick on the second Tuesdays of March and September, and at Burlington on the third Tuesdays of May and November, in every year, any thing in any act heretofore passed to the contrary notwithstanding.

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

CHAP. LII.—*An Act making an appropriation to defray the expenses of missions to the independent nations on the American continent.*

Appropriation for missions to such independent nations on the American continent as the President may deem proper.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for such missions to the independent nations on the American continent, as the President of the United States may deem proper, there be, and hereby is, appropriated, a sum not exceeding one hundred thousand dollars; to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, May 4, 1822.

STATUTE I.

May 4, 1822.

CHAP. LIII.—*An Act vesting in the state of Pennsylvania the right of the United States to all fines assessed for the non-performance of militia duty during the late war with Great Britain.*

All the right of the United States to fines assessed on citizens of Pennsylvania for non-performance of militia duty, &c., vested in that state.

Moneys in the hands of marshals, &c., to be paid to treasurer of the state.

Fines to be recovered as the state legislature may prescribe.

If Pennsylvania accepts of the provisions of this act, that state is to accept, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all right which the United States have to the fines assessed upon the citizens of the state of Pennsylvania, for the non-performance of militia duty during the late war with Great Britain, shall be, and the same hereby is, vested in the said state.

SEC. 2. *And be it further enacted, That all moneys in the hands of those who now are, or heretofore have been, marshals or deputy marshals, which may have been collected from the fines aforesaid, after deducting the expense of assessing and collecting, shall be paid by them, respectively, to the treasurer of the said state.*

SEC. 3. *And be it further enacted, That the said fines shall be recovered by the said state under such regulations, provisions, and restrictions, as shall be prescribed by the legislature thereof.*

SEC. 4. *And be it further enacted, That the said state, provided it shall accept of the provisions of this act, shall account to the United States for the sum of three thousand two hundred and thirty-eight dollars and forty-six cents, if that amount of the said fines shall be collected, it being the expenses of three courts martial, held in the said state, for the trial of said delinquents, of which Colonel Thomas C. Miller, Colonel James Wood, and Colonel Thomas Moore, were, respectively, presidents.*

APPROVED, May 4, 1822.

(a) *Acts relating to the district courts in New Jersey:*

An act to establish the judicial system of the United States, Sept. 24, 1789, ch. 20, sec. 3.

An act for altering the times and places of holding certain courts therein mentioned, March 3, 1801, ch. 32, sec. 5.

An act to repeal certain acts respecting the organization of the courts of the United States, and for other purposes, March 2, 1802, ch. 8, sec. 2.

An act to alter the times of holding the district court in the district of New Jersey, May 4, 1822, ch. 51.

CHAP. LIV.—*An Act to abolish the United States' trading establishment with the Indian tribes.*

STATUTE I.
May 6, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall be, and hereby is, authorized and required to cause the business of the United States' trading-houses among the Indian tribes to be closed, and the accounts of the superintendent of Indian trade, and of the factors and sub-factors, to be settled; and for that purpose, the President is hereby authorized to select, from among the Indian agents, or others, a competent number of fit and suitable persons, to be and appear at the office of Indian trade in Georgetown, in the District of Columbia, and at each of the trading-houses established among Indian tribes, on or before the third day of June next, or as soon thereafter as can conveniently be done, to demand and receive of and from the superintendent of Indian trade, and of the respective factors and sub-factors, all the goods, wares, merchandise, furs, peltries, evidences of debt, and property and effects of every kind which may be in their power or possession, by virtue of their respective offices, and justly due and belonging to the United States; and the said agents, selected for the purpose aforesaid, shall be furnished with copies of the latest quarterly returns of the said superintendent, factors, and sub-factors, as rendered by them to the Treasury Department, and copies of any other papers in the said department which will show what is, or ought to be due and coming to the United States, from the said office of Indian trade in Georgetown, and from each of the trading-houses established among Indians. And the persons so selected shall enter into bond, with good and sufficient security, in such sums as may be required by the President of the United States, for the faithful discharge of the duties enjoined on them by the provisions of this act. And from and after the third day of June next, the act of the second of March, one thousand eight hundred and eleven, entitled "An act for establishing trading-houses with Indian tribes," shall be continued in force for the purposes only of enforcing all bonds, debts, contracts, demands, and rights which may have arisen, and all penalties and punishments which may have been, or may be, incurred under the provisions of the said act, and for the settlement of the accounts of the superintendent, factors, and sub-factors, at the Treasury Department.

SEC. 2. *And be it further enacted,* That the goods, wares, and merchandise, which shall be delivered over to the agents of the United States, under the provisions of this act, shall be placed at the disposition of the President of the United States, subject, under his orders, towards satisfying or extinguishing the treaty obligations on the part of the United States, to keep up trading-houses with the Indians; also, towards the payment of annuities due, or to become due, to Indian tribes; also, in making the customary presents to tribes or individuals in amity with the United States; and the surplus, if any, may be sold to the best advantage, under the orders of the President, and the proceeds paid over to the treasury of the United States.

SEC. 3. *And be it further enacted,* That the furs, peltries, effects and property, received under the first section of this act, shall be sold in the manner the President may direct; the debts due and owing shall be collected under his orders; and all the money received from these sources, and all that shall be received from the superintendent of Indian trade, and from the factors and sub-factors, shall be paid over, as fast as received, into the treasury of the United States: *Provided,* That such sums may be retained and applied, under the orders of the President of the United States, as may be necessary to defray the expenses of carrying this act into effect.

Act of March 2, 1811, ch. 30.

Act of May 6, 1822, ch. 58.

The President authorized and required to cause the Indian trading-houses to be closed, and the accounts to be settled, &c.

Agents to be appointed.

Agents to be furnished with documents from the Treasury Department, &c.

The agents to enter into bond with security for the faithful discharge of their duties.

After June 3, 1822, the act of March 2, 1811, to continue in force only, &c.

Act of March 2, 1811, ch. 30.

The goods, &c., delivered over to the agents, placed at the disposition of the President, &c.

The surplus, if any, to be sold.

Furs, &c., to be sold and money paid into the treasury as fast as received.

Proviso.

The President to communicate at the next session of Congress, the manner in which this act has been executed, &c.

SEC. 4. *And be it further enacted*, That, as soon as may be after the commencement of the next session of Congress, the President of the United States shall communicate to Congress the manner in which he shall have caused this act to be executed, showing the amount of moneys, furs, peltries, and other effects, and the amount and description of goods, wares, and merchandise, and the actual cash value thereof, received from the superintendent of Indian trade, and each of the factors and sub-factors, under the provisions of this act.

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

CHAP. LV.—*An Act providing for the disposal of the public lands in the state of Mississippi, and for the better organization of the land districts in the states of Alabama and Mississippi.*

The tract of country ceded by the Choctaws, on the 18th October, 1820, formed into a land district.

Land office.

A register and receiver to be appointed, who are to give bond with security, to receive similar compensation, and perform like duties, as other registers and receivers, &c.

Proviso.

Proviso.
District of Pearl river.

The President may cause so much of the land, &c., surveyed, to be sold as other public lands.

Except section No. 16, for the use of schools in each township, &c.

Patents to issue as in other cases.

The lands lying east of the Tombigbee, in Mississippi, to which the Indian title has been extinguished,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that tract of country which was ceded to the United States by a treaty with the Choctaw Indians, held on the eighteenth day of October, in the year of our Lord one thousand eight hundred and twenty, near Doake's Stand, in the state of Mississippi, be, and the same is hereby, formed into a land district; and for the disposal of the public lands in said district, a land office shall be established within the same, at such convenient place as the President of the United States may direct and appoint; and for said office a register and a receiver shall be appointed by the President, by and with the advice and consent of the Senate, who shall severally give bond with security, before entering on the duties of their respective offices, in like manner and for like sums, shall receive similar compensation, fees, and emoluments, and shall perform similar duties, and possess similar powers, with all other registers and receivers of public moneys of the United States, appointed by law for the disposal of the public land; and shall, in all respects, be governed by the laws of the United States providing for the disposal of the public land: *Provided, however*, That the first sale of the lands within the district aforesaid may be held at such convenient place within the district west of Pearl river, as the President of the United States may appoint. (a) *And provided also*, That the President may, if it should be necessary, in consequence of the establishment of a new basis meridian, attach a portion of the land otherwise belonging to the district established by this act to the district west of Pearl river.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, when he shall think proper, to cause so much of the land within the district created by this act, or which may be attached to the district of Pearl river, and which may be surveyed, to be exposed to sale, on the same terms and conditions, and in the same manner as all other public lands of the United States, with the exception of section numbered sixteen, in each township, which shall be reserved for the use of schools within the same; and of such other reservations as now may, or hereafter may, exist, by virtue of any act of cession, treaty or law of the United States: and for the lands so sold, patents shall issue on the terms and conditions, and in the manner, provided by law in relation to all other public lands of the United States.

SEC. 3. *And be it further enacted*, That all the lands lying on the east side of the Tombigbee river, in the state of Mississippi, and to which the Indian title has been extinguished, be, after the thirtieth day of October next, attached to the district established by the first section of this act; and the public lands therein shall be sold, on the same terms and condi-

(a) An act to establish the district of Pearl river, March 2, 1821, ch. 16.

tions, and in the same manner, and patents shall issue for the lands so sold, agreeably to the provisions of the laws for the disposal of the public lands of the United States in the state of Mississippi, with the exception of the section numbered sixteen, in each township, which shall be reserved for the use of schools within the same, and of such other reservations as now are made, or hereafter may be made, by law. And it shall be the duty of the register of the district of Madison county, under the direction of the commissioner of the general land office, to transfer such books, maps, and records, or transcripts thereof, to the register appointed for the district established by the first section of this act, as may be necessary to carry into complete effect the provisions of this section of this act.

SEC. 4. *And be it further enacted*, That, from and after the thirtieth day of October next, such part of the district east of Pearl river, as lies within the state of Mississippi, be attached to, and constituted a part of, the district of Jackson county; and the President of the United States shall cause the land office to be removed to such place, within the district of Jackson county, as established by this act, as he may deem convenient; and that part of the district of Jackson county which lies within the state of Alabama shall be attached to, and constitute a part of, the district east of Pearl river, in Alabama; and it shall be the duty of the register of the district east of Pearl river, and of the register of the district of Jackson county, each, to transfer to the other, such books, records, surveys, or the transcripts thereof, as shall be necessary to carry into complete effect the provisions of this section of this act.

APPROVED, May 6, 1822.

attached after October 30, 1822, to the district established by this act, and to be sold, except section No. 16, &c.

The register of the district of Madison county to transfer books, &c.

Part of the district east of Pearl river, attached to the district of Jackson county.

The President to cause the land office to be removed, &c.

Part of the district of Jackson county attached to the district east of Pearl river.

STATUTE I.

May 6, 1822.

CHAP. LVI.—*An Act in addition to the act concerning navigation, and also to authorize the appointment of deputy collectors.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, on satisfactory evidence being given to the President of the United States that the ports in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the President shall be, and hereby is, authorized to issue his proclamation, declaring that the ports of the United States shall thereafter be open to the vessels of Great Britain employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States may, by such proclamation, make and publish, any thing in the laws, entitled "An act concerning navigation," or an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That, in the event of the signature of any treaty or convention concerning the navigation or commerce between 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 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.

SEC. 3. *And be it further enacted*, That the aforesaid first and second sections of this act shall continue in force to the end of the next session of Congress, and no longer.

SEC. 4. *And be it further enacted*, That the third, fourth, and seventh sections of the act passed the third day of March, one thousand eight

The President being satisfied that the ports of the British West India Islands or colonies have been opened, &c., he may declare the ports of the United States open, &c.

Act of April 18, 1818, ch. 70.

Act of May 15, 1820, ch. 122.

In the event of a signature of a treaty, &c., concerning the navigation or commerce between the United States and France, the President may, &c.

Act of May 15, 1820, ch. 125.

1st and 2d sections of this act in force, until, &c.

The 3d, 4th,

and 7th sections of the act of March 3, 1817, ch. 109, continuing in force an act, &c. revived and made perpetual.

hundred and seventeen, entitled "An act to continue in force an act further to provide for the collection of duties on imports and tonnage, passed the third day of March, one thousand eight hundred and fifteen, and for other purposes," be, and the same are hereby, revived and made perpetual.

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

Act of March 3, 1803, ch. 31.

The provisions in the act for the relief of insolvent debtors within the District of Columbia, which requires a year's residence, repealed.

Proviso.

This act in force from its passing.

CHAP. LVII.—*An Act for the relief of certain insolvent debtors.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the seventeenth section of the act, entitled "An act for the relief of insolvent debtors within the District of Columbia," approved on the third day of March, one thousand eight hundred and three, as declares that the provisions of the said act shall not be construed to extend to any debtor who has not resided in the District of Columbia one year next preceding his application for relief under the said act, shall be, and the same is hereby, repealed: *Provided,* That no discharge under this act, or the act to which it is amendatory, shall operate against any creditor residing without the limits of the District of Columbia, except the creditor at whose instance the debtor may be confined. This act shall commence and be in force from and after the passing thereof.

APPROVED, May 6, 1822.

STATUTE I.

May 6, 1822.

The seventh section of the act of March 30, 1802, ch. 13, repealed.

Superintendents and agents may grant licenses.

Licenses to be granted only to citizens who are to give bond with securities, &c.

Licenses for 7 years for trade with remote tribes, and 2 years with others.

Superintendents and agents to return abstract of licenses to be laid before Congress.

The President may direct Indian agents, &c. to cause the stores and packages of goods of traders to be searched for ardent spirits, &c.

CHAP. LVIII.—*An Act to amend an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth March, one thousand eight hundred and two.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the seventh section of the act, entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," shall be, and the same is hereby, repealed; and from and after the passing of this act, it shall be lawful for the superintendents of Indian affairs in the territories and Indian agents, under the direction of the President of the United States, to grant licenses to trade with Indian tribes; which licenses shall be granted to citizens of the United States, and to none others, taking from them bonds with securities in the penal sum not exceeding five thousand dollars, proportioned to the capital employed, and conditioned for the due observance of the laws regulating trade and intercourse with the Indian tribes; and said licenses may be granted for a term not exceeding seven years for the trade with the remote tribes of Indians beyond the Mississippi, and two years for the trade with all the other tribes. And the superintendents and agents shall return to the Secretary of War, within each year, an abstract of all licenses granted, showing by and to whom, when, and where, granted, with the amount of the bonds and capital employed, to be laid before Congress, at the next session thereof.

Sec. 2. *And be it further enacted,* That it shall and may be lawful for the President of the United States, in execution of the power vested in him by the twenty-first section of the act of the thirtieth of March, one thousand eight hundred and two, aforesaid, to which this is an amendment, to direct Indian agents, governors of territories acting as superintendents of Indian affairs, and military officers, to cause the stores and packages of goods of all traders to be searched, upon suspicion or information that ardent spirits are carried into the Indian countries by said traders in violation of the said twenty-first section of the act to which

this is an amendment; and if any ardent spirits shall be so found, all the goods of the said traders shall be forfeited, one half to the use of the informer, the other half to the use of the government, his license cancelled, and bond put in suit.

If ardent spirits are found, the goods are forfeited.

SEC. 3. *And be it further enacted*, That all purchases for and on account of Indians, for annuities, presents, and otherwise, shall be made by the Indian agents and governors of territories acting as superintendents, within their respective districts; and all persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects, of any kind, for the benefit of Indians, shall settle their accounts annually, at the War Department, on the first day of September; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers, together with a list of the names of all persons to whom money, goods, or effects, had been delivered within the said year, for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquent, if any, in forwarding their accounts according to the provisions of this act.

All purchases of annuities, &c. for Indians, to be made by agents and governors of territories acting, &c.

Accounts annually settled at the War Department, &c.

SEC. 4. *And be it further enacted*, That, in all trials about the right of property, in which Indians shall be party on one side and white persons on the other, the burthen of proof shall rest upon the white person, in every case in which the Indian shall make out a presumption of title in himself from the fact of previous possession and ownership.

Trials about the right of property, where Indians are parties, &c.

SEC. 5. *And be it further enacted*, That it shall and may be lawful for the President of the United States, from time to time, to require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects, of any kind, for the benefit of the Indians.

Additional security, &c. from persons intrusted with the disbursement of money, &c.

SEC. 6. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, may appoint a superintendent of Indian affairs, to reside at St. Louis, whose powers shall extend to all Indians frequenting that place, whose salary shall be fifteen hundred dollars per annum; and one agent for tribes within the limits of East and West Florida, with a salary of fifteen hundred dollars.

A superintendent of Indian affairs, to reside at St. Louis, &c. And an agent in East and West Florida.

APPROVED, May 6, 1822.

STATUTE I.

May 7, 1822.

CHAP. LXI.—*An Act to continue in force "An act declaring the consent of Congress to acts of the state of South Carolina, authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports; and to acts of the state of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah and St. Mary's."*

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 declaring the consent of Congress to acts of the state of South Carolina, authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports; and to acts of the state of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah and St. Mary's," passed the twenty-ninth of April, one thousand eight hundred and sixteen, shall be, and the same is hereby, continued in force for three years, and to the end of the next session of Congress thereafter: *Provided, always, and it is hereby further enacted*, That it shall be the duty of the city council of Charleston, and of the collectors of the ports of Savannah and St. Mary's, to transmit to the Secretary of the Treasury an annual account of the sums collected, and of the application of the same, for the purposes aforesaid.

The act of April 29, 1816, ch. 163, declaring the assent of Congress to acts of South Carolina and Georgia, continued for three years, &c.

Proviso.

APPROVED, May 7, 1822.

STATUTE I.
May 7, 1822.

CHAP. LXII.—*An Act to provide for the collection of duties on imports and tonnage in Florida, and for other purposes.*

Part of Florida annexed to the collection district of Saint Mary's, in Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the ports, harbours, waters, and shores of all that part of the main land of Florida lying between the collection district of St. Mary's, in Georgia, and the river Nassau, with all the ports, harbours, waters, and shores, of all the islands opposite and nearest thereto, be, and hereby are, annexed to, and made and constituted a part of, the collection district of St. Mary's, in Georgia.

District of St. Augustine.

SEC. 2. *And be it further enacted,* That all the ports, harbours, shores, and waters, of the main land of Florida, and of the islands opposite and nearest thereto, extending from the said river Nassau to Cape Sable, be, and the same are hereby, established a collection district, by the name of the district of St. Augustine, whereof St. Augustine shall be the only port of entry.

District of Key West.

SEC. 3. *And be it further enacted,* That all the ports, harbours, shores, and waters, of the main land of Florida, and of the islands opposite and nearest thereto, extending from Cape Sable to Charlotte Bay, be, and the same are, established a collection district, by the name of the district of Key West, and a port of entry may be established in said district, at such place as the President of the United States may designate: *Provided,* That until the President of the United States shall deem it expedient to establish a port of entry in the district of Key West, and a collector shall be appointed for said district, the same district is annexed to, and shall be a part of, the district of Apalachicola.

Proviso; Key West annexed to the district of Apalachicola, &c.

District of Apalachicola.

SEC. 4. *And be it further enacted,* That all the ports, harbours, shores, and waters, of the main land of said Florida, and of the islands opposite and nearest thereto, extending from Charlotte Bay to Cape St. Blas, be, and hereby are, established a collection district, by the name of the district of Apalachicola; and a port of entry shall be established for said district, at such place as the President of the United States may designate.

District of Pensacola.

SEC. 5. *And be it further enacted,* That all the residue of the ports, harbours, waters, and shores, of said Florida, and of the islands thereof, be, and the same are, established a collection district, by the name of the district of Pensacola, whereof Pensacola shall be the only port of entry.

The President authorized to establish ports of delivery, &c.

SEC. 6. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to establish such ports of delivery in each of said districts, and also in that portion of said territory annexed to the district of St. Mary's, as he may deem expedient.

The President to appoint a collector for each district.

SEC. 7. *And be it further enacted,* That the President of the United States, with the advice and consent of the Senate, shall appoint a collector for each district, to reside at the port of entry, and a surveyor for the district of Pensacola, and a surveyor for, and to reside at, each port of delivery authorized by this act: But the President, in the recess of the Senate, may make temporary appointments of any such collector or surveyor, whose commission shall expire in forty days from the commencement of the next session of Congress thereafter.

The President may make appointments in the recess, &c.

Collectors and surveyors to give bond, &c.

SEC. 8. *And be it further enacted,* That each collector and surveyor authorized by this act, shall give bond for the true and faithful discharge of his duties, in such sum as the President of the United States may direct and prescribe; and the collector for the district of Pensacola shall, in addition to the fees and emoluments allowed by law, receive three per cent. commissions, and no more, on all moneys received and paid by him on account of the duties on goods, wares, and merchandise, and on the tonnage of vessels; and each other collector shall, in addition to the fees and emoluments allowed by law, receive an annual salary of five

Collector of Pensacola to receive only three per cent. commissions in addition to fees and emoluments.

hundred dollars, and three per cent. commissions, and no more, on all moneys received and paid by him on account of the duties on goods, wares, and merchandise, imported into his district, and on the tonnage of vessels; and each surveyor authorized by this act shall, in addition to the fees and emoluments allowed by law, receive an annual salary of three hundred dollars; and each such collector and surveyor shall exercise the same powers, be subject to the same duties, and be entitled to the same privileges and immunities, as other collectors and surveyors of the customs of the United States.

SEC. 9. *And be it further enacted*, That ships or vessels arriving from and after the thirtieth day of June next, from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at the port of entry at Pensacola, and at no other port or place in Florida.

SEC. 10. *And be it further enacted*, That all laws which impose any duties on the importation of any goods, wares, and merchandise, into said territory of Florida, or on the exportation of any goods, wares, and merchandise, from said territory, or on the tonnage of vessels, or which allow any drawback on the exportation of any goods, wares, or merchandise, other than such duties or drawbacks as are paid or allowed in other territories or places in the United States, are hereby repealed: *Provided*, That nothing in this act contained shall authorize the allowing of drawbacks on the exportation of any goods, wares, and merchandise, from any port or place of said territory, other than on those which shall have been imported directly into the same from a foreign port or place; and no drawback shall be allowed on any goods, wares, or merchandise, exported from any port of Florida, which shall have been imported before the tenth day of July, one thousand eight hundred and twenty-one.

SEC. 11. *And be it further enacted*, That the first section of an act passed on the second day of March, one thousand eight hundred and nineteen, entitled "An act supplementary to the acts concerning the coasting trade," be so far altered and amended that the sea coasts and navigable rivers of the United States be, and the same are hereby, divided into three great districts, the first and second to be and remain as therein described, and the third to include all the ports, harbours, sea coasts, and navigable rivers, between the southern limits of Georgia and the river Perdido; and the said third great district, so established, shall be subject to all the regulations and provisions of said act.

APPROVED, May 7, 1822.

Each other collector 500 dollars per annum and three per cent. commissions, &c.

Each surveyor 300 dollars per annum.

Powers of the collectors and surveyors.

Ships, &c., arriving from the Cape of Good Hope, &c. to enter at Pensacola only.

All laws imposing duties, &c., or allowing drawback, other than such as are paid or allowed in other territories, &c. repealed.

Proviso.

No drawback on goods, &c., imported prior to July 10, 1821.

The 1st section of an act of March 2, 1819, ch. 48, altered so far as to divide the sea coast, &c., into three great districts.

STATUTE I.

May 7, 1822.

CHAP. LXXXVI.—*An Act to relieve the people of Florida from the operation of certain ordinances.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That an ordinance numbered three, made and passed on the eighteenth of July, eighteen hundred and twenty-one, by Major General Andrew Jackson, governor of the provinces of the Floridas, entitled "An ordinance providing for the naturalization of the inhabitants of the ceded territory;" and an ordinance passed by the city council of St. Augustine, on the seventeenth of October, eighteen hundred and twenty-one, imposing and laying certain taxes on the inhabitants, and all other laws, ordinances, or resolves, so far as they enforce or confirm the same, be, and the same are hereby, repealed and declared null and void.

SEC. 2. *And be it further enacted*, That if any person shall attempt to enforce any of said laws, ordinances, or resolves, by demanding and receiving any tax, imposition, or assessment, authorized or prescribed thereby, such person shall, on conviction thereof, be punished by fine,

An ordinance of July 18, 1821, providing for the naturalization of the inhabitants of the ceded territory, and an ordinance of Oct. 17, 1821, imposing certain taxes, &c. repealed, &c.

Any person attempting to enforce any of the ordinances repealed, &c. to

be punished by fine and imprisonment.

The President to cause moneys paid under the repealed ordinances, &c. to be refunded.

This act in force from June 1, 1822.

not exceeding two hundred dollars, or by imprisonment, not exceeding six months, either or both of said punishments.

SEC. 3. *And be it further enacted*, That the President of the United States shall, in such manner and under such regulations as he may direct and prescribe, cause to be refunded to any person any sum of money which he may have paid under or by virtue of either of said laws, ordinances, or resolves.

SEC. 4. *And be it further enacted*, That this act shall be in force from and after the first day of June next.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

[Obsolete.]
The register at Brookville authorized to select school lands, &c.

The register at Terre Haute authorized to select school lands.

The registers, in their selections, to be confined to section No. 20.

CHAP. LXXXVII.—*An Act authorizing the location of certain school lands in the state of Indiana.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the register of the land office at Brookville be, and he is hereby, authorized to select school lands within the said district, equivalent to the one thirty-sixth part of the reservation commonly called Clark's Grant, for the use of schools within the same; and the register of the land office at Terre Haute is hereby in like manner authorized to select within his district school lands, which, together with the eleven sections already selected, shall be equivalent to the one thirty-sixth part of the Vincennes donation tract, for the use of schools within said tract. It shall be the duty of the registers aforesaid, in making such selections, to be confined to section numbered twenty, in each township, and the selection so made shall be reserved from sale.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

The 14th section of the act of March 2, 1821, ch. 13, repealed.

CHAP. LXXXVIII.—*An Act to repeal the fourteenth section of "An act to reduce and fix the military peace establishment," passed the second day of March, 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 fourteenth section of the act, entitled "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one, be, and the same is hereby, repealed.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

[Obsolete.]

Sums appropriated—

Fortifications.

Fort Delaware.

Fort Washington.

Fort Monroe.

Fort Calhoun.

Mobile Point.

Rigolets and Chef Mentour.

CHAP. LXXXIX.—*An Act making further appropriations for the military service of the United States for the year eighteen hundred and twenty-two, 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 following sums be, and the same are hereby, appropriated, to wit:

For fortifications, to each specifically, as follows, viz:

For Fort Delaware, twenty thousand dollars.

For Fort Washington, twenty-five thousand dollars.

For Fort Monroe, seventy-five thousand dollars.

For Fort Calhoun, fifty thousand dollars.

For collecting materials for a fortification at Mobile Point, in the state of Alabama, fifty thousand dollars.

For the Rigolets and Chef Mentour, one hundred thousand dollars.

For collecting materials for a fort on the right bank of the Mississippi, opposite Fort St. Philip, thirty thousand dollars.

For contingencies and repairs of fortifications, twenty thousand dollars.

For the national armories, three hundred and sixty thousand dollars.

For current expenses of the ordnance service, viz :

For the preservation of the arms and other public property in store, including the hire of workmen, and the purchase of paint, oil and other materials necessary for the purpose, eight thousand eight hundred and thirty-eight dollars.

To meet ordinary requisitions for army supplies, viz :

For paint and oil for the preservation of the guns and carriages in the fortifications, and for artificers' and intrenching tools, six thousand three hundred and forty dollars.

For the miscellaneous expenses at arsenals, forage for public horses, stationery, &c. two thousand eight hundred and sixty-two dollars.

For the reparation of defective arms, including the wages of armorers, the purchase of iron, steel, coals, tools, &c., eleven thousand nine hundred and sixty dollars.

For repairs of arsenals, one thousand dollars.

For the preservation of ammunition, five thousand dollars.

For the payment of outstanding claims which accrued in one thousand eight hundred and nineteen and one thousand eight hundred and twenty, at Pittsburg, and not presented until eighteen hundred and twenty-one, and unpaid for want of an appropriation applicable to the object, one thousand seven hundred dollars.

For arrearages in the War Department prior to the first of July, one thousand eight hundred and seventeen, ninety thousand dollars.

For pay allowed by law to Indian agents, twenty-two thousand three hundred dollars.

For sub-agents, eleven thousand three hundred and thirty-eight dollars.

For presents to Indians, allowed by the law of eighteen hundred and two, fifteen thousand dollars.

For contingent expenses of the Indian department, seventy-five thousand dollars.

For making good a deficit of the appropriation of the last year, in the same, seventy thousand dollars.

For payment of a deficit in the appropriation for the quartermaster general's department, for eighteen hundred and twenty-one, seventy thousand dollars.

For completing the barracks at Baton Rouge, twelve thousand dollars.

For constructing new roofs for the barracks at Carlisle, three thousand five hundred dollars.

For the payment of the expenses of the militia court martial in Pennsylvania, of which lieutenant colonel Thomas Moore and David Fore were successively presidents, eight hundred and forty dollars and eighty-four cents.

For the payment of the expenses of the militia court martial in Pennsylvania, of which Thomas C. Miller was president, one thousand five hundred and ninety-eight dollars and seventy-eight cents.

For the payment of the expenses of the militia court martial in Pennsylvania, of which colonel James Wood was president, seven hundred and ninety-eight dollars and eighty-four cents.

For the payment of the balance of the expenses of the militia court martial in the state of New York, of which brigadier general Gerard

Collecting materials, &c.

Repairs of fortifications, &c.

National armories.

Current expenses of ordnance service, army, &c.

Army supplies.

Miscellaneous expenses at arsenals.

Reparation of defective arms.

Repairs of arsenals.

Preservation of ammunition.

Payment of outstanding claims, &c.

Arrearages in War Department.

Pay to Indian agents, &c.

Presents to Indians.

Contingent expenses.

Deficit in the appropriation of 1821.

Quartermaster general's department.

Barracks at Baton Rouge.

Barracks at Carlisle.

Expenses of militia courts martial in Pennsylvania.

Court martial in Pennsylvania.

Court martial in Pennsylvania.

Balances of expenses of

militia court martial in New York.

Balance of appropriation made Feb. 19, 1818, &c.

For survey of certain ports, &c.

For medals for officers of the army, &c.

For relief of Col. William Lawrence, &c.

For carrying into effect the treaty concluded at Chicago, &c.

For carrying into effect the treaty with the Creeks, in relation to compensation of citizens of Georgia.

For holding treaties with the Cherokees and Creeks.

Out of money in the treasury.

No money to be advanced or paid on any contract, or to any officer in arrears until he has accounted and paid, &c.

1822, ch. 11.

Steddiford was president, nineteen thousand two hundred and sixteen dollars and twenty-nine cents.

For the balance of an appropriation made nineteenth of February, eighteen hundred and eighteen, to defray the expenses of employing a brigade of militia, being the amount thereof carried to the surplus fund, twelve thousand three hundred and seventy-four dollars and fifty-seven cents.

For replacing the like amount of appropriations made for the survey of certain ports and harbours, which has been carried to the surplus fund, the sum of one thousand three hundred and thirty-four dollars and seventy-eight cents.

For replacing the like amount appropriated to procure medals for officers of the army, carried to the surplus fund, the sum of eight thousand two hundred dollars.

For replacing the like amount appropriated for the relief of Colonel William Lawrence and others, carried to the surplus fund, the sum of one thousand four hundred and forty dollars and twelve cents.

For carrying into effect the treaty concluded at Chicago, on the twenty-ninth day of August, eighteen hundred and twenty-one, the sum of eighteen thousand one hundred and seven dollars and ten cents.

For carrying into effect so much of the fourth article of the treaty of the eighth of January, one thousand eight hundred and twenty-one, between the United States and the Creek nation, in relation to the compensation due to the citizens of Georgia by the Creek nation, fifty thousand dollars.

For the purpose of holding treaties with the Cherokee and Creek tribes of Indians, for the extinguishment of the Indian title to all the lands within the state of Georgia, pursuant to the fourth section of the first article of the agreement and cession, concluded between the United States and the state of Georgia, on the twenty-fourth of April, one thousand eight hundred and two, the sum of thirty thousand dollars.

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.

SEC. 3. *And be it further enacted*, That no money appropriated by this act, or by the act, entitled "An act making appropriations for the military service of the United States for the year one thousand eight hundred and twenty-two," shall be advanced or paid to any person on any contract, or to any officer who is in arrears to the United States, until he shall have accounted for, and paid into the treasury, all sums for which he may be liable.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

CHAP. XC.—*An Act further to amend the several acts relative to the Treasury, War, and Navy, Departments. (a)*

The second section of act

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

(a) In general, the official duties of one of the executive departments, whether imposed by acts of Congress, or by resolutions, are not merely ministerial duties. The head of an executive department of the government, in the administration of the various and important concerns of his office, is continually required to exercise judgment and discretion. He must exercise his judgment in expounding the laws and resolutions of Congress, under which he is required, from time to time, to act. If he doubts, he has a right to call on the attorney general to assist him with his counsel; and it would be difficult to imagine why a legal adviser was provided by law for the heads of departments, as well as

act, entitled "An act making alterations in the Treasury and War Departments," passed the eighth day of May, seventeen hundred and ninety-two; the second section of the act, entitled, "An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments," passed the sixteenth day of July, seventeen hundred and ninety-eight; and the seventh section of the act, entitled "An act to provide for the prompt settlement of public accounts," passed the third day of March, eighteen hundred and seventeen, be, and hereby are, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

SEC. 2. *And be it further enacted,* That on the day and year last aforesaid, all moneys which may remain in the hands of the treasurer of the United States, as agent of the War and Navy Departments, shall, under the direction of the secretaries of those departments, respectively, be repaid into the treasury, and carried to the credit of the proper department upon the books of the treasury.

SEC. 3. *And be it further enacted,* That all moneys appropriated for the use of the War and Navy Departments, shall, from and after the day and year last aforesaid, be drawn from the treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the secretaries of those departments, respectively, countersigned by the second comptroller of the treasury, and registered by the proper auditor.

SEC. 4. *And be it further enacted,* That so much of the said act of the third day of March, eighteen hundred and seventeen, as is repugnant to the foregoing provisions, be, and is hereby, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

APPROVED, May 7, 1822.

of May 8, 1792, ch. 37.

Second section of act of July 16, 1798, ch. 85:

And seventh section of act of March 3, 1817, ch. 45, repealed after June 30, 1822.

All moneys remaining in the hands of the treasurer as agent of the War and Navy Departments, to be repaid into the treasury.

All moneys for the use of the War and Navy Departments, to be drawn by warrant of the Secretary of the Treasury, &c.

So much of the act of March 3, 1817, ch. 45, as is repugnant, &c., repealed.

STATUTE I.

May 7, 1822.

CHAP. XCI.—*An Act fixing the compensation of the commissioner of the public buildings. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That instead of the salary of two thousand dollars, heretofore allowed by law to the commissioner of the public buildings, there shall henceforth be allowed to the said commissioner a salary of one thousand five hundred dollars a year, to be paid quarterly, out of any moneys in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted,* That the said commissioner shall

The salary of the commissioner of the public buildings, to be hereafter 1500 dollars per annum to be paid quarterly, &c.

The commis-

for the President, unless their duties were regarded as executive, in which judgment and discretion were to be exercised. Decatur v. Paulding, Secretary of the Navy, 14 Peters, 497.

If a suit should come before the Supreme Court of the United States, which involved the construction of any of the laws imposing duties on the heads of the executive departments, the court would not certainly be bound to adopt the construction given by the head of a department; and if they supposed the decision to be wrong, they would, of course, so pronounce their judgment. But the judgment of the court upon the construction of a law, must be given in a case in which they have jurisdiction, and in which it is their duty to interpret the act of Congress, in order to ascertain the rights of the parties in the cause before them. The court could not entertain an appeal from the decision of one of the secretaries, nor revise his judgment in any case where the law authorized him to exercise his discretion or judgment. Nor can it, by mandamus, act directly upon the officer, or guide and control his judgment or discretion in the matters committed to his care, in the ordinary discharge of his official duties. The interference of the court with the performance of the ordinary duties of the executive departments of the government, would be productive of nothing but mischief; and this power was never intended to be given to them. *Ibid.*

(a) By the act of May 2, 1828, "An act making appropriations for the public buildings, and for other purposes," passed May 2, 1828, ch. 45, sec. 3, the commissioner of public buildings is required to reside near the Capitol; and by the third section of the act making appropriations for public buildings, passed March 3, 1829, ch. 51, the commissioner is required to report annually to Congress the manner in which all appropriations for the public buildings and grounds have been expended.

By the act of 1843, ch. 75, an act to fix the compensation of the commissioner of public buildings, the compensation of the commissioner was fixed at two thousand dollars per annum, and no portion of the appropriation for public buildings and grounds to be applied to the payment of clerks, unless the same be expressly provided for in the act.

sioner to give bond with one or more sureties.

Proviso.

The 3d section of act of April 29, 1816, ch.150, fixing the salary of the commissioner at 2000 dollars, repealed.

give bond, with one or more sufficient sureties, in such sum and form as the President of the United States shall direct, for the faithful discharge of the duties of his office; *Provided*, That there shall not be placed in his hand, at any one time, a sum exceeding the penalty of the bond.

SEC. 3. *And be it further enacted*, That the third section of the act, entitled "An act making an appropriation for enclosing and improving the public square near the Capitol, and to abolish the office of commissioners of the public buildings, and of superintendent, and for the appointment of one commissioner for the public buildings," approved the twenty-ninth day of April, A. D. one thousand eight hundred and sixteen, which said section fixed the salary of the said commissioner at two thousand dollars, be, and the same is hereby, repealed.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

CHAP. XCIII.—*An Act to provide for annuities to the Ottawas, Pattawatimas, Kickapoos, Choctaws, Kaskaskias, to Mushalatubbee, and to carry into effect the treaty of Saginaw.*

Sums appropriated for carrying into effect the treaty of Chicago, of Aug. 29, 1821.

To the Ottawas.

To the Pattawatimas.

To the Kickapoos.

To the Choctaws.

Annuity to Mushalatubbee, &c.

Annuity to the Kaskaskias.

The treaty of Saginaw, relative to employment of a blacksmith, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for carrying into effect a treaty concluded at Chicago, on the twenty-ninth day of August, one thousand eight hundred and twenty-one, the following sums to be paid out of any moneys in the treasury not otherwise appropriated, be, and the same are hereby, appropriated, for the payment of the annuity stipulated in said treaty, to be paid to the following Indian tribes: that is to say: to the Ottawas, a permanent annuity of one thousand dollars, annually; to the said tribe of Indians, one thousand five hundred dollars annually, for ten years, in support of a blacksmith, teacher, and a person to instruct the Ottawas in agriculture, and for the purchase of cattle and farming utensils. To the Pattawatimas, five thousand dollars annually, for twenty years, and a further sum of one thousand dollars to the said tribe of Indians, stipulated in said treaty, to be applied by the President, annually, in support of a blacksmith and teacher for them. To the Kickapoo tribe of Indians, two thousand dollars annually, for fifteen years, stipulated to be paid to the said tribe by the treaty concluded at Edwardsville, in the state of Illinois, on the thirtieth of July, one thousand eight hundred and nineteen, and to continue so appropriated so long as the said treaties shall be in force.

For carrying into effect certain stipulations contained in the treaty of the sixteenth November, one thousand eight hundred and five, with the Choctaw nation, and for the annual gratuity to said nation, allowed under previous treaties, for which no appropriation has heretofore been made, annually, two thousand four hundred dollars.

For the annuity to Mushalatubbee, provided for in the treaty concluded with the Choctaw nation, October eighteenth, one thousand eight hundred and twenty, and to carry into effect the stipulation of said treaty, relative to light horse, annually, seven hundred and fifty dollars.

For annuity secured to the Kaskaskias tribe by the treaty of the thirteenth August, one thousand eight hundred and three, for which no appropriation has heretofore been made, annually, five hundred dollars.

For carrying into effect the stipulation contained in the treaty concluded at Saginaw, twenty-fourth September, one thousand eight hundred and nineteen, relative to the employment of a blacksmith, and persons to aid in agriculture, &c. &c. and for which no appropriation has heretofore been made, the annual sum of two thousand dollars.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

CHAP. XCVI.—*An Act to authorize and empower the corporation of the city of Washington, in the District of Columbia, to drain the low grounds on and near the public reservations, and to improve and ornament certain parts of such reservation.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawful for the mayor, aldermen, and common council, of the city of Washington, under the direction of the President of the United States, and the said corporation is hereby authorized, when they shall deem it necessary, to contract with the Washington Canal Company, and obtain their consent, to change the present location of such parts of the canal, passing through the said city, as lies between Second and Seventh streets west, into such other course as shall most effectually, in their opinion, drain and dry the low grounds lying on the borders of Tyber creek.

SEC. 2. *And be it further enacted,* That, to effect the object aforesaid, and to fill up the low grounds on the borders of the said canal, in such manner as they may provide by law, the said corporation is hereby authorized and empowered, after having extended the public reservation, designated on the plan of the said city as number ten, so as the whole south side thereof shall bind on the line of Pennsylvania avenue; and after having caused to be divided the said public reservation numbered ten, except such part thereof as has already been sold, and also the public reservations numbered eleven and twelve, into building lots, to sell and dispose of the right of the United States of, in, and to, the said lots, or any number thereof, laid off as aforesaid, at public sale, on such conditions of improvement, and on such terms, as the said corporation shall prescribe: and the said corporation is further authorized and empowered, for the purposes specified in this act, to cause to be laid off, in such manner as the President of the United States may approve of, two squares, south of Pennsylvania avenue, between Third, and Sixth streets west, to front on the line of said avenue from the junction of said Sixth street west, and the said avenue, to the junction of Third street west with said avenue; and also to lay off, north of Maryland avenue, two uniform and correspondent squares, and the said four squares, when so laid off, to divide into building lots, and to sell and dispose of the right of the United States,

The corporation of Washington, under direction of the President, authorized to contract with the Washington Canal Company, and to change the location, &c.

The corporation empowered, after having extended the public reservation, and caused the public reservations, &c. to be divided into building lots, to sell the right of the United States to such lots, at public sale, &c.

The corporation further authorized to lay off four squares, divide them into building lots, and to dispose of the right of the United States to such lots, at public sale, &c.

(a) In 1822 Congress passed an act, authorizing the corporation of Washington to drain the ground in and near certain public reservations, and to improve and ornament certain parts of the public reservations. The corporation are empowered to make an agreement, by which parts of the location of the canal shall be changed, for the purpose of draining and drying the low grounds near the Pennsylvania avenue, &c. To effect these objects, the corporation is authorized to lay off, in building lots, certain parts of the public reservations, No. 10, 11, and 12, and of other squares, and also a part of B street, as laid out and designated in the original plan of the city, which lots they may sell at auction, and apply the proceeds to those objects, and afterwards to enclosing, planting, and improving other reservations, and building bridges, &c., the surplus, if any, to be paid into the treasury of the United States. The act authorizes the heirs, &c., of the former proprietors of the land, on which the city was laid out, who may consider themselves injured by the purposes of the act, to institute in the circuit court, a bill in equity, in the nature of a petition of right against the United States, setting forth the grounds of any claim they may consider themselves entitled to make, to be conducted according the rules of a court of equity; the court to hear and determine upon the claim of the plaintiffs, and what portion, if any, of the money arising from the sale of the lots they may be entitled to, with a right of appeal to the Supreme Court. The plaintiffs, Van Ness and wife, filed their bill against the United States and the corporation of Washington, claiming title to the lots which had been thus sold, under David Burns, the original proprietor of that part of the city, and father of one of the plaintiffs, on the ground, that, by the agreement between the United States and the original proprietors, upon laying out the city, those reservations and streets were forever to remain for public use, and without the consent of the proprietors could not be otherwise appropriated or sold for private use; that the act of Congress was a violation of the contract; that by such sale and appropriation for private use, the right of the United States thereto was determined, or that the original proprietors re-acquired a right to have the reservations, &c., laid out in building lots, for their joint and equal benefit with the United States, or that they were in equity, entitled to the whole or a moiety of the proceeds of the sales of the lots. Held, that no rights or claims exist in the former proprietors or their heirs; and that the proceedings of the corporation of Washington, under and in conformity with the provisions of the act, are valid and effectual for the purposes of the act. *Van Ness and wife v. The Mayor of Washington, and the United States*, 4 Peters, 232.

No change in the direction of the canal, without the written consent, &c.

The change to be made out of moneys paid by the corporation, &c.

No landing for wharfage between Third and Sixth streets.

The mayor empowered to execute a deed in fee, &c.

The deeds to be recorded, &c.

The corporation may apply balances to improving the public reservation between Capitol square and Sixth street west, &c.

No improvements, &c., unless out of the funds created by this act, &c.

Corporation to have the control, &c., of the public reservation, &c.

The residue of the fund to be paid into the treasury of the United States.

Legal representatives of former proprietors, &c. permitted within a year, &c., to institute a bill in equity, &c. against the United States.

A copy of the bill to be served on the attorney general, &c.

The suits to be conducted according to the rules of a court of equity, &c.

of, in, and to, such building lots, or any number thereof, at public sale, on such conditions of improvement, and on such terms, as the said corporation shall prescribe; but no change shall be made in the direction of said canal, unless the consent, in writing, of the president and directors of the Washington Canal Company be first had and obtained; and the change that shall be made, in pursuance of any contract that may be entered into under this act, shall be made by the said company out of the moneys to be paid to the said company by the said corporation; and the said company shall, during the time the proposed alteration is in progress, be entitled to receive the same rates of wharfage that are secured to them by any former act or acts; but no landing shall be permitted for the purposes of wharfage between the west side of Third and the east side of Sixth streets west.

SEC. 3. *And be it further enacted*, That, upon the payment of the purchase money, and upon the compliance with the conditions of improvement by the purchaser or purchasers, or his or their heirs or assigns, the mayor of the said city, for the time being, shall be, and he is hereby, empowered to execute a deed or deeds in fee to such purchaser or purchasers, his or their heirs or assigns, under his hand and the seal of the said corporation; which deed or deeds shall be recorded among the land records of the county of Washington, within the time prescribed for the recording of conveyances of real estates.

SEC. 4. *And be it further enacted*, That if, after the aforesaid objects shall be effected, a balance shall remain unexpended in the hands of the said corporation, from the proceeds of the sale of the said lots, the said corporation is authorized and empowered to appropriate and apply, from time to time, as the same may be collected, the whole or any part of such balance, to enclosing, planting, or otherwise improving the public reservation between the Capitol square and Sixth street west, and building one or more bridges over that part of the canal lying in or between Second and Sixth streets west; but the said corporation is hereby expressly prohibited from undertaking any of the improvements contemplated by this section, unless the said improvements shall be effected out of the funds created by this act, or out of the corporate funds of the said corporation; and the corporation of the said city shall have the control and management of the public reservation between the botanic garden and Sixth street west, with the view to the improvement and preservation of the same, until Congress shall otherwise direct.

SEC. 5. *And be it further enacted*, That the residue of the fund, created by the sales of lots, authorized by this act, after effecting the objects contemplated by the foregoing sections, shall, from time to time, as the same may be collected, be paid by the mayor of Washington into the treasury of the United States.

SEC. 6. *And be it further enacted*, That it shall be lawful for the legal representative of any former proprietor of the land directed to be disposed of by this act, or persons lawfully claiming title under them, and they are hereby, permitted and authorized, at any time within one year from the passing of this act, to institute a bill in equity in the nature of a petition of right against the United States, in the circuit court of the United States for the district of Columbia, in which they may set forth the grounds of their claim to the land in question.

SEC. 7. *And be it further enacted*, That a copy of said bill shall be served on the attorney general of the United States, and it shall be his duty to prepare and put in the proper pleas and answers, and make all proper defence thereto, in behalf of the United States.

SEC. 8. *And be it further enacted*, That the said suit shall be conducted according to the rules of a court of equity; and the said court shall have full power and authority to hear and determine upon the claim of the plaintiff or plaintiffs, and what proportion, if any, of the money

arising from the sale of the land hereby directed to be sold, the parties may be entitled to.

SEC. 9. *And be it further enacted*, That the plaintiff or plaintiffs, or the attorney general of the United States, shall be entitled to an appeal to the Supreme Court of the United States, whose decision shall be conclusive between the parties; and should no appeal be taken, the judgment or decree of the said circuit court shall in like manner be final and conclusive.

APPROVED, May 7, 1822.

The plaintiff or the attorney general entitled to an appeal to the Supreme Court, &c.

STATUTE I.

May 7, 1822.

[Obsolete.]

Certain collection districts annexed to others.

Districts annexed abolished, &c.

Certain other districts annexed to those mentioned.

The districts annexed estab-

CHAP. CVII.—*An Act further to establish the compensation of officers of the customs and to alter certain collection districts, and for other purposes.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the collection district of White Mountains shall be, and hereby is, annexed to the district of Portsmouth, in New Hampshire; the district of Memphrymagog, to the district of Vermont; the district of Hudson, to the district of New York; and each of the districts so annexed is hereby abolished, and made and constituted a part of the district to which it is annexed.

SEC. 2. *And be it further enacted*, That the collection district of Chester, with the district of Havre de Grace, be, and hereby is, annexed to the district of Baltimore; the district of Nottingham, to the district of Annapolis; the districts of Dumfries and Yeocomico, to the district of Tappahannock; the districts of Hampton, in Virginia, and South Quay, to the district of Norfolk and Portsmouth; and each of the districts so

(a) The acts relating to the compensation of collectors and other officers of the customs are:

An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, August 4, 1790, (obsolete,) ch. 35, sec. 52, vol. i. 171.

An act making further provision relative to revenue cutters, (obsolete,) May 6, 1796, ch. 22, sec. 2.

An act in addition to an act, entitled "An act supplementary to the act entitled an Act to provide more effectually for the collection of the duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," (obsolete,) May 27, 1796, ch. 35.

An act establishing an annual salary for the surveyor of the port of Gloucester, (obsolete,) July 14, 1798, ch. 73.

An act to increase the compensation now allowed by law to inspectors, measurers, weighers, and gaugers, employed in the collection of the customs, (obsolete,) April 26, 1816, ch. 95.

An act respecting the compensation of the collectors therein named, (obsolete,) March 3, 1817, ch. 49.

An act further to establish the compensation of officers of the customs and to alter certain collection districts, and for other purposes, (obsolete,) May 7, 1822, ch. 107.

An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes, March, 1799, ch. 23.

An act supplementary to an act, entitled an "Act to establish the compensation of officers employed in the collection of the duties on imports and tonnage," May 10, 1800, ch. 54.

An act to amend an act to establish the compensation of the officers employed in the collection of the duties, imports, and tonnage, and for other purposes, April 30, 1802, ch. 37.

An act relative to the compensation of certain officers of the customs, and to provide for the appointing a surveyor in the district therein mentioned, March 27, 1804, ch. 58.

An act to annex a part of the state of New Jersey to the collection district of New York, and to remove the office of collector of Niagara to Lewistown, &c., March 2, 1811, ch. 33, sec. 9.

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola, May 26, 1824, ch. 158.

An act to regulate the foreign and coasting trade on the northern, north-eastern and north-western frontiers of the United States, and for other purposes, March 2, 1831, ch. 98.

An act making appropriation for the civil and diplomatic expenses of government, for the year one thousand eight hundred and thirty-five, June 27, 1834, ch. 92, sec. 2.

An act making appropriations for the civil and diplomatic expenses of government, for the year one thousand eight hundred and thirty-five, March 3, 1835, ch. 28, sec. 3.

An act to amend an act entitled "An act to annex part of the state of New Jersey to the collection district of New York, and to remove the office of collector of Niagara to Lewistown, &c." June 30, 1834, ch. 128.

An act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and thirty-seven, March 3, 1837, ch. 33, sec. 2.

An act to provide for the support of the military academy of the United States, for the year eighteen hundred and thirty-eight, and for other purposes, July 7, 1838, ch. 169, sec. 3.

lished as ports of delivery, &c.

The offices of surveyor, in the places specified, abolished.

Certain ports of delivery discontinued.

The President &c. to appoint a surveyor to each port of delivery established by this act, &c.

Each surveyor to have the same powers, &c. as others.

The salaries of the collectors mentioned, to cease.

Commissions to the collectors mentioned, in lieu, &c.

Salaries, in addition to emoluments, and in lieu of former salaries to the officers mentioned.

Collectors.

Surveyors.

annexed is hereby abolished, and made and constituted a part of the district to which it is annexed, and established a port of delivery, with the privileges appertaining to such ports.

SEC. 3. *And be it further enacted*, That the offices of surveyor in Augusta, Thomastown, Waldoboro', St. George, Bristol, Nobleboro' and Bangor, in Maine; Easton, Great Mills, St. Ingoes, in Maryland; Winton, Tombstone, Skewarky, Nixonton, Indiantown, New Biggin Creek, and Pasquotank, in North Carolina; Pittsburg, Marietta, Cincinnati, Massac, Charleston, in Virginia, and Limestone; be, and the same are hereby, abolished.

SEC. 4. *And be it further enacted*, That the ports of delivery of Augusta, in Maine, Winton, Tombstone, Skewarky, Nixonton, Indian town, New Biggin Creek, and Pasquotank, in North Carolina, be, and the same are hereby, discontinued as ports of delivery.

SEC. 5. *And be it further enacted*, That the President of the United States, be, and he is hereby authorized, with the advice and consent of the Senate, to appoint a surveyor to each of the ports of delivery established by this act; and also a surveyor for the port of Eastport, in the district of Passamaquoddy; and each surveyor so appointed, shall have the same powers, and be subject to the same duties, as other surveyors of the customs.

SEC. 6. *And be it further enacted*, That the salaries heretofore allowed by law to the several collectors of the customs for the districts of White Mountains, Memphrymagog, Barnstable, Nantucket, Marblehead, and New Bedford, shall cease and be discontinued.

SEC. 7. *And be it further enacted*, That in lieu of the commissions allowed by law to the several officers hereafter mentioned, there shall be allowed the following, to wit; To each of the collectors for the districts of Saco, Cape Vincent, Georgetown, in the District of Columbia, Newbern, and St. Mary's, in Georgia, three per cent.; to each collector for the districts of Kennebunk, Newport, and New London, two and a half per cent.; to each collector for the districts of Bath, Bristol, New Haven, and Alexandria, two per cent.; to the collector for the district of Portsmouth, one and three fourths per cent.; to each collector for the districts of Norfolk and Portsmouth, Petersburg, and Richmond, one and three-fourths per cent.; and to the collector for the district of Mississippi, one per cent.; to the collector for the district of Boston, one-fifth of one per cent.; and to the collector for the district of New-York, one-sixth of one per cent., on all moneys by them respectively received on account of the duties arising from goods, wares and merchandise, imported into the United States, and on the tonnage of vessels.

SEC. 8. *And be it further enacted*, That, in addition to the emoluments, of the several officers hereinafter mentioned, and in lieu of the salaries now established by law, there shall be allowed and paid the following salaries, to wit: To the collector of the district of Wilmington, in Delaware, five hundred dollars; to the collector of the district of Sagg Harbour, four hundred dollars; to each of the collectors for the districts of Saco, Edgartown, Fairfield, Cape Vincent, Sackett's Harbour, Champlain, Oswegatchie, Oswego, Vermont, Oxford, Tappahannock, Beaufort, in North Carolina, Edenton, Georgetown, in South Carolina, and Beaufort, in South Carolina, two hundred and fifty dollars; to each of the collectors for the districts of Wiscasset, Oswego, Plymouth, in North Carolina, two hundred dollars; to the surveyor at Eastport, for the district of Passamaquoddy, five hundred dollars; to the surveyors at North Kingston, for the district of Newport, and to each of the surveyors at New London, and at Hartford and Middletown, for the district of Middletown and Hampton, two hundred and fifty dollars; to each of the surveyors of the ports for the districts of St. Mary's in Maryland, East River, South Quay, Petersburg, Edenton, Pawtuxet, and Camden, two hundred dollars; and

to each of the surveyors of the ports of Chester, Havre de Grace, Nottingham, Dumfries, and Yeocomico, one hundred and fifty dollars; to the naval officers for the districts of Providence and Newport, two hundred and fifty dollars each.

Sec. 9. *And be it further enacted*, That whenever the emoluments of any collector of the customs of either of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans, shall exceed four thousand dollars, or the emoluments of any naval officer of either of said ports, shall exceed three thousand dollars, or the emoluments of any surveyor of either of said ports shall exceed two thousand five hundred dollars, in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the treasury, for the use of the United States.

Sec. 10. *And be it further enacted*, That whenever the emoluments of any other collector of the customs shall exceed three thousand dollars, or the emoluments of any other naval officer shall exceed two thousand five hundred dollars, or the emoluments of any other surveyor shall exceed two thousand dollars, in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the treasury, for the use of the United States. (a)

Sec. 11. *And be it further enacted*, That the preceding provisions shall not extend to fines, penalties, or forfeitures, or the distribution thereof.

Sec. 12. *And be it further enacted*, That every collector, naval officer, and surveyor, shall account to the treasury for all his emoluments, and also for all the expenses incident to his office; that such accounts, as well of expenses as of emoluments, shall be rendered on oath or affirmation, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury, and all such accounts shall be settled at the treasury like other public accounts.

Sec. 13. *And be it further enacted*, That every collector, naval officer, and surveyor, shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office rent, stating the purposes for which the premises rented are applied.

Sec. 14. *And be it further enacted*, That, in the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, no person shall be an inspector who, at the same time, holds any other office in the collection of the customs in either of the said ports.

Sec. 15. *And be it further enacted*, That the Secretary of the Treasury may, from time to time, limit and fix the number and compensations of the clerks to be employed by any collector, naval officer, or surveyor, and may limit and fix the compensation of any deputy of any such collector, naval officer, or surveyor: *Provided*, That no such deputy, in any of the districts of Boston and Charlestown, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans, shall receive more than one

Naval officers.

Limitation of emoluments of collectors of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans. Naval officers. Surveyors.

Limitation of the emoluments of other collectors, naval officers, and surveyors.

The preceding provisions not to extend to fines, forfeitures, &c.

Collectors, naval officers, and surveyors, to render an account of emoluments, &c.

Officers and surveyors to render a list of clerks employed by them, their compensation, and an account of sums paid for stationery, &c.

In the ports of Boston, &c., no person to be an inspector who holds any other office in the collection of the customs.

Salary to deputy collector, &c.

(a) The act of Congress of May 7, 1822, ch. 107, sec. 10, provides that whenever the emoluments of certain collectors of the customs shall exceed three thousand dollars in any one year, &c. the excess shall in every such case be paid into the treasury of the United States. The defendant was collector of the port of Gloucester, and was removed from office July 29, 1829. From January first in the same year, to the day of his removal, he received for salary, fees and commissions, \$3457 83; the excess of this over \$3000, after deducting certain legal expenses, he paid into the treasury of the United States. Held, that all the fees and commissions received by the collector are to be deemed to be received for his own use, until they exceed the maximum amount of \$3000; that the defendant was therefore absolutely entitled, in his own right to the fees and emoluments of office, not exceeding \$3000, received during the seven months preceding his removal, although he did not continue in office a whole year from January first; and that the year of his successor in office commenced on the day of his appointment, and ended with the same day in the succeeding year.

The United States in error v. William Pearce, Jun., and another, 2 Sumner's C. C. R. 575.

thousand five hundred dollars, nor any other such deputy more than one thousand dollars, in any one year, for any services he may perform for the United States in any office or capacity.

No account for compensation to be allowed until he has certified, on oath or affirmation, that he has performed the services and received the full sum charged, &c.

SEC. 16. *And be it further enacted*, That no account for the compensation for services of any clerk, or other person employed in any duties in relation to the collection of the revenue, shall be allowed, until such clerk or other person shall have certified, on oath or affirmation, that the same services have been performed, that he has received the full sum therein charged, to his own use and benefit, and that he has not paid, deposited, or assigned, nor contracted to pay, deposit, or assign, any part of such compensation to the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof.

If any person employed in the collection of the revenue accepts any fee, &c. not allowed by law, for any service performed, &c. he is to be removed from office, pay a fine, &c.

SEC. 17. *And be it further enacted*, That if any person employed in any duties in relation to the collection of the revenue, shall accept or receive any fee, reward, or compensation, other than that allowed by law, for any service he may perform for any person, in making any entry or clearance, or preparing any papers to be used or kept in the custom-house, such person shall be removed from office, and shall, moreover, on conviction thereof, pay a fine, not exceeding five hundred dollars.

No collector, &c. to receive more than 400 dollars annually, exclusive, &c.

SEC. 18. *And be it further enacted*, That no collector, surveyor, or naval officer, shall ever receive more than four hundred dollars annually, exclusive of his compensation as collector, surveyor, or naval officer, and the fines and forfeitures allowed by law, for any services he may perform for the United States in any other office or capacity.

Collector of Cape Vincent.

This act in force from 30th June, 1822.

SEC. 19. *And be it further enacted*, That the salary of the collector of the district of Cape Vincent shall commence from the time of his appointment.

SEC. 20. *And be it further enacted*, That this act shall be in force from and after the thirtieth day of June next.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

CHAP. CVIII.—*An Act vesting in the commissioners of the counties of Wood and Sandusky, the right to certain lots in the towns of Perrysburg and Croghansville, in the state of Ohio, for county purposes.*

Unsold town lots, &c. in Perrysburg, &c.

Unsold town lots, &c. in Croghansville, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the right to all the unsold town lots and out-lots in the town of Perrysburg be, and the same is hereby, vested in the commissioners of Wood county, in the state of Ohio; and the right to all the unsold town lots and out-lots in the town of Croghansville be, and the same is hereby, vested in the commissioners of Sandusky county, in said state; on condition that said commissioners shall permanently locate the seat of justice for their respective counties at said towns; and that the net proceeds of the sales of so many of said lots as are necessary to be retained for the purpose of erecting public buildings thereon, be applied to the erection and improvement of the public buildings and squares in said towns respectively.

APPROVED, May 7, 1822.

STATUTE I.

May 7, 1822.

CHAP. CXII.—*An Act authorizing the payment of certain certificates.*

So much of the act of

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of an act, entitled "An act making further provisions for the support of public

credit and for the redemption of the public debt," passed the third day of March, one thousand seven hundred and ninety-five, and so much of the act, entitled "An act respecting loan office and final settlement certificates, indents of interest, and the unfunded and registered debt, credited on the books of the treasury," passed the twelfth day of June, one thousand seven hundred and ninety-eight, as bars from settlement or allowance certificates, commonly called loan office and final settlement certificates, and indents of interest, be, and the same is hereby, suspended for the term of two years from and after the passing of this act, and from thence until the end of the next session of Congress; a notification of which temporary suspension of the act of limitation shall be published by the Secretary of the Treasury, for the information of the holders of the said certificates, in one or more of the public papers in each of the United States.

SEC. 2. *And be it further enacted,* That all certificates, commonly called loan office certificates, countersigned by the loan officers of the states, respectively, final settlement certificates, and indents of interest, which, at the time of passing this act, shall be outstanding, may be presented at the treasury; and, upon the same being liquidated and adjusted, shall be paid to the respective holders of the same, with interest at six per cent. per annum, from the date of the last payment of interest, as endorsed on said certificates.

SEC. 3. *And be it further enacted,* That, for carrying this act into effect, the sum of fifteen thousand dollars be appropriated out of any moneys in the treasury of the United States not otherwise appropriated.

APPROVED, May 7, 1822.

March 3, 1795, ch. 45, and of act of June 12, 1798, ch. 51, as bars loan office and final settlement certificates, &c. suspended for two years, &c.

Notification of suspension to be published.

Outstanding loan office certificates, &c. may be presented at the treasury; and, being liquidated, &c. to be paid to the holders, with interest, &c.

Appropriation.

STATUTE I.

May 7, 1822.

CHAP. CXVIII.—*An Act requiring surveyors general to give bond and security for the faithful disbursement of public money, and to limit their term of office.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passing of this act, every surveyor general, commissioned by the authority of the United States, shall, before entering on the duties of his office, and every surveyor general now in commission, shall, on or before the thirtieth day of September next, execute and deliver, to the Secretary of the Treasury of the United States, a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands for disbursement, and for the faithful performance of the duties of his office.

SEC. 2. *And be it further enacted,* That the commission of every surveyor general now in office, shall, unless sooner vacated, by death, resignation, or removal from office, cease and expire on the first day of February next: and the commission of every surveyor general, hereafter commissioned by the authority of the United States, shall cease and expire unless sooner vacated by death, resignation, or removal from office, in four years from the date of the commission.

SEC. 3. *And be it further enacted,* That the President of the United States shall, and he is hereby authorized, whenever he may deem it expedient, require any surveyor general of the United States to give new bond and additional security, under the direction of the Secretary of the Treasury, for the faithful disbursement, according to law, of all money placed in his hands for disbursement.

APPROVED, May 7, 1822.

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Every surveyor general to give bond with security in the penal sum of 30,000 dollars, for the faithful disbursement of public money, and performance of his official duties.

The commissions of surveyors general now in office, &c., on Feb. 1, 1823.

Commissions of surveyors general to expire in four years from the dates.

Surveyor general to give new bond and additional security, &c.

STATUTE I.

May 7, 1822.

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

As soon as the jurisdiction has been ceded &c., the Secretary of the Treasury to provide for building lighthouses on the islands and places mentioned, and to agree for salaries or wages of superintendents.

The floating light at the port of Ocracoke to be removed to the Narrows in the Potomak.

Buoys at the places mentioned.

Appropriation for carrying this act into effect.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, as soon as the jurisdiction of such portions of land at Monhegan Island, on the coast of Maine; at Billingsgate Island, in Barnstable Bay; at Cutter Hunk Island, near New Bedford, in the state of Massachusetts; at Stonington Point, in the state of Connecticut; at Old Field Point, Long Island, in the state of New York; at Cape May, in the state of New Jersey; at or near the Port of Ocracoke, in the state of North Carolina; at Cape Florida, and on the Dry Tortugas, or on some place in the vicinity, as the President of the United States shall select for the sites of lighthouses; shall be ceded to, and the property thereof respectively vested in, the United States, it shall be the duty of the Secretary of the Treasury to provide, by contracts, which shall be approved by the President, for building lighthouses respectively on such sites, to be so lighted as to be distinguished from other lighthouses near the same; and also to agree for the salaries, wages, or hire, of the persons to be appointed by the President for the superintendence of the same.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized, if he shall deem it expedient, to cause to be removed the floating light placed at or near the said port of Ocracoke, and to have the same placed at the Narrows in the Potomak river.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized to provide, by contract, for procuring and placing buoys at the following places, to wit: one at Harbour Island Bar, one on Pine Point Shoal, one on the Point of Marsh Shoals, one on Swan Island Shoal, one on the east end of Brant Island Shoal, one on the Middle Ground Shoal, one on the Bluff Shoal, and one on the Long Shoal, all being situated on the coast of North Carolina; and also for three buoys for the bar of the port of Georgetown, South Carolina.

SEC. 4. *And be it further enacted,* That the following sums be appropriated for the purpose of carrying the provisions of this act into effect, to be paid out of any moneys in the treasury not otherwise appropriated; to wit: For building the lighthouse at Monhegan Island, three thousand dollars; at Billingsgate Island, on Barnstable Bay, two thousand dollars; at Cutter Hunk Island, near New Bedford, and for placing buoys near thereto, three thousand dollars; at Old Field Point, Long Island, two thousand five hundred dollars; for placing a lamp on the mess-house at Fort Niagara, one thousand dollars; for finishing the pier near the port of Kennebunk, in the state of Maine, the further sum of four thousand dollars; for completing the lighthouse on Throgsneck, the additional sum of five hundred dollars; for building a light vessel, and placing the same on or near the outer bar of the harbour of New York, fifteen thousand dollars; for placing three buoys on the bar near the port of Georgetown, South Carolina, three hundred dollars; for rebuilding and completing the lighthouse on Frank's Island, in the state of Louisiana, nine thousand seven hundred and fifty dollars; for building the lighthouse at Stonington Point, three thousand five hundred dollars; for building the lighthouse at Cape May, the sum of five thousand dollars; for building the lighthouse at or near Ocracoke, the sum of twenty thousand dollars; for building the lighthouse at Cape Florida, eight thousand dollars; and for building the lighthouse on the Dry Tortugas, or on some place in the vicinity, eight thousand dollars; and for procuring and placing the buoys on the coast of North Carolina, and for removing the floating light at or near the port of Ocracoke, the sum of one thousand three hundred dollars.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, authorized to provide, by contract, to be approved by the President of the United States, for building a sea wall or pier at the Isles of Shoals, between Cedar Island and Smutty-Nose Island, on the coast of New Hampshire and Maine, conformably to the report of the commissioners appointed under the fourth section of the act passed the third day of March, one thousand eight hundred and twenty-one, entitled "An act to authorize the building of lighthouses therein mentioned, and for other purposes," and that a sum, not exceeding eleven thousand five hundred dollars, is hereby appropriated for the purpose aforesaid, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury be authorized and required to cause to be erected in the Bay of Delaware, at or near a place called the Shears, near Cape Henlopen, by contract or contracts, to be approved by the President of the United States, two piers of sufficient dimensions to be a harbour or shelter for vessels from the ice, if, after a survey made under his direction, the measure shall be deemed expedient; and provided that the jurisdiction of the site where such piers may be erected, shall be first ceded to the United States, according to the conditions in such case by law provided; and that, for the purpose of carrying the same into effect, there be appropriated the sum of twenty-two thousand seven hundred dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 7. *And be it further enacted*, That the light authorized to be built on Cross Island, in the state of Maine be, and the same is hereby, directed to be built on the South point of Libby Island, and for building and completing the same, the sum of five hundred dollars, in addition to the former appropriation, is hereby appropriated, out of any money in the treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That the following sums of money be, and the same are hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for the following purposes to wit: Four thousand dollars to enable the Secretary of the Treasury to purchase the patent right of David Melville and others, to a newly invented lamp for lighting lighthouses; and a sum not exceeding four thousand two hundred and forty dollars, for placing the same in lighthouses.

SEC. 9. *And be it further enacted*, That for making and completing a survey of the coast of Florida, under the direction of the President of the United States, a sum of money, not exceeding six thousand dollars, be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for carrying the same into effect.

APPROVED, May 7, 1822.

The Secretary of the Treasury to provide by contract, &c., for building a sea wall, &c., at the Isles of Shoals, &c.

1821, ch. 52.

Two piers to be erected by contract, at a place called the Shears, near Cape Henlopen, &c., if, &c.

The jurisdiction of the state to be first ceded.

The light on Cross Island to be built on the south point of Libby Island. Appropriation.

Appropriations for purchasing and placing the patent lamp of D. Melville and others.

Appropriation for completing the survey of the coast of Florida.

STATUTE I.

May 8, 1822.

CHAP. CXXII.—*An Act confirming claims to lots in the town of Mobile, and to land in the former province of West Florida, which claims have been reported favourably on by the commissioners appointed by the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the claims to lots in the town of Mobile, founded on complete grants derived from either the French, British, or Spanish, authorities, reported to the Secretary of the Treasury by the commissioner for the district east of Pearl river, appointed under the authority of "An act for ascertaining the titles and claims to land in that part of Louisiana which lies east of the island of New Orleans," or which were so reported by the register and receiver, acting as commissioners, under the act of the third of March, one thousand eight hundred and nineteen, entitled "An act for adjusting claims to land, and

Claims to lots in Mobile, founded on complete grants from the French, British, or Spanish authorities, reported, &c. recognised as valid.

Act of April 25, 1812, ch. 67.

Act of March 3, 1819, ch. 100.

Certain claims to lots in Mobile confirmed.

All claims to lots in Mobile, reported by the commissioner, &c. founded on private conveyances, &c. confirmed, &c.

Proviso.

For all other claims to lots in Mobile, contained in the report of the register and receiver, built upon, &c. on or before April 15, 1813, grants to issue as donations.

Proviso.

Registers and receivers of the land offices at St. Helena and Jackson Court-houses, to have the same powers, &c. as are given by the act supplementary, &c.

Act of May 8, 1822, ch. 123.

STATUTE I.

May 8, 1822.

So much of the public lands within the bounds described, in Illinois, to form a land district, &c.

A land office as the President may designate.

establishing land offices, in the districts east of the island of New Orleans," which are contained in the reports of the commissioner, or of the register and receiver acting as commissioners, and which are, in their opinion, valid, agreeably to the laws, usages, and customs, of the said governments, be, and the same are hereby, recognised as valid.

SEC. 2. *And be it further enacted*, That all the claims to lots in the town aforesaid, reported as aforesaid, and contained in the reports of the commissioner, or of the register and receiver acting as commissioners, founded on orders of survey, requettes, permissions to settle, or other written evidences of claims, derived from either the French, British, or Spanish authorities, and bearing date prior to the twentieth of December, one thousand eight hundred and three, and which ought, in the opinion of the commissioner, to be confirmed, shall be confirmed in the same manner as if the title had been completed.

SEC. 3. *And be it further enacted*, That all the claims to lots in the town aforesaid, reported as aforesaid, and contained in the reports of the commissioner, or of the register and receiver acting as commissioners, founded on private conveyances which have passed through the office of the commandant, or other evidence, but founded, as the claimants allege, on grants lost by time and accident, and which ought, in the opinion of the commissioner, to be confirmed, shall be confirmed in the same manner as if the titles were in existence: *Provided*, That, in all such claims where the quantity claimed is not ascertained, no one claim shall be confirmed for a quantity exceeding seven thousand two hundred square feet.

SEC. 4. *And be it further enacted*, That for all the other claims to lots in the town aforesaid, reported as aforesaid, which are contained in the report of the register and receiver, and which, by the said report, appear to have been built upon or improved and occupied, on or before the fifteenth day of April, one thousand eight hundred and thirteen, the claimants shall be entitled to grants therefor as donations: *Provided*, That in all such claims, where the quantity claimed is not ascertained, no one claim shall be confirmed for a quantity exceeding seven thousand two hundred square feet; *And provided also*, That all the confirmations and grants provided to be made by this act, shall amount only to a relinquishment for ever, on the part of the United States, of all right and title whatever to the lots of land so confirmed or granted.

SEC. 5. *And be it further enacted*, That the registers and receivers of the land offices at St. Helena Courthouse and at Jackson Courthouse, respectively, shall have the same powers to direct the manner in which all lands confirmed by this act shall be located and surveyed, and also to decide between the parties in all conflicting and interfering claims, as are given by the act, entitled "An act supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the districts east of the island of New Orleans."

APPROVED, May 8, 1822.

CHAP. CXXIV.—*An Act to establish an additional land office in the state of Illinois.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the public lands of the United States as lies east of the Mississippi river, north of the line separating the thirteenth and fourteenth tiers of townships north of the base line, and west of the third principal meridian, in the state of Illinois, shall form a land district, for the disposal of the said lands, and for which purpose a land office shall be established at such place therein as the President of the United States shall designate, until the same shall be permanently fixed by law.

SEC. 2. *And be it further enacted,* That there shall be a register and receiver appointed to the said land office, to superintend the sales of the public lands in the said district, who shall reside at the place where the said office shall be established as aforesaid, give security in the same manner, in the same sums, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same in relation to the lands which shall be disposed of at their offices, as are or may be by law, provided in relation to the registers and receivers of public moneys in the several offices established for the sale of the public lands: *Provided,* That the said appointments shall not be made until a sufficient quantity of public lands shall have been surveyed within the said district to authorize, in the opinion of the President, a public sale of lands within the same.

SEC. 3. *And be it further enacted,* That the provisions of the second, third, and fifth, sections of the act, entitled "An act to designate the boundaries of districts, and establish land offices, for the disposal of the public lands not heretofore offered for sale in the states of Ohio and Indiana," approved March third, eighteen hundred and nineteen, and the act, entitled "An act making further provision for the sale of the public lands," approved April twenty-fourth, eighteen hundred and twenty, be, and the same are hereby, made applicable to the said district and office, so far as they are not changed by subsequent laws of the United States.

APPROVED, May 8, 1822.

A register and receiver for the land office, &c. to reside at the place established, give security, &c.

Proviso.

The provisions of the 2d, 3d and 5th sections of the act of March 3, 1819, and of April 24, 1820, made applicable, &c.

Act of March 3, 1819, ch. 92.

Act of April 24, 1820. ch. 51.

STATUTE I.

May 8, 1822.

CHAP. CXXVI.—*An Act to designate the boundaries of a land district, and for the establishment of a land office, in the state of Indiana.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for the sale of the unappropriated public lands in the state of Indiana, to which the Indian title is extinguished, the following district shall be formed, and a land office established: All the public lands as aforesaid, to which the Indian title was extinguished by the treaties concluded at St. Mary's in the month of October, eighteen hundred and eighteen, lying east of the range line separating the first and second ranges east of the second principal meridian, extended north to the present Indian boundary and north of a line to be run separating the tiers of townships numbered twenty and twenty-one, commencing on the old Indian boundary, in range thirteen east of the said principal meridian, in Randolph county, and the said district to be bounded on the east by the line dividing the states of Ohio and Indiana, shall form a district, for which a land office shall be established at Fort Wayne.

A district and land office for the sale of unappropriated public lands in Indiana, &c.

Boundaries of the district.

A land office at Fort Wayne.

SEC. 2. *And be it further enacted,* That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, for the aforesaid district, a register of the land office and a receiver of public moneys; which appointments shall not be made for the aforesaid land district until a sufficient quantity of public lands shall have been surveyed within the said district as to authorize, in the opinion of the President, a public sale of land within the same; which register of the land office and receiver of public moneys, when appointed, shall each, respectively, give security in the same sums, and in the same manner, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same, in respect to the lands which shall be disposed of at their offices, as are or may be provided by law in relation to the registers and receivers of public moneys in the several land offices established for the disposal of the public lands of the United States in the states of Ohio and Indiana.

The President to appoint to register and receiver when a sufficient quantity of public land shall have been surveyed, &c.

Register and receiver to give security, &c.

All the public lands in the

district, not granted or reserved, &c. except section No. 16, &c., to be offered for sale to the highest bidder.

The lands to be sold in tracts &c. as provided by act of April 24, 1820, ch. 51.

The President may remove the land office to a suitable place whenever he judges it expedient.

Five dollars a day to the register and receiver.

and which have not been granted to, or secured for, the use of any individual or individuals, or appropriated and reserved for any other purpose by any existing treaties or laws, and with the exception of section numbered sixteen in each township, which shall be reserved for the support of schools therein, shall be offered for sale to the highest bidder, at the land office for the said district, under the direction of the register of the land office and receiver of public moneys, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose: the lands shall be sold in tracts of the same size, on the same terms and conditions, and in every respect, as provided by the act, entitled "An act making further provision for the sale of the public lands," approved April twenty-fourth, eighteen hundred and twenty.

Sec. 4. *And be it further enacted*, That the President of the United States shall have power, and he is hereby authorized, to remove, whenever he shall judge it expedient so to do, the land office aforesaid, to such suitable place, within the said district, as he shall judge most proper.

Sec. 5. *And be it further enacted*, That the register of the land office and receiver of public moneys shall, each, receive five dollars for each day's attendance in superintending the public sales in the said district.

APPROVED, May 8, 1822.

STATUTE I.

May 8, 1822.

CHAP. CXXVII.—*An Act to establish certain post-roads, and to discontinue others, and for other purposes.*

Mail-routes discontinued.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following mail-routes be discontinued; that is to say:

Vermont.

In Vermont.—From Lynden to Wheelock, in the county of Caledonia.

New York.

In New York.—From Utica, by Clinton, Chandler's store, Augusta, and Madison, to Hamilton Village.

From Chittingo, alias Sullivan, to Madison; and that part of the route from Leicester to Olean, which is situated between Oil Creek and Olean.

New Jersey.

In New Jersey.—From Liberty Corner to Somerville.

Maryland.

In Maryland.—From Annapolis to Kent Island, and from thence, through Queenstown, to Centreville.

Pennsylvania.

In Pennsylvania.—From Uniontown, by Middletown, to Perryopolis.

From Londontown to Messenburg.

Virginia.

In Virginia.—From Brown's store to Dickinson's store, in Franklin county.

North Carolina.

In North Carolina.—From Haysville to Williamsborough.

From Winton, by Gale's Courthouse, to Sunbury.

From Waynesville, in North Carolina, to Houstonville, in South Carolina.

Kentucky.

In Kentucky.—From Ross's post-office, Whitby county, to Monticello, in Wayne county.

From Manchester to the Hazelpatch, and from thence to Columbia.

Ohio.

In Ohio.—From the mouth of Little Scioto to Piketon.

Arkansas.

In Arkansas.—From Clark Courthouse to Hempstead Courthouse, and to the post of Washita.

Post-roads established.

Sec. 2. *And be it further enacted*, That the following post-roads be established; to wit:

In Maine.—From Hallowell, by Silas Piper's, in Harlem, Jonathan Greely's, at the Four Corners in Palermo, to Montville.

Post-roads
established.
Maine.
Vermont.

In Vermont.—From Poultney, through Middletown, Tinmouth, and Willingford, to Mount Holly, in the county of Rutland.

From Montpelier, through Barre, Orange, and Topsham, to Newbury.

From Lynden, through Sutton, to Barton, in the county of Orleans.

In Massachusetts.—From Plymouth to Carver and Rochester.

From Holmes's Hole, in Tisbury, to Chilmark, in the island called Martha's Vineyard.

Massachusetts.

From Mendon, through Milford, Holiston, Sherburne, Natick, Needham, Newton, and Brighton, over the Mildam, to Boston.

From Milbury, in Worcester county, to the town of Providence, in Rhode Island, to pass through the towns of Sutton and Douglass, in Massachusetts, and the town of Burrellville and village of Chepackett, in Rhode Island.

From Belchertown, by Enfield, to Greenwich.

From Worcester to Providence, in Rhode Island, passing through Grafton, Upton, Mendon, Bellingham, Cumberland, and Pawtucket.

From Amesbury to Southampton, in New Hampshire, and thence to Kingston.

In Connecticut.—That the post-road from Hartford to New London, shall be by the Presbyterian meeting house, in the first society in the town of Hebron.

Connecticut.

From New London, along the new turnpike road, to the town of Providence, in Rhode Island.

In New Hampshire.—The post-road from Walpole to Newport shall be through the town of Langdon.

New Hampshire.

In New York.—From Deposit to Stockport, in Pennsylvania.

New York.

From Jay to Danville, thence, down the Ausable river, by Bullen's mills, to Keesville, in the town of Chesterfield.

From Schenectady, by Charlton, Galway, Providence, and Northampton, to Edinburgh, and from Edinburgh, back by Northampton, West Galway Church, and Glenville, to Schenectady.

From the Post-office in Luzerne, on the west side of the Hudson river, to the Post-office in Chester.

From Green, in the county of Chenango, to Ithaca, in Tompkins county.

From Cherry Valley, in the county of Otsego, to the village of Canajoharie, in the county of Montgomery.

From Champion, in the county of Jefferson, to Alexandria, by Felt's mills, Le Raysville, Evans's mills, Theresa, and Plessis.

From the village of Canandaigua to the village of Penn Yan, in the county of Ontario.

From Batavia, by the village of Lockport, to intersect the ridge road at William Molyneaux's, in the town of Cambia.

From Howard, in the county of Steuben, by Rathbun's settlement and Loon Lake settlement, to Conhocton.

From Bath to Catherine's, by Mount Washington and Bartle's mills, and, returning, by Mead's creek, to the mouth of Mud creek.

From South Danville to Goff's mills.

From Champlain to the town of Moores, thence, by Lawrence's mill's, and Beekmantown, to Plattsburg.

From Ithaca to Burdett, near the head of Seneca lake.

From Poughkeepsie, by Pleasant Valley, Salt Point, James Thorn's in Clinton Friends' meeting house in Stanford, the Federal store, and from thence to the Pine Plains' Post-office, in the town of North East.

Post-roads
established.

From Moscow, in Livingston county, to the village of Fredonia, in Chataque county.

From Cincinnatus, through Willet and Freetown, to Harrison.

From Canastota, at Perkins's Basin, on the Great Erie canal, through Lenox, Clarkville, Perryville, Petersborough, and Morrisville, to Eaton.

The mail-route from Bath, by Angelica, Hamilton, Cerestown, Pennsylvania, Coudersport, and Jersey Shore, to Williamsport, shall pass by Smithport, in M'Kean county, Pennsylvania, either in going or returning.

From Esperance to Middleburg, by the way of Schoharie, in Schoharie county.

New Jersey.

In New Jersey.—From Liberty Corner, by Pluckemin, to Somerville.

From Somerville, by New Germantown, through Paipack Valley, to Mandham and Morristown.

From Hackensack, in the county of Bergen, by Patterson's landing and Belleville, to Newark, in Essex county.

From Beasley's, at the mouth of Great Egg Harbour river, by Etna Furnace, on Tuckahoe river, Cumberland Furnace, Malligo, Glasborough, and Woodbury, to Philadelphia.

From Princeton, by Harlingen, to Flagtown.

Maryland.

In Maryland.—From Hagerstown, by Mercersburg, to M'Connellsburg, in Pennsylvania.

From Annapolis, by Baltimore, to Queenstown, and from thence to Centreville and Kent island.

Pennsylvania.

In Pennsylvania.—From Philadelphia, by the Falls of Schuylkill, to Norristown.

From Swamp churches, in Montgomery county, by Boyerstown, to Reading.

From Doylestown, by Sorrel Horse, Bustleton and Byberry, to Andalusia, and to return by the Buck Tavern and Hartville, to Doylestown.

From Easton, Northampton county, to Hellerstown, Quakertown, and Bursonsville, Bucks county.

From Emaus, by Millerstown, to Trexlerstown, in Lehigh county.

From Chambersburg to Waynesburg, by Samuel Fisher's store, in Franklin county.

From M'Call's Ferry, in Lancaster, to the borough of Westchester, in Chester county.

From Meadville to Salem, at the mouth of Big Conneatt, Ohio.

From the village of Blearsville, by Youngstown, to Mount Pleasant.

From Newville, in Cumberland county, to Roxbury and Strasburg, in Franklin county.

From Landisburg, in Perry county, to Waterford, in Mifflin county.

From Selinsgrove to New Berlin.

From Ebensburg to Indiana.

From Uniontown, by Connelville, to Perryopolis.

From the city of Lancaster, through Millerstown, Washington, and Charlestown, to the borough of Columbia.

Virginia.

In Virginia.—From Winchester to the Berkley springs, in Morgan county.

From Lewisburg, by Huttonsville, Beverly, Leadesville, Meigsville, Swamp, and Kingwood, to Morgantown.

From Salem to Botetourt, through the Bent Mountain, by Simpson's and Thomas Goodson's, to Boon's, on the west fork of Little river, in Montgomery county.

From the city of Richmond, by Piping Tree, in King William county, to King and Queen Courthouse, Gloucester, Middlesex, and Matthews.

From Halifax Courthouse to Person Courthouse, North Carolina.

From Franklin Courthouse to Henry Courthouse, to go by Dickerson's store in Franklin county.

- From Lynchburg, by Pittsylvania Courthouse, to Danville, and from Danville to Halifax Courthouse. Post-roads established.
- From Parkersburg to Kanawha Courthouse.
- From Richmond to Chesterfield Courthouse, to go by Mechanick's Inn, instead of the route now established.
- That the route from Stanton, by Greenbrier Courthouse, and Charleston, to Catletsburg, in Kentucky, be changed, so as to go by the Sulphur Springs, on Muddy creek, in Greenbrier.
- From Bath Courthouse to Alleghany Courthouse.
- In North Carolina.*—From Haysville, in Franklin county, by Glasgow's store and Health Seat, to Oxford, in Granville. North Carolina.
- From Ashe Courthouse to Jordan Councils, in same county.
- From Stokesville, by Gates' Courthouse, to Sunbury.
- That the route from Fayetteville to Salisbury be changed, so as to go by Carthage, M'Neil's, Hill's, and Skean's Ferry, and to return by Forrest's, Blakely, Lawrenceville, Allentown, and M'Auley's store.
- From Fayetteville, by Graham's bridge, Rockingham, to Wadesborough.
- From Tyson's store to Waddle's Ferry, Brower's mill, Hugh Moffitt's mill, then to Richard Kennon's and to Haywood.
- From Waynesville, Haywood Courthouse, by Lovesville, on Scott's creek, to Franklin, in the Cherokee Purchase, and from thence to Rabun Courthouse, in Georgia.
- In South Carolina.*—From Rocky Mount to Pine Hill Post-office, to pass by Ebenezer Academy. South Carolina.
- From Fayetteville, in North Carolina, leaving the road to Camden at or near Laurel Hill, by Cheraw, to Camden.
- From Cheraw, by Society Hill and Darlington Courthouse, to intersect the great southern route at Godfrey's ferry, on the Pedee river.
- From Cheraw, by Chesterfield Courthouse, to Lancaster Courthouse.
- In Georgia.*—From Lawrenceville, in Guinett county, to the Standing Peach Tree, (Fayette Courthouse). Georgia.
- From Jefferson, by Coleraine, by Crawford in Florida, and to St. Augustine, and the route at present used discontinued.
- From Elberton to Ruckersville, in Elbert county.
- In Alabama.*—From Huntsville, by Triana, Mooresville, Athens, Eastport, and Bainbridge, to the Big Spring. Alabama.
- From Cahawba by Portland, Prairie Bluff, the Standing Peach Tree, through the populous settlement on Bassett's creek and by Clark Courthouse, to St. Stephen's, so as to reinstate the old route from Cahawba to St. Stephen's, and the present route from Cahawba to St. Stephen's to be discontinued.
- From Ashville to Huntsville, by the way of Robertsville and Bennett's store.
- From Augusta, on the Tallapoosa, by Coosanda, passing through the settlement in the upper end of Autago county, and the settlement of Mulberry creek, in Bibb county, by the falls of Cahawba, to the town of Tuscaloosa.
- In Mississippi.*—From Winchester, by Perry Courthouse and Columbia, to Holmesville. Mississippi.
- From Picken's Courthouse, in Alabama, by Monroe Courthouse, the Cotton Gin Port, and the Chickasaw Agency, in the state of Mississippi, to the Chickasaw Bluffs, in the state of Tennessee.
- From the Choctaw Agency, by Jackson, to Monticello.
- In Tennessee.*—From Campbell's station, by Blair's Ferry, to Pumpkintown. Tennessee.
- From Sparta, in White county, to Pikeville, in Bledsoe county.
- The post-road from Morgantown to Mount Pleasant, alias Pumpkintown, to go by Monroe Courthouse.

Post-roads
established.
Kentucky.

From Greenville to the Warm Springs, in North Carolina.
In Kentucky.—From Manchester, by Perry Courthouse, to Patrick Saltworks.

From Morganfield, crossing the Ohio at Francisburg, to Harmony, in Indiana.

From Monticello, by Beatty's Saltworks, and Ross' Post-office, to Jacksborough, in Tennessee.

From Williamsburg, in Whitby county, by Ross's post-office, to Somerset, in Pulaski county.

From Richmond to the Hazel Patch, hereafter to go by Manchester, to Barbourville.

Ohio.

In Ohio.—From Belle Fontaine, in Logan county, by Forts M'Arthur and Findlay, to the Foot of the Rapids of the Miami of the Lake.

From Columbus, by Maysville, the seat of justice of Union county, thence, through Zanesfield, to Belle Fontaine, in the county of Logan.

From Norton, in the county of Delaware, by Claredon Buayners, to the city of Sandusky.

From the mouth of Little Scioto to Portsmouth.

From Cleveland, through Newburg, Hudson, Ravenna, Palmyra, Ellsworth, Canfield, Boardman, Poland, Petersburg, and Greensburg, to Beavertown in Pennsylvania.

From Columbus to Sunbury, through Harrison and Ravenna townships.

From Columbus, by Springfield, Dayton, and Eaton; then to Indianapolis, in the state of Indiana; thence by Vandalia, in Illinois; thence to St. Louis, in Missouri.

From West Union to Cincinnati, to pass through Georgetown, the seat of justice of Brown county, instead of the present route.

From Augusta, Kentucky, by Lewis, Felicity, Chilo, Neville, Pointopolis, New Richmond, and Newtown, to Cincinnati, in Ohio.

Indiana.

In Indiana.—From Terre Haute, by Clinton, the seat of justice for Parke county, and Crawfordsville, to Indianapolis.

From Washington, by Burlington, and Blooming, to Indianapolis.

From Lawrenceburg, by Napoleon, to Indianapolis.

Illinois.

In Illinois.—From Vincennes, in Indiana, by Ellison's Prairie, Palestine, York, Aurora, Grand Prairie, in Clark county, to Clinton.

From Shawneetown, by Bellgrade, to America.

From Peoria, on Illinois river, to Sangama county.

From Edwardsville to Sangama Courthouse.

Missouri.

In Missouri.—From St. Genevieve, by Herculanum, to St. Louis.

From Herculanum to Potosi.

From Jackson to Fredericktown.

From Potosi to New Bowling Green.

From St. Charles to Cote Sans Dessein, shall hereafter go by the seat of justice for Calloway county.

From Fishing river to Fort Osage, shall hereafter pass by the seat of justice in Clay county.

Arkansas.

In Arkansas.—From the post of Arkansas, by Little Rock, Crystall Hill, Cadron and Ellis's, to Crawford Courthouse.

From Little Rock, by Clark Courthouse, to Natchitoches.

From Clark Courthouse, by Hempstead Courthouse, to Miller Courthouse.

Louisiana.

In Louisiana.—From Natchez to Baton Rouge, by Woodville and Jackson.

From Pinkneyville, Mississippi, by Avoyelles, to Alexandria in Louisiana.

From Baton Rouge, by Bayou Plaquemine and Duplesses's Landing in the Attacapas, to Opelousa Courthouse.

From New Orleans to Pensacola.

In Florida.—From Pensacola to St. Marks, thence to Vollusia at Dexter's, on St. John's river, thence down the river to Picolatta, and thence to St. Augustine.

From Pensacola to Fort Hawkins, in Alabama.

SEC. 3. *And be it further enacted,* That the Postmaster General may allow to the postmaster at Salem, Massachusetts, at the rate of two hundred dollars a year, in addition to his ordinary commissions.

APPROVED, May 8, 1822.

Florida.

Allowance to the postmaster at Salem, Mass.

STATUTE I.

May 8, 1822.

CHAP. CXXVIII.—*An Act supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the districts east of the Island of New Orleans. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the claims to land said to be derived from the British or Spanish authorities, reported to the commissioner of the general land office by the registers and receivers of the land office at St. Helena Courthouse and at Jackson Courthouse, in the districts east and west of Pearl river, appointed under the authority of an act, entitled "An act for adjusting the claims to land, and establishing land offices, in the districts east of the Island of New Orleans," which are contained in the several reports of the registers and receivers, and which are, in the opinion of the registers and receivers, valid, agreeably to the laws, usages, and customs, of the said governments, be, and the same are hereby, recognised as valid and complete titles, against any claim on the part of the United States, or right derived from the United States.

SEC. 2. *And be it further enacted,* That all the claims reported as aforesaid, and contained in the several reports of the said registers and receivers, founded on orders of survey, requettes, permission to settle, or other written evidences of claims, derived from the Spanish authorities, which ought, in the opinion of the registers and receivers, to be confirmed, shall be confirmed in the same manner as if the title had been completed: *Provided,* That the confirmation of all the said claims provided for by this act, shall amount only to a relinquishment for ever, on the part of the United States, of any claim whatever to the tract of land so confirmed or granted.

SEC. 3. *And be it further enacted,* That every person, or his or her legal representative, whose claim is comprised in the lists or registers of claims reported by the registers and receivers, and the persons embraced in the lists of actual settlers, or their legal representatives, not having any written evidence of claim reported as aforesaid, shall, when it appears by the said reports, or by the said lists, that the land claimed or settled on had been actually inhabited or cultivated by such person or persons in whose right he claims, on or before the fifteenth day of April, one thousand eight hundred and thirteen, be entitled to a grant for the land so claimed or settled on as a donation: *Provided,* That not more than one tract shall be thus granted to any one person, and the same shall not contain more than six hundred and forty acres; and that no lands shall be thus granted which are claimed or recognised by the preceding sections of this act, or by virtue of a confirmation under an act, entitled "An act for adjusting the claims to land, and establishing land offices, in the districts east of the Island of New Orleans," approved on the third day of March, eighteen hundred and nineteen: *And provided, also,* That no claim shall be confirmed where the quantity was not ascertained, and re-

Claims to land derived from British or Spanish authorities, reported to the commissioner of the general land office, &c. which, in their opinion, are valid, &c., recognised as complete titles, &c.

Act of March 3, 1819, ch. 100.

All claims reported, &c. founded on orders of survey, requettes, &c. derived from the Spanish authorities, &c. confirmed.

Proviso.

Every person, &c. whose claim is comprised in the lists, &c., if actually inhabiting, &c. on or before April 15, 1813, entitled to a grant, &c.

Proviso.

Act of March 3, 1819, ch. 100.

Proviso.

(a) See notes of the acts relating to the adjustment of land claims in Louisiana, act of March 3, 1819, ch. 100. See also, *The United States v. King et al.*, 3 Howard, 773.

port made thereon by the registers and receivers, prior to the twenty-fifth day of July, one thousand eight hundred and twenty.

Registers and receivers, except in relation to perfect titles, as recognised, &c. empowered to direct the manner in which the lands shall be located.

Act of March 3, 1819, ch. 100.

Act of March 3, 1803, ch. 27.

The registers and receivers may decide on conflicting claims, &c.

Proviso.

Patents for lands to be granted as for lands confirmed under former acts.

Persons entitled to tracts to be furnished with certificates.

Fees.

The President authorized to remove the land office from St. Helena Courthouse, &c.

SEC. 4. *And be it further enacted*, That the registers and receivers of the public moneys of the said respective districts, except in relation to perfect titles, as recognised in the first section of this act, and the first section of the act of the third day of March, one thousand eight hundred and nineteen, shall have power to direct the manner in which all lands claimed in virtue of the preceding sections shall be located and surveyed; and also to direct the location and manner of surveying all the claims to land recognised by the second, third, and fourth, sections of an act, entitled "An act for adjusting the claims to land, and establishing land offices, in the districts east of the Island of New Orleans," approved on the third day of March, one thousand eight hundred and nineteen, having regard to the laws, usages, and customs, of the Spanish government on that subject; and having regard also to the mode adopted by the government of the United States in surveying the claims to land confirmed by virtue of the second and third sections of an act of Congress, entitled "An act regulating the grants of lands, and providing for the disposal of the lands, of the United States, south of the state of Tennessee, approved on the third March, one thousand eight hundred and three. And that, in relation to all such claims which may conflict, or in any manner interfere, the said registers and receivers of public moneys of the respective districts shall have power to decide between the parties, and shall, in their decision, be governed by such conditional lines or boundaries as may have been agreed on between the parties, either verbally or in writing, at any time prior to the passage of this act. But, upon the decision of those claims alluded to, which may conflict or interfere, and in relation to which the parties interested have agreed on no conditional lines or boundaries as to the manner of locating the same; the said registers and receivers of the respective districts shall make an equal division of the land claimed, so as to allow each party his or their improvements: *Provided, however*, That, should it be made appear, to the satisfaction of the register and receiver of public moneys of the respective districts, in any such case, that the subsequent settler had obtruded on the claim of the former, and had made his establishment after having been forbid so to do, the said registers and receivers of public moneys shall have power to decide between the parties, according to the circumstances of the case and the principles of justice.

SEC. 5. *And be it further enacted*, That patents shall be granted for all lands confirmed by virtue of the provisions of this act, in the same manner as patents are granted for lands confirmed under former acts, to which this is a supplement.

SEC. 6. *And be it further enacted*, That to every person who shall appear to be entitled to a tract of land, under the second and third sections of this act, a certificate shall be granted, by the register and receiver of the district in which the land lies, setting forth the nature of the claim and the quantity allowed; for which certificate the party in whose favour it issues shall pay one dollar, to be divided between the said receiver and register.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to remove the land office from St. Helena Courthouse to such other place, within the said districts, as he may deem suitable and convenient.

APPROVED, May 8, 1822.

CHAP. CXXIX.—*An Act for ascertaining claims and titles to land within the territory of Florida. (a)*

STATUTE I.
May 8, 1822.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for the purpose of The President, &c. to appoint three com-

(a) The decisions of the courts of the United States upon claims and titles to land in the territory of Florida, have been :

After the acquisition of Florida by the United States, in virtue of the treaty with Spain, of 22d of February, 1819, various acts of Congress were passed for the adjustment of private land claims, within the ceded territory. The tribunals authorized to decide on them, were not authorized to settle any which exceeded a league square ; on those exceeding that quantity, they were directed to report, especially, their opinion, for the future action of Congress. The lands embraced in the larger claims were defined by surveys, and plats retained ; these were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d of May, 1828. By the sixth section it was provided, " that all claims to land within the territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated, or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824. By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress were excluded. *United States v. Arredondo et al.* 6 Peters, 706.

The grant of the king of Spain to F. M. Arredondo and Son, for land at Alachua, in Florida, gave a valid title to these claimants under the grant, according to the stipulations under the treaty between the United States and Spain, of 1819. By the laws of nations, of the United States, and of Spain, a concession or condition becomes absolute, where the condition is performed. *Ibid.* 691.

The original concession by governor Coppinger, on the petition of George J. F. Clarke, was made on the 17th of December, 1817, of twenty-six thousand acres of land, in the places he solicited in his petition, and a complete title was made of twenty-two thousand acres, part of the same, in December, 1817. Twenty thousand acres, part of the whole concession, were sold by the appellee. The other four thousand were surveyed in conformity with the decree of 17th December, 1817, and a complete title to the same was made by governor Coppinger, on the 4th of May, 1818. By the court—The claimant cannot avail himself of the grant of the 4th of May, 1818, made after the 24th of January, 1818, the time limited by the Florida treaty. He must rest his claim on the concession made on the 17th of December, 1817, *United States v. Clarke*, 8 Peters, 436.

The validity of concessions of land, by the authorities of Spain, in East Florida, is expressly recognised in the Florida treaty, and in the several acts of Congress. *Ibid.*

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty, as is allowed in the grant from the date of the instrument. And the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners, appointed in pursuance of that act. All the subsequent acts on the subject, observe the same language ; and the titles under these concessions have been uniformly confirmed, when the tract did not exceed a league square. *Ibid.*

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain, before the cession of Florida by Spain to the United States, confirmed. *Mitchel et al. v. The United States*, 9 Peters, 711.

It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land. Held : that the acts of Congress submit these claims to the adjudication of this court as a court of equity ; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate and inceptive titles, as legal and perfect ones ; and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. *Ibid.*

In the case of the *United States v. Arredondo*, 6 Peters, 691, the lands granted had been in the possession and occupation of the Alachua Indians, and the centre of the tract was an Indian town of that name. But the land had been abandoned, and before any grant was made by the intendant, a report was made by the attorney and surveyor general on a reference to them, finding the fact of abandonment ; on which it was decreed that the lands had reverted to, and become annexed to the royal domain. *Ibid.*

By the common law, the king has no right of entry on lands which is not common to his subjects ; the king is put to his inquest of office, or information of intrusion, in all cases where a subject is put to his action ; their right is the same, though the king has more convenient remedies in enforcing his. If the king has no original right of possession to lands, he cannot acquire it without office found, so as to annex it to his domain. *Ibid.*

The United States have acted on the same principle in the various laws which Congress have passed in relation to private claims to lands in the Floridas ; they have not undertaken to decide for themselves, on the validity of such claims, without the previous action of some tribunal, special or judicial. They have not authorized an entry to be made on the possession of any person in possession, by colour of a Spanish grant or title ; nor the sale of any lands as part of the national domain ; with any intention to impair private rights. The laws which give jurisdiction to the district courts of the territories to decide in the first instance, and to this court on appeal, prescribe the mode by which lands which have been possessed or claimed to have been granted pursuant to the laws of Spain, shall become a part of the national domain ; which, as declared in the seventh section of the act of 1824, is a " final decision against any claimant pursuant to any of the provisions of the law." *Ibid.*

missioners for ascertaining claims and titles to lands in Florida.

ascertaining the claims and titles to lands within the territory of Florida, as acquired by the treaty of the twenty-second of February, one thousand eight hundred and nineteen, there shall be appointed, by the President of the United States, by and with the advice and consent of the Senate,

One uniform rule seems to have prevailed in the British provinces in America, by which Indian lands were held and sold, from their first settlement, as appears by their laws; that friendly Indians were protected in the possession of the lands they occupied, and were considered as owning them by a perpetual right of possession in the tribe or nation inhabiting them as their common property, from generation to generation, not as the right of the individuals located on particular spots. Subject to this right of possession, the ultimate fee was in the crown and its grantees; which could be granted by the crown or colonial legislatures while the lands remained in possession of the Indians; though possession could not be taken without their consent. *Ibid.*

Individuals could not purchase Indian lands without permission or license from the crown, colonial governors, or according to the rules prescribed by colonial laws; but such purchases were valid with such license, or in conformity with the local laws; and by this union of the perpetual right of occupancy with the ultimate fee, which passed from the crown by the license, the title of the purchaser became complete. *Ibid.*

Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way, and for their own purposes, were as much respected until they abandoned them, made a cession to the government, or an authorized sale to individuals. In either case their rights became extinct, the lands could be granted disencumbered of the right of occupancy, or enjoyed in full dominion by the purchasers from the Indians. Such was the tenure of Indian lands by the laws of Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia. *Ibid.*

Grants made by the Indians at public councils, since the treaty at Fort Stanwick's, have been made directly to the purchasers, or to the state in which the land lies, in trust for them, or with directions to convey to them; of which there are many instances of large tracts so sold and held; especially in New York. *Ibid.*

It was the universal rule that purchases made at Indian treaties, in the presence, and with the approbation of the officer under whose direction they were held by the authority of the crown, gave a valid title to the lands; it prevailed under the laws of the states after the revolution; and yet continues in those where the right to the ultimate fee is owned by the states, or their grantees. It has been adopted by the United States: and purchases made at treaties held by their authority, have been always held good by the ratification of the treaty, without any patent to the purchasers from the United States. This rule in the colonies was founded on a settled rule of the law of England, that by his prerogative the king was the universal occupant of all vacant lands in his dominions, and had the right to grant them at his pleasure, or by his authorized officers. *Ibid.*

When the United States acquired and took possession of the Floridas, the treaties which had been made with the Indian tribes before the acquisition of the territory by Spain and Great Britain, remained in force over all the ceded territory as the laws which regulated the relations with all the Indians who were parties to them; and were binding on the United States, by the obligation they had assumed by the Louisiana treaty, as a supreme law of the land, which was inviolable by the power of Congress. They were also binding as the fundamental law of Indian rights, acknowledged by royal orders, and municipal regulations of the provinces, as the laws and ordinances of Spain in the ceded provinces, which were declared to continue in force by the proclamation of the governor in taking possession of the province; and by the acts of Congress which assured all the inhabitants of protection in their property. It would be an unwarranted construction of these treaties, laws, ordinances and municipal regulations, to decide that the Indians were not to be maintained in the enjoyment of all the rights which they could have enjoyed under either, had the province remained under the dominion of Spain. It would be rather a perversion of their spirit, meaning and terms, contrary to the injunction of the law under which the court acts, which makes the stipulations of any treaty, the laws and ordinances of Spain; and these acts of Congress, so far as either apply to this case, the standard rules for its decision. *Ibid.*

The treaties with Spain and England before the acquisition of Florida by the United States, which guaranteed to the Seminole Indians their lands according to the right of property with which they possessed them, were adopted by the United States; who thus became the protectors of all the rights they had previously enjoyed, or could of right enjoy under Great Britain or Spain, as individuals or nations, by any treaty, to which the United States thus became parties in 1803. *Ibid.*

The Indian right to the lands as property was not merely of possession, that of alienation was concomitant; both were equally secured, protected, and guaranteed by Great Britain and Spain, subject only to ratification and confirmation by the license, charter or deed from the governor representing the king. Such purchases enabled the Indians to pay their debts, compensate for their depredations on the traders resident among them, to provide for their wants; while they were available to the purchasers as payment of the considerations which at their expense had been received by the Indians. It would have been a violation of the faith of the government to both, to encourage traders to settle in the province, to put themselves and property in the power of the Indians, to suffer the latter to contract debts, and when willing to pay them by the only means in their power, a cession of their lands, withhold an assent to the purchase, which by their laws or municipal regulations was necessary to vest a title. Such a course was never adopted by Great Britain in any of her colonies; nor by Spain in Louisiana or Florida. *Ibid.*

The laws made it necessary, when the Indians sold their lands, to have the deeds presented to the governor for confirmation. The sales by the Indians transferred the kind of right which they possessed; the ratification of the sale by the governor must be regarded as a relinquishment of the title of the crown to the purchaser; and no instance is known where permission to sell has been "refused, or of the rejection of an Indian sale." *Ibid.*

In the present case the Indian sale has been confirmed with more than usual solemnity and publicity; it has been done at a public council and convention of the Indians conformably to treaties, to which the

three commissioners, who shall receive, as compensation for the duties enjoined by the provisions of this act, two thousand dollars each, to be paid quarterly, from the treasury; who shall open an office for the adjudication of claims, at Pensacola, in the territory of West Florida, and St.

Their pay.
To open an
office at Pensa-
cola.

king was a party, and which the United States adopted; and the grant was known to both parties to the treaty of cession. The United States were not deceived by the purchase, which they knew was subject to the claim of the petitioner, or those from whom he purchased; and they made no stipulation which should put it to a severer test than any other; and it was made to a house which, in consideration of its grant and continued services to the king and his predecessor, had deservedly given them high claims as well on his justice as his faith. But if there could be a doubt that the evidence in the record did not establish the fact of a royal license or assent to this purchase, as a matter of specific and judicial belief, it would be presumed as a matter of law arising from the facts and circumstances of the case, which are admitted or unquestioned. *Ibid.*

As decided by the Supreme Court, the law presumes the existence in the provinces of an officer authorized to make valid grants; a fortiori, to give license to purchase and to confirm; and the treaty designates the governor of West Florida as the proper officer to make grants of Indian lands by confirmation; as plainly as it does the governor of East Florida to make original grants, or the intendant of West Florida to grant royal lands. A direct grant from the crown, of lands in a royal haven may be presumed on an uninterrupted possession of sixty years; on a prescriptive possession of crown lands for forty years. *Ibid.*

The length of time which brings a given case within the legal presumption of a grant, charter or license, to validate a right long enjoyed, is not definite, depending on its peculiar circumstances. *Ibid.*

Juan Percheman claimed two thousand acres of land lying in the territory of Florida, by virtue of a grant from the Spanish governor, made in 1815. His title consisted of a petition presented by himself to the governor of East Florida, praying for a grant of two thousand acres, at a designated place, in pursuance of the royal order of the 29th of March, 1815, granting lands to the military who were in St. Augustine during the invasion of 1812 and 1813; a decree by the governor, made 12th December, 1815, in conformity to the petition, in absolute property, under the authority of the royal order, a certified copy of which decree and of the petition was directed to be issued to him from the secretary's office, in order that it may be to him in all events an equivalent of a title in form; a petition to the governor, dated 31st December, 1815, for an order of survey, and a certificate of a survey having been made on the 20th of August, 1819, in obedience to the same. This claim was presented, according to law, to the register and receiver of East Florida, while acting as a board of commissioners to ascertain claims and titles to lands in East Florida. The claim was rejected by the board, and the following entry made of the same. "In the memorial of the claimant to this board, he speaks of a survey made by authority in 1829. If this had been produced, it would have furnished some support for the certificate of Aguilar. As it is, we reject the claim." Held, that this was not a final action on the claim, in the sense those words are used in the act of the 26th of May, 1830, entitled "An act supplementary to," &c. United States v. Percheman, 7 Peters, 51.

A grant of land in Florida within the Indian boundary, by the governor, acting under the crown of Spain before the cession of Florida to the United States, was confirmed to the grantee, by the decree of the judge of the eastern district of Florida. The decree was affirmed on appeal. The United States v. Fernandez, 10 Peters, 303.

The subject of grants of land within the Indian boundary, which had not by any official act been declared a part of the royal domain, was fully and ably considered in the case of Johnson v. M'Intosh, 8 Wheat. 543; 5 Cond. Rep. 515. Every European government claimed and exercised the right of granting lands, while in the occupation of the Indians. *Ibid.*

The grants of lands in the possession of the Indians by the governor of Florida, under the crown of Spain, were good to pass the right of the crown. The grants severed them from the royal domain, so that they became private property; which was not ceded to the United States by the treaty with Spain. *Ibid.*

The Supreme Court cannot attach any condition to a grant of absolute property in the whole of the land. This grant was made by the governor of East Florida in absolute property, with a promise of a title in form. He was the exclusive judge of the conditions to be imposed on his grant, and of their performance. The United States v. Segui, 10 Peters, 306.

A grant of land by the governor of East Florida, in consideration of services to the Spanish government, made before the cession of the territory of Florida to the United States, confirmed. The United States v. Chaires, 10 Peters, 308.

Under a grant of the governor of Florida, prior to the cession of the same to the United States, of sixteen thousand acres of land, for the purpose of erecting a water-mill, a survey of five hundred and twenty acres was made; and at another place, a survey of fifteen thousand six hundred and thirty acres was also made. The Supreme Court held, that the first survey of five hundred and twenty acres was valid, and that the survey of fifteen thousand four hundred and eighty acres was invalid; but that the grantee has a title to fifteen thousand four hundred and eighty acres of vacant land; which he has a right to have surveyed, adjoining the survey of five hundred and twenty acres. The United States v. Seton, 10 Peters, 309.

Under a Spanish grant of five miles square, ten thousand acres were surveyed at one place, and six thousand acres were surveyed at another place, as the whole quantity of ungranted land could not be found together. The grant was confirmed. The United States v. Sibbald, 10 Peters, 313.

A grant of land was made by governor Coppinger, in June, 1823. The grant was made to the appellee, on his stating his intention to build a saw-mill. The decree grants to the petitioner "license to construct a water-saw mill, on the creek known by the name of Pottsburg, bounded by the lands of Strawberry Hill, and this tract not being sufficient, I grant him the equivalent quantity in Cedar Swamp about a mile east of M'Queen's mill, but with the precise condition that, as long as he does not erect said machinery, this grant will be considered null, and without value nor effect until that event takes

Augustine, in East Florida, under the rules, regulations, and conditions, hereinafter prescribed.

SEC. 2. *And be it further enacted*, That it shall be the duty of said commissioners to appoint a suitable and well qualified secretary, who

To appoint
a secretary.

place; and then in order that he may not receive any prejudice from the expensive expenditures which he is preparing, he will have the facility of using the pines and other trees comprehended in the square of five miles, or the equivalent thereof, which five miles are granted to him in the mentioned place, the avails of which he will enjoy without any defalcation whatever." By the Court—The judge of the superior court construed this concession to be a grant of land, and we concur with him. *United States v. Richard*, 8 Peters, 470.

A grant of land in East Florida was made by the governor, before the cession of Florida by Spain to the United States, on conditions which were not performed by the grantee within the time limited in the grant; or any exertions made by him to perform them. No sufficient cause for the non-performance of the conditions having been shown, the decree of the Supreme Court of East Florida, which confirmed the grant, was reversed. *United States v. Mills' Heirs*, 12 Peters, 215.

A grant for land in Florida by governor Coppinger, on condition that the grantee build a mill, within a period fixed in the grant, was declared to be void; the grantee not having performed the condition, or shown sufficient cause for its non-performance. *United States v. Kingsley*, 12 Peters, 476.

Under the Florida treaty, grants of land made before the 24th January, 1818, by his Catholic majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid if Florida had remained under the dominion of Spain; and the owners of conditional grants who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time as was declared by the Supreme Court in Arredondo's case, 6 Peters, 691, began to run in regard to individual rights, from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void. *Ibid.*

A grant by governor Coppinger of fourteen thousand five hundred acres of land, in East Florida, part of thirty thousand acres granted in consideration of services to the crown of Spain, and the officers of Spain, which had been surveyed by the appointed officer, confirmed. *United States v. Levy*, 12 Peters, 218.

The court refused to allow a survey of land to be made to make up for a deficiency in the survey of fourteen thousand five hundred acres, in consequence of part of the land included therein being covered with water, and being marshes. Even if a survey had not been made under the concession, it would not be competent for the superior court of East Florida, or for the Supreme Court, to designate a new location varying from the original concession, as any such variation would be equivalent to a new grant. *Ibid.*

A concession was made by the governor of Florida, before the cession of Florida to the United States, on condition that the grantee should erect a water saw-mill, "and with the precise condition, that until he executes the said machinery, the grant to be considered void, and without effect, until that event takes place." The mill was never erected, and no sufficient reason shown for its non-erection. The court held that the concession gave no title to the land. *United States v. Drummond*, 13 Peters, 84.

A grant of land in East Florida, by the Spanish governor, on the condition that a water saw-mill should be erected on the land, declared void; the condition of the grant not having been performed according to the terms of the grant. *United States v. Burgevin*, 13 Peters, 85.

A grant by governor Coppinger of fourteen thousand five hundred acres of land, in East Florida, part of the thirty thousand acres, granted in consideration of services to the crown of Spain and the officers of Spain, which had been surveyed by the appointed officer, confirmed. *The United States v. Moses E. Levy*, 13 Peters, 81.

The court refused to allow a survey of land to be made, to make up for a deficiency in the survey of fourteen thousand five hundred acres, in consequence of part of the land included therein being covered with water, and being marshes. Even if a survey had not been made under the concession, it would not be competent for the superior court of East Florida, or for the Supreme Court, to designate a new location varying from the original concession, as any such variation would be equivalent to a new grant. *Ibid.*

A grant of land by Estrada, the governor of East Florida, was made on the 1st of August, 1815, to Elizabeth Wiggins, on a petition, stating, that "owing to the diminution of trade, she will have to devote herself to the pursuits of the country." The grant was made for the quantity of land apportioned by the regulations of East Florida to the number of the family of the grantee. It was regularly surveyed by the surveyor general, according to the petition and grant. No settlement or improvement was ever made by the grantee, or by any one acting for her, on the property. In 1831, Elizabeth Wiggins presented a petition to the superior court of East Florida, praying for a confirmation of the grant; and in July, 1838, the court gave a decree in favour of the claimant. On an appeal to the Supreme Court of the United States, the decree of the superior court of East Florida was reversed. The court held, that by the regulations established on the 25th November, 1818, by governor Coppinger, the grant had become void, because of the non-improvement, and the neglect to settle the land granted. *The United States v. Elizabeth Wiggins*, 14 Peters, 334.

The existence of a foreign law, especially unwritten, is a fact to be proved like any other fact, by appropriate evidence. *Ibid.*

A copy of the decree by the governor of East Florida, granting land to a petitioner while Spain had possession of the territory, certified by the secretary of the government to have been faithfully made from the original in the secretary's office, is evidence in the courts of the United States. By the laws of Spain, prevailing in the province at that time, the secretary was the proper officer to give copies; and the law trusted him for this particular purpose, so far as he acted under its authority. The original was confined to the public office. *Ibid.*

shall record, in a well-bound book, all and every their acts and proceedings, the claims admitted, with those rejected, and the reason of their admission or rejection. He shall receive as a compensation for his services, one thousand two hundred and fifty dollars, to be paid quarterly, from

Duties of the secretary.
His compensation.

The eighth article of the Florida treaty stipulates, that "grants of land made by Spain, in Florida, after the 24th of January, 1818, shall be ratified and confirmed to the persons in possession of the land, to the same extent that the same grants would be valid, if the government of the territory had remained under the dominion of Spain." The government of the United States may take advantage of the non-performance of the conditions prescribed by the law relative to grants of land, if the treaty does not provide for the omission. *Ibid.*

In the cases of Arredondo, 6 Peters, 691, and Percheman, 7 Peters, 54, it was held, that the words in the Florida treaty, "shall be ratified and confirmed;" in reference to perfect titles, should be construed, "are ratified and confirmed." The object of the court in these cases was to exempt them from the operation of the eighth article, for that they were perfect titles by the laws of Spain, when the treaty was made; and that when the soil and sovereignty of Florida were ceded by the second article, private rights of property were, by implication, protected. By the law of nations, the rights to property are secured when territories are ceded; and to reconcile the eighth article of the treaty with the law of nations, the Spanish side of the article was referred to in aid of the American side. The court held, that perfect titles "stood confirmed" by the treaty; and must be so recognised by the United States, in our courts. *Ibid.*

Perfect titles to lands, made by Spain in the territory of Florida before the 24th January, 1818, were intrinsically valid, and exempt from the provision of the eighth article of the treaty; and they need no sanction from the legislative or judicial departments of the United States. *Ibid.*

The eighth article of the Florida treaty was intended to apply to claims to land whose validity depended on the performance of conditions, in consideration of which the concessions had been made; and which must have been performed before Spain was bound to perfect the titles. The United States were bound after the cession of the country, to the same extent that Spain had been bound before the ratification of the treaty, to perfect them by legislation and adjudication. *Ibid.*

A grant of land by the government of Florida, made before the cession of Florida to the United States by Spain, confirmed: every point involved in the case having been conclusively settled by the court in their former adjudications in similar cases. The United States v. Waterman, 14 Peters, 478.

The Supreme Court, in the case of the United States v. Clark, 8 Peters, 48, say "that if the validity of the grant depends upon its being in conformity with the royal order of Spain of 1790, it cannot be supported;" but immediately proceeds to show, "though the royal order is recited in the grant, that it was, in fact, founded on the meritorious consideration of the petitioner having constructed a machine of great value for sawing timber; the recital of the royal order of 1790, in this grant, is entirely immaterial, and does not affect the instrument." Held, the recital of the royal order, in this case, is quite immaterial. *Ibid.*

The case of the United States v. Wiggins, 14 Peters, 325, which decided that certain proof of the certificate of Aguilar, secretary of East Florida, was sufficient, cited; and the decision on that point affirmed. *Ibid.*

The Spanish governors of Florida had, by the laws of the Indies, power to make large grants to the subjects of the crown of Spain. The royal order of Spain of 1790, applied to grants to foreigners. These grants, before the cession of Florida to the United States, had been sanctioned for many years by the king of Spain, and the authorities representing him in Cuba, the Floridas, and Louisiana. This authority has been frequently affirmed by the Supreme Court. *Ibid.*

An application was made to the governor of Florida, in 1814, stating services performed by the petitioner for the government of Spain, and the intention of the petitioner to invest his means in the erection of a water saw-mill, and marking the place where the lands were situated which were asked for. The governor granted the land, referring to the merits and services of the applicant, and in consideration of the advantages which would result to the home and foreign trade by the use proposed to be made of the land. Held, that this was not a conditional grant; and that no evidence of the erection of a water saw-mill was required to be given to maintain its validity, or induce its confirmation. *Ibid.*

John Forbes by memorial to governor Kindelan, the governor of East Florida, set forth, that in 1799, there had been granted to Pantan Leslie and company, for the purpose of pasturage, fifteen thousand acres of land, which they were obliged to abandon, as being of inferior quality. Forbes, as the successor to these grantees, asked to be permitted to abandon these fifteen thousand acres, and in lieu, to have granted to him ten thousand acres, as an equivalent, on Nassau river. The petition avers that the object was to establish a rice plantation. The petition was referred to the "Comptroller," who gave it as his opinion that the culture of rice should be promoted. Governor Kindelan permitted the abandonment of the fifteen thousand acres granted before, and in lieu thereof, granted to John Forbes, for the purpose of cultivating rice, ten thousand acres in the district, on banks of the river Nassau. Surveys of seven thousand acres of land, at the head of the river "Little St. Mary" or "St. Mary," and three thousand acres in "Cabbage Swamp," were made under this grant. No description of the locality of the land other than that in the certificate of the survey was given; nor do the surveys prove that the land surveyed lay in the district of the river Nassau. No evidence was given of the situation of "Cabbage Swamp." Held, that these surveys were not made of the land granted by governor Kindelan; and according to the decisions of this court on all occasions, the surveys, to give them validity, must be in conformity with the grants on which they are founded; and to make them the origin of title, they must be of the land described in the grant of the Spanish government. The United States v. Forbes, 15 Peters, 173.

The courts of justice can only adjudge what had been granted; and declare that the lands granted by the lawful authorities of Spain, are separated from the public domain: but where the land is expressly granted at one place, they have no power, by a decree, to grant an equivalent at another place,

Secretary must be acquainted with the Spanish language; and take an oath. the treasury. He shall be acquainted with the Spanish language; and before entering on a discharge of the duties of his office, shall take and subscribe an oath, before some authority competent to administer it, that he will "well and truly and faithfully discharge the duties assigned him,

and thereby sanction an abandonment of the grant made by the Spanish authorities. The courts of the United States have no authority to divest the title of the United States in the public lands, and vest it in claimants; however just the claim may be to an equal value for land, the previous grant of which has failed. *Ibid.*

The decree of the superior court of East Florida, by which a grant for fifty thousand acres of land, made by governor White, the Spanish governor of East Florida, dated July 29, 1802, was rejected, affirmed. *Buyck v. The United States, 15 Peters, 215.*

The land had been granted by governor White, on a petition from the grantee stating his intention to occupy and improve the same with Bengal negroes, and native citizens of the United States; and stating that other grants of the same lands had been made, on condition of settlement, which conditions had not been performed, and such grants were therefore void. The petitioner promised to make the settlement within an early period after the grant. The governor granted the land, referring to the petition, also, with the condition that the grantee should not cede any part of the land, without the consent of the government. No endorsement or settlement was at any time made on the land by the grantee. Held, that the government of the United States were not bound under the Florida treaty, to confirm the grant. *Ibid.*

The description of the portion of the land asked for from the Spanish governor, "lands at Musquito to fifty thousand acres, south and north of said place," is not sufficiently definite: and from such a description no exception could be made from the public lands acquired by the United States under the Florida treaty. The regulations for granting lands in Florida by the Spanish authorities, required that grants should be made in a certain place: and there were no floating rights of survey out of the place designated in the grant; unless when the land granted could not be got there in its exact quantity, and an equivalent was provided for. *Ibid.*

The laws and ordinances of the government of Spain in relation to grants of land by the Spanish government, must be of universal application in the construction of grants. It is essential to the validity of such grants, that the land granted shall be described so as to be capable of being distinguished from other things of the same kind, or capable of being ascertained by extraneous testimony. *Ibid.*

The certificate of Don Tomas de Aguilar, secretary of the government and province, of the copy of the grant of the governor, stating the same "to be faithfully drawn from the original in the secretary's office under his charge," was legal evidence of the grant; and was properly admitted as such in support of the same. *The United States v. Delespine, 15 Peters, 226.*

A grant of ten thousand two hundred and forty acres of land by the Spanish governor of Florida, which recited among other things, that it was made under a royal order of the king of Spain, of 29th March, 1815, and which was not in conformity with the grant, but which was made in the exercise of other powers to grant lands which had been vested in the governor, was not made invalid by the recital of the royal order as the authority for the grant. The grant recited also, that it was made in consideration of military services, and was also in consideration of the surrender of another grant previously made, which surrender had been accepted by the governor. These were sufficient inducements to the grant. *Ibid.*

A claim for land in East Florida, granted by governor White to Daniel O'Hara, rejected by the superior court of East Florida, and the decree of that court affirmed. *O'Hara v. The United States, 15 Peters, 275.*

Governor White, on the petition of Daniel O'Hara, soliciting a grant of fifteen thousand acres, made a decree granting "the lands solicited," "at the place indicated," "in conformity with the number of workers which he may have to cultivate them, the corresponding number of acres may be surveyed to him," "and that he will take possession of the said lands in six months from the date of said grant." Held, that this is a decree not granting fifteen thousand acres as asked for; but so much of the place where it is asked for as shall be surveyed in conformity with the number of workers the grantee may have to cultivate the land; the quantity could be determined by the regulation of the governor, made the month after the grant, and determining the quantity of land to be surveyed according to the number of persons in the family of the grantee, slaves included. That the grant was made before the date of the regulation, makes no difference. *Ibid.*

No settlement was made on the lands claimed under the grant. The building of a house on the land is but evidence of an intention to make a settlement, but was not a settlement; which required the removal of persons or workers to the land, and cultivating it. *Ibid.*

No claim for the land can be sustained under a grant, or confirmation of a prior grant, made by a decree of governor Coppinger in 1819, as the same was substantially a violation of the treaty with Spain, which confirms only grants made before the 24th January, 1818. The prior grant to O'Hara having become void by the non-performance of the conditions annexed to it, the decree of governor Coppinger, in 1819, was an attempt to make a new grant. *Ibid.*

If the grant were not void from the non-performance of the conditions of settlement annexed to it, the omission to have the land surveyed, and returned to the proper office, would make it void, unless the grantee had made a settlement; in which event, a survey would be presumed. The grant was made in the "district of Nassau," &c. This was an indefinite description of the land, as was held in *Buyck v. The United States, decided at this term. Ibid.*

A concession of lands, by the council at St. Augustine, was not authorized by the laws of Spain, relative to the granting and confirming land titles. *The United States v. Delespine, 15 Peters, 319.*

When a grant of land is indefinite as to its location, or so uncertain as to the place where the lands granted are intended to be surveyed, as to make it impossible to make a survey under the terms of the grant with certainty, the grant will not be confirmed. *Ibid.*

The act of Congress of 26th May, 1830, requires that all claims to lands which have been presented to

and translate all papers that may be required of him by the commissioners."

SEC. 3. And be it further enacted, That said commissioners, previously to entering on a discharge of the duties assigned them, shall,

the commissioners, or to the register and receiver of East Florida, and had not been "finally acted upon," should be adjudicated and settled, as prescribed by the act of 1828. There was no direct limitation as to the time in which a claim should be presented. *Ibid.*

When a petition for the confirmation of a claim to lands in Florida was presented, and was defective, and the court allowed an amended petition to be filed, it would be too strict to say the original petition was not the commencement of the proceeding, but that the amendment allowed by the superior court should be taken as the date when the claim was first preferred. *Ibid.*

When certain testimonials of title under a Spanish grant had been admitted, without exception, before the commissioners of the United States for the adjustment of claims to lands in Florida, and before the superior court in Middle Florida, without objection as to the mode and form of their proof; the Supreme Court, on an appeal, will not interfere with the question as to the sufficiency of the proof, or the authenticity of the act, relating to the title which had been admitted by the authorities in Florida, which was the tribunal to judge of the evidence. *Ibid.*

Breward petitioned the governor of East Florida, intending to establish a saw-mill to saw timber in St. John's river, for a grant of five miles square of land, or its equivalent; ten thousand acres to be in the neighbourhood of the place designated, and the remaining six thousand acres in Cedar Swamp, on the west side of St. John's river, and in Cabbage Hammock on the east side of the river. The governor granted the land asked for, on the condition that the mill should be built; and the condition was complied with. On the 27th of May, 1817, the surveyor general surveyed seven thousand acres under the grant, including Little Cedar Creek, and bounded on three sides by Big Cedar Creek, including the mill. This grant and survey were confirmed. *The United States v. Breward, 16 Peters, 143.*

Three thousand acres were laid off on the northern part of the river St. John's, and east of the royal road, leading from the river to St. Mary's, four or five miles from the first survey. This survey having been made at a place not within the grant, was void: but the court held that the grantee is to be allowed to survey under the grant, three thousand acres adjoining the survey of seven thousand acres, if so much vacant land can be found; and patents for the same shall issue for the land, if laid out in conformity with the decree of the court in this case. *Ibid.*

In 1819, two thousand acres were surveyed in Cedar Swamp, west of the river St. John's, at a place known by the name of Sugartown. This survey was confirmed. *Ibid.*

Four thousand acres, by survey, dated April, 1819, in Cabbage Hammock, were laid out by the surveyor general. This survey was confirmed. *Ibid.*

By the eighth article of the Florida treaty, all grants of lands made before the 24th of January, 1824, by his Catholic majesty, were confirmed; but all grants made since the time when the first proposal by his majesty for the cession of the country was made, are declared and agreed by the treaty to be void. The survey of five thousand acres having been made at a different place from the land granted, would if confirmed be a new appropriation of so much land, and void if it had been ordered by the governor of Florida; and of course it is void, having nothing to uphold it but the act of the surveyor general. *Ibid.*

In the superior court of East Florida, the counsel for the claimant offered to introduce testimony in regard to the survey of three thousand acres; and the counsel of the United States withdrew his objection to the testimony. The admission of the evidence did not prove the survey to have been made. Proof of the signature of the surveyor general to the return of survey made the survey *prima facie* evidence. *Ibid.*

The proof of the signature of Aguilar to the certificate of a copy of the grant by the governor of East Florida, authorizes its admission in evidence; but this does not establish the validity of the concession. To test the validity of the survey, it was necessary to give it in evidence; but the survey did not give a good title to the land. *Ibid.*

The United States have a right to disprove a survey made by the surveyor general, if the survey on the ground does not correspond to the land granted. *Ibid.*

On a petition from Pedro Miranda, stating services performed by him for Spain, governor White, the governor of East Florida, on the 26th November, 1810, made a grant to him of eight leagues square, or three hundred and sixty-eight thousand six hundred and forty acres of land on the waters of Hillsborough and Tampa Bay, in the eastern district of Florida. No survey was made under this grant while Florida remained a province of Spain, nor was any attempt made to occupy or survey the land, until after the cession of Florida to the United States. In 1821, it was alleged that a survey was made by a surveyor of East Florida. Held, that the grant was void; no land having been severed from the public domain previous to the 24th January, 1818, and because the calls of the grant are too indefinite for locality to be given to them. *The United States v. Miranda, 16 Peters, 153.*

The settled doctrine of the Supreme Court, in respect to Florida grants, is, that grants embracing a wide extent of country, or with a large area of natural or artificial boundaries, and which granted lands were not surveyed before the 24th of January, 1818, and which are without such designation as will give a place of beginning for a survey, are not lands withdrawn from the maps of vacant lands, ceded to the United States in Florida, and are void; as well on that account as for being so uncertain that locality cannot be given to them. *Ibid.*

On the 6th of April, 1816, a grant was made by the governor of Florida, of five miles square, or sixteen thousand acres of land, on condition that a mill should be built. The grant of six thousand acres was for land on Doctor's branch, where the mill was intended to be erected. The ten thousand acres were granted on the north-east side on the lagoon and of India river. The six thousand acres were surveyed in 1819, on Doctor's branch, and the mill was built. The survey under this grant was confirmed. *The United States v. Low et al. 162.*

According to the strict ideas of conforming a survey to a location, in the United States, the survey of ten thousand acres should be located adjoining the natural object called for, there being no other to

Commissioners to take an oath, &c.

before the judge of the territorial court at Pensacola, or some other authority in his absence, competent to administer it, take an oath faithfully to discharge the duties of their offices, and shall commence and hold their sessions on or before the first Monday of July next, at Pensacola, and on the first

aid and control the general call; and therefore, the head of the lagoon would necessarily have formed one boundary. But it is obvious, more latitude was allowed in the province of Florida, under the government of Spain. The surveyor general having returned that the survey was made according to the grant, and in the absence of other contradictory proof, the claim was confirmed. *Ibid.*

A grant of five miles square, or sixteen thousand acres of land, was made by the Spanish governor of East Florida, at the mouth of the river Santa Lucia. The petition for the grant stated various merits and losses of the petitioner, and asked the grant of five miles square, for the construction of a water saw-mill. The grant was given for the purpose mentioned, "and also paying attention to the services and other matters set forth in the petition." No survey under the grant was made by the surveyor general of Florida; but a survey was made by a private surveyor. The survey did not follow the calls of the grant, and no proof was given that it was made at the place mentioned in the grant. The survey and plat were not made according to the established rules relative to surveys to be made by the surveyor general under such grants. Nor was the plat made with the proportion of land on the river required by the regulations. The superior court of Florida held that the grant having been made in consideration of services rendered by the grantee, as well as for a water saw-mill, it was valid without the erection of the mill; but the survey was altogether void, and of no effect. The decree of the superior court of Florida, by which the grant and survey were confirmed, was remanded to the superior court of Florida; that court to order the sixteen thousand acres granted, to be surveyed according to the principles stated in the opinion of the Supreme Court. It has often been held that the authorities of Spain had the power to grant the public domain in accordance with their own ideas of the merits and considerations presented by the grantee; and that the powers of the Supreme Court of the United States extend only to the inquiry, whether, in fact, the grant had been made, and its legal effect when made, in cases where the law by implication introduced a condition, or it was peculiar in its provisions. No special ordinance of Spain introduces conditions into mill grants. *The United States v. Hanson, 16 Peters, 196.*

The certificate of a private surveyor, that he had permission from the governor of the territory to make a survey of the land granted, is no evidence of the fact. There is a marked and wide difference in the effect of the certificate of the surveyor general and of a private individual, who assumes to certify without authority. *Ibid.*

A grant by a Spanish governor of Florida meant not, as in the states of the United States, a perfect title; but an incipient right, which, when surveyed, required confirmation by the governor. The duty of confirmation by the acts of Congress is deputed to the courts of justice of the United States, in execution of the treaty with Spain. *Ibid.*

The same credence that was accorded to the return of the surveyor general by the Spanish government, is due to it by the courts of the United States. Plats and certificates, because of the official character of the surveyor general, have accorded to them the force and character of a deposition. *Ibid.*

A grant of fifteen thousand acres by the Spanish governor of East Florida, in consideration of important services performed in behalf of the government of Spain, to George Atkinson, confirmed by the Supreme Court. By the eighth article of the Florida treaty, no grants of land made after the 24th of January, 1818, were valid; nor could a survey be valid on lands other than those authorized by the grant. Still the power to survey in conformity to the concessions existed up to the change of flags. *The United States v. Clarke, 16 Peters, 228.*

Spain had the power to make grants founded on any consideration and subject to any restrictions within her dominions. If a grant was binding on that government, it is so on the United States, the successor of Spain. All the grants of land made by the lawful authorities of the king of Spain, before the 24th of January, 1818, were by the treaty ratified and confirmed to the owners of the lands. *Ibid.*

The grant to Atkinson was for the land he mentioned in his petition, or for any other lands that were vacant. Three surveys were made of the lands within the quantity granted, not at the place specially mentioned in the grant, but at other places. Held, that these surveys were valid, notwithstanding that they were made at different places. *Ibid.*

A claim for eight thousand acres of land in East Florida, founded on a petition of Domingo Acosta to governor Coppinger, made on the 20th of May, 1816. The petition stated that services had been performed by the claimant for the defence, support and advancement of the town of Fernandina, which had never been rewarded. Governor Coppinger gave a decree in favour of the petitioner, "it being the will of the sovereign that the merits of his subjects should be rewarded." The originals of the petition and decree were not produced, they having been lost; but a certificate signed by Don Thomas Aguilar, the secretary of the government, was exhibited, which stated that the copies of the petition and decree, which were given in evidence, had been faithfully drawn from the originals in his office. Four plats and certificates of survey, made by Clarke, surveyor of the province; two of which surveys were made before the 24th January, 1818, and one on the 14th February, 1818; another on the 20th January, 1820; were given in evidence without objection, in the court below, to show the location of the land claimed. The decree of the superior court of Florida, in favour of the claimant, was affirmed. *The United States v. Acosta, 17 Peters, 16.*

The official certificates of the secretary of the government of Florida, during the dominion of Spain over the territory, after evidence that no originals could be found in the proper office, was sufficient evidence of the copies of the petition and decree of the governor; no proof having been given to contradict or impair the force of the same. *Ibid.*

The governor of the territory of Florida, as the deputy of the king of Spain, was the sole judge of the merits on which the claim stated in the petition was founded; and he had undoubted power to reward the merits of the grantee. This has been so decided in many cases. *Ibid.*

Although in the governor's decree, there may be no description of any place where the land granted

Monday of January thereafter, at St. Augustine, for the ascertaining and determining of all claims to land within said territories; notice of which shall be given, by said commissioners, in some newspaper printed at each place, or if there be no newspaper, at the most public places in said cities, respectively, of the time at which their sessions will commence, requiring all persons to bring forward their claims, with evidence necessary to support them. The session at St. Augustine shall terminate on the thirtieth of June, one thousand eight hundred and twenty-three, when said commissioners shall forward to the Secretary of the Treasury, to be submitted to Congress, a detail of all they have done, and deliver over to the surveyor all the archives, documents, and papers, that may be in their possession.

SEC. 4. *And be it further enacted*, That every person, or the heirs or representatives of such persons, claiming title to lands under any patent, grant, concession, or order of survey, dated previous to the twenty-fourth day of January, one thousand eight hundred and eighteen, which were valid under the Spanish government, or by the law of nations, and which are not rejected by the treaty ceding the territory of East and West Florida to the United States, shall file, before the commissioners, his, her, or their, claim, setting forth, particularly, its situation and boundaries, if to be ascertained, with the derangement of title, where they are not the grantees, or original claimants; which shall be recorded by the secretary, and who, for his services, shall be entitled to demand from the claimants ten cents for each hundred words contained in said papers so recorded; he shall be also entitled to twenty-five cents for each subpoena issued: *Provided*, That if the amount so received shall exceed one thousand two hundred and fifty dollars, which is hereby declared the compensation for his services, the excess shall be reported to the commissioners, and be subject to their disposition; and said commissioners shall proceed to examine and determine on the validity of said patents, grants, concessions, and orders of survey, agreeably to the laws and ordinances heretofore existing of the governments making the grants, respectively, having due regard, in all Spanish claims, to the conditions and stipulations contained in the eighth article of a treaty concluded at Washington, between his Catholic majesty, and the United States, on the twenty-second of February, one thousand eight hundred and nineteen; but any claim not filed previous to the thirty-first day of May, one thousand eight hundred and twenty-three, shall be deemed and held to be void and of none effect: *Provided, nevertheless, and be it further enacted*, That in all claims submitted to the decision of the commissioners, where the same land, or any part thereof, is claimed by titles emanating both from the British and Spanish governments, the commissioners shall not decide the same, but shall report all such cases, with an abstract of the evidence, to the Secretary of the Treasury.

SEC. 5. *And be it further enacted*, That the commissioners shall have power to inquire into the justice and validity of the claims filed with them; and shall be, and are hereby, authorized to administer oaths, to compel the attendance of witnesses by subpoenas issued by the Secretary, and the adduction of such testimony as may be wanted; they shall have access to all papers and records of a public nature relative to any land titles within said provinces, and to make transcripts thereof. They shall examine into claims arising under patents, grants, concessions, and orders

Time of the sessions of commissioners, &c.
Notice to be given of the time of the sessions, &c.

Session at St. Augustine to terminate on June 30, 1823.
Commissioners to forward a detail of their proceedings, &c.

Persons, &c. claiming title to lands under any patent, &c. dated previously to Jan. 24, 1818, valid, &c. and not rejected by the treaty ceding the Floridas, to file their claims, &c.

Claims to be recorded.
Fees.

Proviso.

Claims not filed prior to May 31, 1823, void.

Proviso.

Powers of the commissioners.

should be located, still it is binding as far as it went. The surveyor general having been ordered to survey the land solicited, on places vacant, and without injury to third persons, the acts of this officer came in aid of the decree. *Ibid.*

The surveyor general having executed the governor's decree before the flags of the United States and Spain were exchanged, all the surveys became valid. That there were several surveys, is no objection to their validity. *Ibid.*

The plats of the surveys having been read in the court below, without objection, the proofs authorized the decree. *Ibid.*

of survey, where the survey has been actually made previous to the twenty-fourth January, one thousand eight hundred and eighteen, whether they are founded upon conditions, and how far those conditions have been complied with: and if derived from the British government, how far they have been considered valid under the Spanish government; and if satisfied that said claims be correct and valid, shall give confirmation to them: *Provided*, That such confirmation shall only operate as a release of any interest which the United States may have, and shall not be considered as affecting the rights of third persons: *And provided*, That they shall not have power to confirm any claim or part thereof where the amount claimed is undefined in quantity, or shall exceed one thousand acres; but in all such cases shall report the testimony, with their opinions, to the Secretary of the Treasury, to be laid before Congress for their determination.— Every witness attending under any process from the commissioners, shall be allowed one dollar a day, and one dollar for every twenty miles travel; to be paid by the party summoning him: *Provided, nevertheless*, That the commissioners shall not act on, or take into consideration, any British grant, patent, warrant, or order of survey, but those which are bona fide claimed and owned by citizens of the United States, and which have never been compensated for by the British government.

Sec. 6. *And be it further enacted*, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor, who shall possess the power and authority, and receive the same salary, as by law appertains to the surveyor south of the State of Tennessee; but his duties shall not commence until the commissioners shall have examined and decided upon the claims in West Florida, who shall thereupon furnish the surveyor with a list of those admitted, and he shall thereupon proceed to survey the country, taking care to have surveyed, and marked, and laid down, upon a general plan, to be kept in his office, the metes and bounds of the claims so admitted; causing the same to be surveyed at the expense of the claimants, the price whereof shall be the same as is paid for surveying the public lands; but no surveyor shall charge for any line except such as may be actually run, nor for any line not necessary to be run. He shall appoint a suitable number of deputies, and shall fix and determine their fees: *Provided*, That the whole cost of surveying shall not exceed four dollars a mile: *And provided also*, That none other than township lines shall be run where the land is deemed unfit for cultivation: Said surveyor shall reside at such place as the President of the United States may direct, and shall keep his office there, and may charge the following fees, to wit: for recording the plat and surveys of private claims made by any of his deputies, twenty-five cents for each mile contained in the boundary of such survey, and twenty-five cents for any copy certified from the books of his office.

APPROVED, May 8, 1822.

RESOLUTIONS.

Jan. 11, 1822.

- I. RESOLUTION *providing for the distribution of the secret journal and foreign correspondence of the old Congress, and of the journal of the convention which formed the constitution of the United States.*

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested to cause to be furnished to each member of the present Congress, and the delegates from territories, who may not be entitled to the same under the resolution of Congress, of the twenty-seventh of March, one thousand eight hundred and eighteen, the President and Vice President of the United States, the executive of each state

Proviso.

Proviso; as to claims to be confirmed.

Fees to witnesses, &c.

Commissioners not to act on, &c. any British grant, &c., but those claimed and owned by citizens of the United States, &c.

The President and Senate to appoint a surveyor, &c. Surveyor's duties.

Surveys at the expense of the claimants, &c.

Surveyor to appoint deputies.

None other than township lines to be run; and surveyor to reside, &c. as the President may direct.

Surveyor's fees for recording, &c.

The President requested to cause each member and delegate of the present Congress, not entitled under resolution of March

and territory, the attorney general, and judges of the courts of the United States, and the colleges and universities in the United States, each one copy; for the use of each of the departments, viz: State, Treasury, War, and Navy, two copies each; for the use of the Senate, five copies; for the use of the House of Representatives, ten copies; and for the library of Congress, ten copies, of the secret journals, and of the foreign correspondence, ordered to be printed by the several resolutions of Congress, passed on the twenty-seventh of March, one thousand eight hundred and eighteen, and of April twenty-first, one thousand eight hundred and twenty: Also to each member of the present Congress, who has not received the same, one copy of the journal of the convention which formed the Constitution of the United States. And that the remaining copies be preserved in the library, subject to the future disposition of Congress.

APPROVED, January 11, 1822.

27, 1818, the Vice President, executive of each state and territory, &c., to be furnished with copies of the secret journals, &c.

A copy of the journal of the convention, &c. to each member of the present Congress, &c.

II. RESOLUTION providing for the distribution of the marshals' returns of the fourth census.

Feb. 4, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be instructed to furnish to each member of the present Congress, and the delegates from territories, the President and Vice President of the United States, the executive of each state and territory, the attorney general, and judges of the courts of the United States, and the colleges and universities in the United States, each one copy; for the use of the departments, viz: State, Treasury, War, and Navy, five copies each; for the use of the Senate, five copies; and for the use of the House of Representatives, ten copies, of the marshals' returns of the fourth census; and that the residue of the copies of the said returns be deposited in the library of Congress.

APPROVED, February 4, 1822.

The Secretary of State to furnish each member and delegate of the present Congress, &c., with copies of the marshals' returns of the fourth census, &c.

III. RESOLUTION directing the classification and printing of the accounts of the several manufacturing establishments and their manufactures, collected in obedience to the tenth section of the act to provide for taking the fourth census.

March 30, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be directed to cause to be classified and reduced to such form as he may deem most conducive to the diffusion of information, the accounts of the several manufacturing establishments, and their manufactures, taken in pursuance of the tenth section of 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," approved the fourteenth of March, one thousand eight hundred and twenty, and that he cause fifteen hundred copies of the digest, so to be made, to be printed, subject to the disposition of Congress.

APPROVED, March 30, 1822.

The Secretary of State to cause to be classified and reduced to form, &c., the accounts of manufacturing establishments and their manufactures, &c.

Act of March 14, 1820, ch. 24.

IV. RESOLUTION providing for the security in the transmission of letters, &c., in the public mails.

April 26, 1822.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Postmaster General to introduce, as soon as conveniently may be, on one or more of the most exposed routes, Richard Imlay's plan of copper cases, secured in iron chests, with inside locks and sliding bars in such a way as to test its efficacy in preventing robberies of the mail: *Provided,* The extra expense for each mail carriage shall not exceed one hundred and fifty dollars.

APPROVED, April 26, 1822.

The Postmaster General to introduce, &c. R. Imlay's plan of copper cases, &c., to test, &c.

Proviso.